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

_____

Shire President

_____

Date

SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

25 August 2015

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SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES OF THE ORDINARY COUNCIL MEETING
WYNDHAM COUNCIL CHAMBERS

HELD ON TUESDAY, 25 AUGUST 2015 AT 5:00 PM

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1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.08pm.

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

Cr J Moulden	Shire President
Cr D Learbuch	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr S Cooke	Councillor
Cr G Taylor	Councillor
Cr G King	Councillor
Cr K Wright	Councillor

C Askew	Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Director Infrastructure
L Gee	Director Community Development
M Tonkin	Executive Assistant (Minute Taker)

GALLERY

Emma Venables	SJA
Adrian King	Kingscrown Business
Annie Irvine	
Laurie McKenzie	Lakeside Resort
M Snowball	Five Rivers Café
M Hunt	Five Rivers Café
Paul Cavanagh	Wyndham Excavations
Jane Parker	
Christine Williams	W.D.H.S
Des Hardtville	
David Lowe	
Audrey Lowe	
Naomi Perry	Salerno Law
Rourke Walsh	The Kimberley Echo
Glen Highett	
Jenny Spragg	Ratepayer
Simone Rushby	Ratepayer
Mark Northover	Ratepayer
Joe Atkins	Ratepayer
Paul Wilson	SWEK Staff

Mark Davidson	SWEK Staff
Jennifer Ninyette	SWEK Staff
Peter Kerp	SWEK Staff
Rob Storey	Ratepayer
Jim Lewis	Ratepayer
Graeme Trust	Ratepayer
Jocelyn Layton	Ratepayer
Chris Longson	Ratepayer
Ivan Morgan	Balangurri Aboriginal Corp
Harry Wilson	Ord River Contracting
Paige Northover	Ord River Contracting
Don Campbell	EKJP
Adam Daniel	Kimberley Motors
Lorre Daniel	Ratepayer
Laura Cavanagh	Ratepayer
Jack Doleaty	Ratepayer
Chris McLachlan	Resident
Gillian Taylor	Ratepayer
Jayga Cavanagh	Resident
Paul O'Neil	Resident
H Ciccotosio	Ratepayer
B Martin	Ratepayer
Sheridan Vince	CSSU

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr R Dessert	Councillor

3. DECLARATION OF INTEREST

- Financial Interest

Councillor	Item	Title	Description of interest
J Moulden	13.2.5	Revised Policy, FC2 – Fire Breaks	Live at Crossing Falls which has a strategic community firebreak.
D Spackman	13.4.4	Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit	Related business.

- Impartiality Interest

Councillor	Item	Title	Description of interest
D Learbuch	13.4.4	Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit	I work for a company that has another company that trades in opposition to the applicant.

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Public Question Time commences at 5.10pm.

Questions from Jenny Spragg, Kununurra

Question 1 - The probity audit identified that there was no SWEK gift register. In March I viewed the 5 page gift register date 09-14 that lives in the CEO's office. It contained signatures of Councillors and Directors. Please explain how this happened?

C Askew, Chief Executive Officer provides the following response:

I am not aware of there being no gift register, it has always been available. The gift register was there during the probity audit and was available for inspection.

Questions from Graeme Trust, 18 Flinders Street

Question 1 - Why is the Shire allowing its properties to remain vacant for more than 6 months and to fall into disrepair?

L Gee, Director Community Development asks for clarification as to which property? Mr Trust advises that he is referring to the Managers Quarters opposite the hospital.

L Gee, Director Community Development provides the following response:

Council has considered its future requirements for this property and has determined that the property is to be sold. The Shire undertakes regular inspections of its properties to ensure they are being maintained.

Note: Subsequent to the Council Meeting action has been initiated to clean up the gardens and dead vegetation at this property.

Questions from Simone Rushby, Kununurra

Question 1 - In September 2014, the Director of Corporate Services made a public statement to myself and the community, that the 'next tasks' after that budget (last

years), would be to determine a long term financial plan/budget. Given that this was quite some time ago (12 months), could you please confirm that this long term budget is complete and when it will be advised to the community? If the plan has not been completed as promised, could you please tell me why?
N Octoman, Director Corporate Services provides the following response:

It wasn't a promise, it was a statement. Following from which, I had a resignation in my team which took 12 months to recruit for and subsequently that person who was employed to do the plan has recently handed in their resignation. We do have a plan in draft form that will be discussed with the elected members.

Question 2 – Given that you have been a member of CLAG since March this year and yet refer to funding as 'proposed', can you please tell me how much CLAG funding has been secured and when will Wyndham see the benefit?

L Gee, Director Community Development provides the following response:

An application has been made for funding, until it is announced and confirmed it is unknown at this stage.

Questions from Mark Northover, Kununurra

Question 1 - Why doesn't SWEK have a road construction policy and why are you continually procrastinating on Mulligans Lagoon Road.

D Klye, Director Infrastructure provides the following response:

The Shire is currently updating all of its policies and Mulligans Lagoon Road is on the plan for maintenance this year.

M Northover clarifies that it (Mulligans Lagoon Road maintenance) is not in the budget. D Klye, Director Infrastructure confirms that maintenance is scheduled for later this year and it is included in the budget that is to be presented tonight.

Question 2 - A public state-wide tender recently released for Lily Creek boat ramp is referring to e-quotes. Is there any reason for this or is it just another copy and paste error?

P Kerp, Manager Engineering Services provides the following response:

A public tender was called for the construction of 2 finger jetties and replacement of the boat ramp at Lily Lagoon. The project is to be delivered over 2 stages with stage 1 being the finger jetty and boat ramp construction and stage 2 being the boat trailer parking extension, drainage upgrade and public area lighting installation. Stage 2 is proposed using the vendor panel e-quote system for delivery.

Questions from Glen Highett, Wyndham

Question 1 - As we are a proud community and as members of the community who take their own time and resources to maintain the aforementioned facilities including the cemeteries what is your plan to reverse the damage and negative impact your last two years of decisions have delivered? Would you regard these decisions to be in anyway positive to the town and community members, rate payers of Wyndham? What economies of scale do we achieve by running services on a joint basis with neighbouring Councils?

D Klye, Director Infrastructure takes the question on notice.
As per the Shire of Wyndham East Kimberley Standing Orders Local Law 2003, 2.3(3) a response will be given to the member of the public in writing by the CEO, and a summary of the question raised and the response given are to be included in the agenda and minutes of the next meeting of the Council.

Question 2 – Could you advise me what the Council's total annual spending is for the various regions within the Shire's jurisdiction? And as such in Wyndham, what is your budget for maintaining and preserving the town as remote as ours to support the community to allow it to flourish?

D Klye, Director Infrastructure takes the question on notice.
As per the Shire of Wyndham East Kimberley Standing Orders Local Law 2003, 2.3(3) a response will be given to the member of the public in writing by the CEO, and a summary of the question raised and the response given are to be included in the agenda and minutes of the next meeting of the Council.

Questions from Paul Cavanagh, Wyndham

Question 1 - What progress are we making on enforced sales of abandoned derelict properties?

L Gee, Director Community Development provides the following response:

The Shire does not have any legislative power to enforce the sale of abandoned derelict properties.

Question 2 - What encouragement do we give to voluntary gardening assistance in our parks and public spaces? We have people watering trees on the highway and at the cemetery. If you are not going to water them who is? A lot of people are here tonight because we are annoyed at the status of the town, I drove around with the CEO recently and gave him a list of things that need to be done and nothing has really happened. Jane drove John around and did the same. People come to this town and think it's a dust bowl, someone has pulled the water on Wyndham, staff has been cut, if you can't do your job, don't run as you can't be a councillor. Is the town going to be watered?

D Klye, Director Infrastructure provides the following response:

Town watering will be undertaken.

Questions from Adam Daniel, Wyndham

Question 1 - In relation to the major upgrade to the Kununurra Lily Creek lagoon boat ramp – firstly congratulations on a successful grant application – however why didn't someone take into consideration the financial burden and requirement to be able to find $300,000 out of this next two year's budget? And where is this funding being reconciled from? Did any Councillors declare a conflict of interest throughout this process?

N Octoman, Director Corporate Services provides the following response:

There has been some misunderstanding through the budget process; those funds ($300,000) are currently sitting in our bank account so there is no short fall.

Shire President, Cr J Moulden provides the following response:

No declarations of interest were made in relation to the Lily Creek Lagoon boat ramp.

Question 2 - Wyndham was voted Tidy Town in 2010 this was only five years ago – however in that time we have continually seen the slow deterioration of the towns facilities and amenities due to the poor maintenance of Shire assets including the swimming pool, rec centre, local cemeteries and of course the safety of the community with significant fire breaks that if not put in place could have dire consequences – with that in mind Councillors, and the fact that you have to find $300,000 over the next two years, what more will you sacrifice for the town of Wyndham and the facilities that you are obliged to maintain?

N Octoman, Director Corporate Services provides the following response:

The $300,000 came from Country Local Government Funds. The Council made a clear decision last year to spend this on the boating facilities project, there is no shortfall as inferred.

Shire President, Cr J Moulden provides the following response:

The Council agreed to spend the $300,000 in order to release the $1 million recreational facilities fund.

Questions from person – name not stated

Question 1 – The community funding you mentioned was that specifically for the boat ramp?

N Octoman, Director Corporate Services provides the following response:

It was a decision of Council to put it to the Lily Creek Lagoon boating facilities upgrade. There were a whole range of rules with the funding as to how it could be used.

Shire President, Cr J Moulden provides the following response:

It was a Council decision made at the time.

COUNCIL DECISION

Minute No.

Moved: Cr K Wright
Seconded: Cr D Spackman

That Council extends Public Question Time by 15 minutes.

Carried Unanimously 8/0

Public Question Time was extended at 5.25pm.

Questions from Harry Ciccotosio

Question 1 - The properties that have been inspected can we have more information about this?
L Gee, Director Community Development provides the following response:

The Shire undertakes routine inspections of its properties every 6 months.

Question 2 - Who is doing the inspection and what is the qualification?

L Gee, Director Community Development provides the following response:

It's an internal inspection process.

Shire President, Cr J Moulden provides the following response:

Property inspections are an operational matter. If you have an issue or would like more information please take it up directly with Ms Gee.

Questions from Anne Irvine

Question 1 - There are many houses around Wyndham that are derelict and full of asbestos. Kids play in them and they impose an incredible health and safety risk to this town and an extremely high risk to people's health in this town. What is Council doing about this?

Shire President, Cr J Moulden provides the following response:

We have no jurisdiction over properties, except for those we own.

L Gee, Director Community Development provides the following response:

The person who owns the site is responsible to ensure the maintenance of the building.. If there are health issues or concerns regarding asbestos with State Government housing these should be referred to the Department of Health and the Department of Environmental Regulation.

Question 2 – So the Shire has no responsibility?

L Gee, Director Community Development provides the following response:

Asbestos in derelict State Government properties that poses a health and safety risk is a matter for the Department of Health and the Department of Environment Regulation.

Note: Specific complaints regarding a derelict house should be reported to the Shire so the matter can be investigated.

Questions from Emma Venables, Wyndham

Question 1 – Are you going to install safety barriers on Anton's Landing because it is unsafe for kids?

D Klye, Director Infrastructure provides the following response:

We inspected Anton's Landing and could not see what the issue was. There are no areas where there is a sheer drop with no railings.

Ms Venables clarifies that it is a safety hazard and as such we can't take our children down there.

C Askew, Chief Executive Officer provides the following response:

At the time of construction it was compliant.

Question 2 – I thought you (Mr Askew) agreed it was a risk, do you have any plans to install safety barriers?

C Askew, Chief Executive Officer provides the following response:

It is not in this budget however we will take it on board for consideration. The Shire is responsible for the maintenance and what you propose would be an upgrade which is a capital expense and not considered maintenance.

Cr J Moulden, Shire President asks that it be flagged for next year's budget.

Question 3 - What were the results of the mosquito fogging trials?

L Gee, Director Community Development provides the following response:

There was nothing specifically done to track the 2-week fogging program that was conducted. There was no monitoring of the impact of the fogging, as it was only conducted over a 2-week period you would not get validity from the research.

The Shire is hoping to enter into a mosquito monitoring program with the assistance of CLAG funding, to be completed over a 12 month period. However in the meantime future fogging will occur when certain indicators are reached, such as the weather, the number of mosquitos etc. When these set triggers are reached then mosquito fogging will be initiated.

Shire President, Cr J Moulden provides the following response:

It was not a trial, we know we can kill mosquitos with fogging.

Questions from Jill Taylor

Question 1 – Why does a trial need to be done when the Department of Agriculture already trap mosquitos at the Port?

Shire President, Cr J Moulden provides the following response:

The purpose of the trapping at the Port is to detect exotic species entering Australia.

L Gee, Director Community Development provides the following response:

When the Shire recently had Dr Peter Neville visit he undertook mosquito trapping and identification in Kununurra and Wyndham, he also briefed Council at this time. The Shire has not received his report as yet. We will know more once we receive this and once we enter into a joint study with the Department of Health that will see a person here for 12 months to do extensive research and study.

Questions from Mike Snowball

Question 1 - Why is the irrigation on the main highway from the croc park down to Kimberley Motors, only being turned on once every 10 days?

D Klye, Director Infrastructure provides the following response:

I wasn't aware that was the watering regime, I will look into it.

COUNCIL DECISION

Minute No.

Moved: Cr K Wright
Seconded: Cr D Spackman

That Council extends Public Question Time by 15 minutes.

Carried 6/2

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

Public Question Time was extended at 5.40pm.

Questions from Jenny Spragg, Kununurra

Question 1 - Can I please clarify (earlier question) as I have it in writing that no gift register was able to be produced (as part of the probity report).

C Askew, Chief Executive Officer provides the following response:

It doesn't say it was not produced. It was not seen when they (Department of Local Government and Communities) came for their two day visit. It was available to be seen.

Questions from Lorre Daniel

Question 1 - Why are we still paying a levy for the new tip? How far have you got and why do we still have to pay for it?

D Klye, Director Infrastructure takes the question on notice.
As per the Shire of Wyndham East Kimberley Standing Orders Local Law 2003, 2.3(3) a response will be given to the member of the public in writing by the CEO, and a summary of the question raised and the response given are to be included in the agenda and minutes of the next meeting of the Council.

Questions from Harry Ciccotosio

Question 1 - I pay seven different rate notices in this town. Why is it that the commercial and industrial blocks in this town have to pay to go to the tip and do not get a bin pick up?

N Octoman, Director Corporate Services provides the following response:

The waste vouchers were implemented a couple of years ago when it was determined that commercial waste would no longer be free, hence no commercial properties received waste vouchers.

Question 2 - Because no more construction waste is accepted at the (Wyndham) tip, residents have to do a 200km round trip and when we get to the Kununurra tip we are then told to put it on the domestic pile which we could have done here (in Wyndham). Why do we have to go to Kununurra?

Cr J Moulden, Shire President takes the question on notice.
As per the Shire of Wyndham East Kimberley Standing Orders Local Law 2003, 2.3(3) a response will be given to the member of the public in writing by the CEO, and a summary of the question raised and the response given are to be included in the agenda and minutes of the next meeting of the Council.

Questions from Mark Northover, Kununurra

Question 1 - How have you arrived at 7.6 million dollars for fees and charges knowing that you have indicated your intention to introduce additional fees. Could you explain in more detail the expected rise in real terms noting the Wyndham Work Camp was to be imputed in 2015/16?

N Octoman, Director Corporate Services provides the following response:

I dispute that and would like to see evidence. It had no impact on the 15/16 budget

Question 2 - Out of the 11 paid out redundancies, how many were reemployed with SWEK?

N Octoman, Director Corporate Services provides the following response:

As far as I am aware there is one. (reemployed into a different position).

Questions from Emma Venables, Wyndham

Question 1 - Is the annual report available?

N Octoman, Director Corporate Services provides the following response:

The annual report is dependent on receiving the auditors statements. These are due in December so it could be either December or January.

Shire President, Cr J Moulden provides the following response:

It will be made available as soon as it can be.

Questions from Lorre Daniel

Question 1 - The transportables that are in the Shire yard, who do they belong to and why are they not tied down? If they do not belong to the Shire why are they there?

L Gee, Director Community Development provides the following response:

They belong to the Department of Housing. The Shire has been in contact with them to find out what they plan to do with them.

Questions from Harry Ciccotosio

Question 1 - I thought it was the Shires responsibility to issue notices to the owners of derelict buildings. You said it was not the Shire's responsibility?

L Gee, Director Community Development provides the following response:

It is the responsibility of owners to ensure their buildings are maintained.

Note: Subsequent to the Council Meeting, it is further advised that Schedule 3.1 of the *Local Government Act 1995* lists the Things a notice may require to be done. There is no direct reference to derelict buildings however a notice may be issued amongst other matters to prevent danger to the public or damage to property which might result from cyclonic activity or for overgrown vegetation, rubbish, or disused matter.

Therefore specific complaints regarding a derelict house should be reported to the Shire so the matter can be investigated to determine if the above issues require the issuance of a notice.

Questions from Mark Northover, Kununurra

Question 1 - Why in February this year did The Echo report that the Acting CEO quoted that there were no complaints registered with SWEK? Why has this not been corrected with the paper?

L Gee, Director Community Development provides the following response:

I am not prepared to answer this question as Mr Northover is aware that this complaint was part of an official investigation.

Public Question Time closes at 5.53pm.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 8/07/2015

RECOMMENDATION

That Council confirms the Minutes of Special Council Meeting held on 8/07/2015

COUNCIL DECISION

Minute No. 11061

Moved: Cr K Wright
Seconded: Cr B Robinson

That Council confirms the Minutes of Special Council Meeting held on 8/07/2015

Carried Unanimously 8/0

8.2 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 28/07/2015

RECOMMENDATION

That Council confirms the Minutes of Ordinary Council Meeting held on 28/07/2015

COUNCIL DECISION

Minute No. 11062

Moved: Cr S Cooke
Seconded: Cr B Robinson

That Council confirms the Minutes of Ordinary Council Meeting held on 28/07/2015

Carried Unanimously 8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Shire President, Cr John Moulden announces that this is the last council meeting for Peter Kerp, Manager Engineering Services. Cr Moulden thanked Mr Kerp on behalf of Council for his work and contribution to the Shire over the last 3-years.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

12.1 KIMBERLEY REGIONAL GROUP MEETING 3 AUGUST 2015

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to note the minutes from the Kimberley Regional Group Meeting held on the 3 August 2015 and for Council to endorse the resolutions made by the Group regarding Savannah Way Membership and Takeaway Alcohol Management System Request for Additional Financial Assistance.

BACKGROUND

The Kimberley Regional Group meet quarterly. Shire President, Cr John Moulden, Cr Keith Wright and CEO Carl Askew represent the Shire of Wyndham East Kimberley at the Kimberley Regional Group meetings.

The last meeting was held on the 3 August 2015 in Perth.

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 ENGAGEMENT

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

No community engagement is required

COMMENT

Council are required to endorse two (2) recommendations made by the Kimberley Regional Group at the 3 August 2015 meeting as the recommendations/resolutions are subject to each member Councils endorsement. These recommendations are:

8.4 Savannah Way Membership

(REPORT RECOMMENDATION)
RESOLUTION:
That the Kimberley Regional Group;
1. Authorises the four Kimberley Shires to jointly obtain platinum membership of the Savannah Way Limited subject to each member Councils endorsement, and

2. Adopt a budget amendment for 2015/16 for income of $5,000-Transfer from reserve, Expenditure $5,000.

Moved: Cr Moulden Seconded: Cr Archer
CARRIED UNANIMOUSLY 4/0

8.5 Takeaway Alcohol Management System Request for Additional Financial Assistance

RESOLUTION:
That the Kimberley Regional Group;
1. Authorises the additional funding of $15,000.00 be provided to the Shire of Wyndham East Kimberley for the engagement of a resource to monitor and prepare an evaluation report on the Takeaway Alcohol Management System Trial,

2. Seek individual member Council endorsement for the funding, and

3. Authorise the Zone Secretariat to write to Regional Development Australia to provide an update on the TAMS Trial.

Moved: Cr Archer Seconded: Cr Moulden
CARRIED UNANIMOUSLY 4/0

ATTACHMENTS

Attachment 1 - Minutes of the Kimberley Regional Group Meeting 3 August 2015 (including the attachment for item 8.4 Savannah Way Membership.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the minutes from the Kimberley Regional Group Meeting held on the 3 August 2015 and endorses the resolutions made by the Group on items:

a) 8.4 Savannah Way Membership
b) 8.5 Takeaway Alcohol Management System Request for Additional Financial Assistance.

COUNCIL DECISION

Minute No. 11063

Moved: Cr B Robinson
Seconded: Cr G Taylor

That Council notes the minutes from the Kimberley Regional Group Meeting held on the 3 August 2015 and endorses the resolutions made by the Group on items:

a) 8.4 Savannah Way Membership
b) 8.5 Takeaway Alcohol Management System Request for Additional Financial Assistance.

Carried Unanimously 8/0

Kimberley Regional Group Meeting

MINUTES

1.00pm Monday 3 August 2015

Mercure Hotel
10 Irwin Street, PERTH

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Kimberley Regional Group

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The chairman opened the meeting at 1.00pm

2. RECORD OF ATTENDANCE / APOLOGIES

ATTENDANCE:

Rebecca Herbert	Kimberley Regional Group
Kenn Donohoe	Shire of Broome
Cr Graeme Campbell	Shire of Broome
Cr Chris Mitchell	Shire of Broome
Sam Mastrolembo	Shire of Broome
Alex MacKenzie	Shire of Broome
Carl Askew	Shire of Wyndham East Kimberley
Cr John Moulden	Shire of Wyndham East Kimberley
Cr Keith Wright	Shire of Wyndham East Kimberley
Rodger Kerr-Newell	Shire of Halls Creek
Cr Malcolm Edwards	Shire of Halls Creek
Cr Virginia O'Neil	Shire of Halls Creek
Stephen Gash	Shire of Derby West Kimberley
Cr Elsia Archer	Shire of Derby West Kimberley
Cr Iris Prouse	Shire of Derby West Kimberley
Kelvin Matthews	Shire of Christmas Island
Cr Gordon Thomson	Shire of Christmas Island
Cr Kee Heng Foo	Shire of Christmas Island
Cr Nora Koh	Shire of Christmas Island
Cr Rosnah Pal	Shire of Christmas Island
Cr Hafiz Masli	Shire of Christmas Island
Cr Kelvin Lee	Shire of Christmas Island
Cr Philip Woo	Shire of Christmas Island
Jo Burges	WALGA
Kelly McIntyre	DLGC
Tim Bray	Kimberley Development Commission
Glen Chidlow	Australia's North West Tourism
Bryan Hunter	Department of the Prime Minister and Cabinet
Aaron Harding	St John Ambulance
Ian Fletcher	Broome Future LTD
Russel Barnett	Broome Future LTD
Tim McNaught	Office of Bushfire Risk Management
Annie Buckeridge	Foundation for Young Australians
Craig Hansom	WALGA

APOLOGIES:

Greg Hayes	WALGA - Roadwise
Alistair Sherwin	Department of the Prime Minister and Cabinet
Murray Carter	Office of Bushfire Risk Management
Gill Stassen	Kimberley Cattleman's Association

3. DECLARATION OF INTEREST

- **Financial Interest**
  Nil

- **Impartiality Interest**
  Cr Mitchell advised the meeting that he was disclosing an interest in item 8.12 DLGC 2015 Grant Fund Expenditure – Kimberley Volunteering Strategy – Stage 1 Consultation because the single consultant at this stage is a member of the Regional Development Australia board of Directors.

- **Proximity Interest**
  Nil

4. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the combined Kimberley Zone of WALGA / RCG Meeting held on 3 May 2015 be confirmed as a true and accurate record of that meeting.

Moved: Cr Moulden ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

5. BUSINESS ARISING FROM PREVIOUS MEETING

Nil

6. PRESENTATIONS FROM REPRESENTATIVES

6.1 Bryan Hunter – Department of Prime Minister and Cabinet
Indigenous Advancement Strategy

6.2 Aaron Harding – St John Ambulance
Health Management Services

6.3 Ian Fletcher and Russel Barnett – Broome Future LTD
Broome Futures

6.4 Tim McNaught – Office of Bushfire Risk Management
Permit to Burn Project

6.5 Annie Buckeridge – Foundation for Young Australians
Indigenous Youth Leadership program – Kimberley Pilot

6.6 Craig Hansom – Western Australian Local Government Association
Asset Management

7. REPORTS FROM KIMBERLEY COUNTRY ZONE

7.1 STATE COUNCIL MEETING AGENDA AND PRESIDENTS REPORT

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	OGS03
AUTHOR:	Project Manager, Kimberley Zone of WALGA
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Zone of WALGA
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: The State Council Agenda and Presidents Report will not be received for member consideration due to the Kimberley Zone of WALGA and Regional Collaborative Group meeting being held to coincide with Local Government Week in Perth.

BACKGROUND

Previous Considerations

Nil

COMMENT

The State Council Agenda and Presidents Report will not be received for member consideration due to the Kimberley Zone of WALGA and Regional Collaborative Group meeting being held early in the month to coincide with Local Government Week in Perth.

CONSULTATION/STAKEHOLDERS

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and Presidents Report has not been included in the Zone Agenda for member's consideration.

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 5/0

Attachment: Nil

7.2 APPLICATION FOR TRANSFERAL OF ZONE MEMBERSHIP – SHIRE OF COCOS (KEELING) ISLANDS

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	OGS03
AUTHOR:	Project Manager, Kimberley Zone of WALGA
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Zone of WALGA
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: The Shire of Cocos (Keeling) Islands are seeking support from the Kimberley Zone of WALGA to transfer from the Pilbara Country Zone to the Kimberley Country Zone.

BACKGROUND

The Shire of Cocos (Keeling) Island is currently located in the Pilbara Country Zone. The other Local Governments in this zone are Ashburton, East Pilbara, Karratha and Port Hedland. There are no similarities between these Local Governments and the Shire of Cocos (Keeling) Islands.

The Shire of Christmas Island is located in the Kimberley Country Zone. Other Local Governments within this Zone are Broome, Derby-West Kimberley, Halls Creek and Wyndham –East Kimberley.

COMMENT

The Shire is a member of WALGA and wishes to become more actively involved in the association, as far as practical. It is more logical for the Shire of Cocos (Keeling) Island to be in the same WALGA zone as the Shire of Christmas Island. The Kimberley zone would have somewhat more relevance to the Shire of Cocos (Keeling) Islands than that of the Pilbara zone. In addition this zone meets at times in Perth, for example in conjunction with the WALGA state convention, which would allow the Shire to attend.

The Shire of Cocos (Keeling) Island Chief Executive Officer wrote to the Association on 1 June 2015 formally seeking State Councils consideration of their proposal to withdraw from the Pilbara Country Zone to join the Kimberley Country Zone.

CONSULTATION/STAKEHOLDERS

Communication has been between the Secretariat, the Shire of Cocos (Keeling) Island Chief Executive Officer and WALGA.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

There may be some minor policy implications relating to the Shire of Cocos (Keeling) Island transferring from the Pilbara Country Zone to the Kimberley Country Zone in relation to policy issues pertaining to the Kimberley region.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Zone of WALGA;

1. ***Refers the matter to the Western Australian Local Government Association seeking State Council approval, and***

2. ***Supports the Shire of Cocos (Keeling) Islands application and provide a letter of support to WALGA.***

Moved: Cr Archer ***Seconded: Cr Moulden***

CARRIED UNANIMOUSLY 5/0

Attachment: 1 page

8. REPORTS FROM KIMBERLEY REGIONAL GROUP

8.1 KIMBERLEY REGIONAL GROUP MEETING RESOLUTION STATUS REPORT

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 June 2015

SUMMARY: This report provides the resolution status report from the Kimberley Regional Group meetings held from June 2014.

BACKGROUND

Previous Considerations

Kimberley Zone/ Regional Collaborative Group Meeting 23 June 2014	*Item 7.1*
Kimberley Zone/ Regional Collaborative Group Meeting 4 August 2014	*Item 7.1*
Kimberley Zone/ Regional Collaborative Group Meeting 3 October 2014	*Item 7.1*
Kimberley Zone/ Regional Collaborative Group Meeting 9 December 2014	*Item 7.1*
Kimberley Zone/ Regional Collaborative Group Meeting 27 February 2015	*Item 7.1*
Kimberley Zone/ Regional Collaborative Group Meeting 3 May 2015	*Item 7.1*

COMMENT

This report has been established to ensure proactive completion of meeting resolution items in a timely manner.

CONSULTATION/STAKEHOLDERS

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Resolution Status Report contains financial implications however they do not record discussion on funding applications which may lead to further financial implications in the future. Where financial implications are relevant these will be presented to the Kimberley Regional Group meetings for approval.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group:

1. Receives the attached Resolution Status Report;

2. Authorises the Secretariat to proceed with co-ordinating the finalisation of outstanding action items arising from meeting resolutions.

Moved: Cr Moulden Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

Attachment: 5 pages

8.2 KIMBERLEY REGIONAL GROUP 14/15 FINANCIAL ACTIVITY REPORT

LOCATION/ADDRESS: Kimberley Region
APPLICANT: Nil
FILE: KRG01
AUTHOR: Project Manager, Kimberley Regional Group
CONTRIBUTOR/S Nil
RESPONSIBLE OFFICER: Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 9 July 2015

SUMMARY: This report recommends that the Kimberley Regional Group adopt the Financial Activity Report for the period ended 30 June 2015.

BACKGROUND

Previous Considerations

Nil

COMMENT

Indicators and Variances
The following are the key indicators of the year to date budget position;

Budget Year Lapsed	100%
Total Operating Income	101%
Total Operating Expenditure	98%

Committed Kimberley Regional Group project expenditure as percentage of forecast budget;

Project	Grant Received	Total Expenditure	% Complete
2012-13 DLGC – Records Management	$107,000- 13/14 FY	$97,000	100%
2013-14 DLGC – Capacity Audit of Synergy	$107,000- 14/15 FY $1,602 – 14/15 RCG Seed Fund	$108,602.16	100%
2014-15 DLGC – Corporate Performance Management	$158,000 – 14/15 FY	-	-
2010-11 CLGF – Key Worker Housing	$3,827,368- 13/14 FY	-	-
2011-12 CLGF – Key Worker Housing	$3,827,368- 14/15 FY $956,842+$8,646.75 interest - 14/15 FY	$4,795,476.75	100%
2012-13 CLGF – Key Worker Housing	$3,827,368- 14/15 FY	$3,827,368	100%
2014 DLGC – Kimberley Youth Strategy Stage 1	$40,000- 13/14 FY $10,635 – 14/15 RCG Seed Fund	$50,635.18	100%
2015 DLGC – Kimberley Youth Strategy Stage 2	$80,000- 14/15 FY $7,000- 14/15 FY -RDAK	-	-
2015 DLGC – Kimberley Volunteering Strategy Stage 1	$55,000- 14/15 FY	-	-

More detailed explanations of variances are contained in the notes to the statement of financial activity.

CONSULTATION/STAKEHOLDERS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 1996

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group adopts the Financial Activity Report for the period ended 30 June 2015.

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 4/0

Attachment: 2 pages

8.3 DECEMBER 2015 KIMBERLEY REGIONAL GROUP MEETING LOCATION

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Rebecca Herbert
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 June 2015

SUMMARY: This report presents the 2015 Schedule of Meetings for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone/ Regional Collaborative Group Meeting 9 December 2014 Item 7.3

COMMENT

At the 9 December Zone/RCG Meeting in Halls Creek, it was resolved to schedule four face to face Zone/RCG meetings in 2015, in addition to holding video conference meetings as required for consideration of the WALGA State Council Agenda, with meetings scheduled for;

- 27 February 2015 - Derby
- 2-5 May 2015 - Darwin - Joint Kimberley/ Pilbara/ Northern Territory Forum
- 3-4 August 2015 - Perth - Local Government Week
- 3-5 December 2015 – Christmas Island (subject to member Council approval)

This item was then put to each member Councils meeting for endorsement;

- Shire of Broome - Ordinary Meeting of Council 26 March 2015. The item was endorsed subject to the December meeting being held within the Kimberley.
- Shire of Halls Creek - Ordinary Council Meeting 19 February 2015. The item was endorsed.
- Shire of Wyndham East Kimberley – Ordinary Council Meeting 27 January 2015. The meeting schedule was endorsed and notes that the December 2015 meeting will be held at Christmas Island and that the Shire of Wyndham East Kimberley will not participate in the Christmas Island meeting.

Given that there was no consensus between the four member councils, it is proposed that the December 2015 Kimberley Regional Group Meeting be held in the Kimberley on Friday 4 December 2015 at a location to be selected by members.

CONSULTATION/STAKEHOLDERS

Consultation has occurred between the four individual Kimberley Shire Councils.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group endorses the 4 December 2015 Meeting is held in Kununurra.

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.4 SAVANNAH WAY MEMBERSHIP

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 July 2015

SUMMARY: The Savannah Way Limited is seeking the Kimberley Councils joint platinum membership.

BACKGROUND

Savannah Way Limited is a non-profit company formed to market quality visitor experiences along the drive route for the economic and social well-being of communities in the region. They work to assist small businesses and communities along the route through sustainable tourism and network support including tourism promotion, road signage, brochure and merchandise distribution, agent and media contact. Savannah Way Limited also links stakeholders with the market (and each other), as well as assisting regional development through research, projects, training and consultation.

The promotion of the drive route is undertaken in co-ordination with our partners and members, including:

- Tourism and service businesses
- State, Regional and Local tourism organisations
- Local, State and Territory Government agencies
- Community, Environment and Development organisations

The organisation has Directors from Queensland, The Northern Territory and Western Australia plus a part-time Manager.

The Savannah Way is Australia's Adventure Drive, linking Cairns in Tropical North Queensland with the historic pearling town of Broome in Western Australia's Kimberley, via the natural wonders of Australia's tropical savannahs and the Northern Territory's Top End. The 3700 kilometre route links 15 National Parks and five World Heritage areas.

Savannah Way Limited operate a website to assist travelers plan their journey on the Savannah Way providing maps, brochures, newsletters, safety information, calendar of events and links to other websites.

COMMENT

The development of the Northern Australia White paper again raises the issue of cooperative initiatives across the north of our continent. One concept that has been steadily growing regional awareness and benefits since its inception in 2000 is The Savannah Way. This themed tourist route, "Australia's Adventure Drive", brings visitors to the north for extended and repeat visits every year. The route was instigated through an agreement between Western Australia, the Northern Territory and Queensland and is signposted along its 3699 kilometre length. In The Kimberley the main route is along the Great Northern Highway, with the Gibb River road officially designated as an alternate route.

In Queensland's Gulf Savannah three shires are each Platinum members of the route's promotional body, Savannah Way Limited, along with the Regional Development organisation and around 30 tourism businesses. This provides momentum for a range of activity with Regional and State Tourism Organisations. In the Northern Territory several key operators are members along with Tourism NT as a Platinum member, again linking activity and building visitation for areas outside major centres.

In Western Australia only Halls Creek Shire is a member. Branding on the route, road signage, interpretive messages and brochure coverage is limited. The Regional Development Australia offices across northern Australia have supported the route branding by financing last year's reprint of the Savannah Way brochure along with Australia's North West.

The Savannah Way Limited recommends a strategy to immediately raise the route's standing and the associated marketing benefits. The Board of Savannah Way Limited are offering the opportunity for the combined Kimberley Shires to join under one Platinum membership. This would mean a combined fee of $5500 including GST. It would allow all businesses in participating shires to receive membership benefits such as website listing and newsletter inclusion and enable the shires themselves and members to use the Savannah Way logo in all advertising and signage.

CONSULTATION/STAKEHOLDERS

Savannah Way Limited

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of the joint Platinum membership is $5500 including GST. It is proposed that this be funded from the Kimberley Regional Group surplus.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group;

1. ***Authorises the four Kimberley Shires to jointly obtain platinum membership of the Savannah Way Limited subject to each member Councils endorsement, and***

2. ***Adopt a budget amendment for 2015/16 for income of $5,000-Transfer from reserve, Expenditure $5,000.***

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 4/0

Attachment: 1 page

8.5 TAKEAWAY ALCOHOL MANAGEMENT SYSTEM REQUEST FOR ADDITIONAL FINANCIAL ASSISTANCE

LOCATION/ADDRESS:	Shire of Wyndham East Kimberley
APPLICANT:	Shire of Wyndham East Kimberley
FILE:	KRG01
AUTHOR:	Louise Gee, Director Community Development, Shire of Wyndham East Kimberley
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer, Shire of Wyndham East Kimberley
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 July 2015

SUMMARY: This report requests additional financial support for the monitoring and evaluation of the 12 month trial of a Takeaway Alcohol Management System (TAMS) for the Shire of Wyndham East Kimberley.

BACKGROUND

Previous Considerations

Kimberley Zone/ Regional Collaborative Group Meeting 30 April 2014	*Item 7.3*
Kimberley Zone/ Regional Collaborative Group Meeting 4 August 2014	*Item 7.4*
Kimberley Zone/ Regional Collaborative Group Meeting 9 December 2014	*Item 7.5*
Kimberley Zone/ Regional Collaborative Group Meeting 3 May 2015	*Item 7.7*

The Kununurra Wyndham Alcohol Accord is a voluntary co-operative arrangement that aims to reduce the alcohol related harm that is caused by excessive drinking.

The objectives of the TAMS trial are:-

1. To provide a mechanism for licensees to assist in ensuring compliance with the liquor restrictions within Kununurra and Wyndham.
2. To evaluate the effectiveness of a TAMS in the management of purchase restrictions and reduction of associated problems.
3. To monitor the number of attempts to purchase more than the amount of alcohol enforced through liquor restrictions.
4. To reduce alcohol related problems related to the non-compliance with the liquor restrictions, in particular the volume of alcohol purchased per person per day. These include excessive consumption by individuals, sly grogging and the transport of large quantities of alcohol to dry communities.

In May 2015 the Chief Executive Officer wrote to Mr. Barry Sargeant, Director General Department of Racing, Gaming and Liquor and Mr. Neil Guard, Executive Director Drug and Alcohol Office requesting their support and expertise in the development, monitoring and evaluation of the TAMS trial.

COMMENT

In May 2015 the Shire received advice from the Department of Racing, Gaming and Liquor that they were "not resourced to provide assistance in the development of such frameworks. In this regard, when seeking to assess the effectiveness of initiatives implemented to reduce harm due to the use of liquor the Department utilises the services of the Drug and Alcohol Office."

A similar response was also received from the Drug and Alcohol Office in June 2015. The Drug and Alcohol Office advised the Shire that "Unfortunately, the agency does not have the capacity/resource to develop or implement an evaluation of the TAMS trial. However, we would be pleased to provide some general considerations based on the nature of the strategy and other factors that may assist you in the development of the comprehensive and independent evaluation that you are seeking to implement."

The Shire does not have the available funding to engage additional resources or to utilise existing resources to gather statistical and anecdotal information from a range of key human service providers and local businesses to identify and document any changes in alcohol-related indicators as a result of the TAMS trial. As this is a critical component of the TAMS trial the Shire is seeking additional funding from the Kimberley Zone to assist the Shire in undertaking this function.

CONSULTATION/STAKEHOLDERS

Consultation regarding the TAMS trial has taken place with all Alcohol Accord members through the Alcohol Accord Meetings. A community engagement strategy has been developed and will be implemented once the details of the system have been confirmed.

Discussions have also been held with the Drug and Alcohol Office and they have advised that they would be pleased to provide some general considerations based on the nature of the TAMS trial and other factors that may assist in the development of a comprehensive evaluation.

STATUTORY ENVIRONMENT

Restrictions on the sale and supply of packaged liquor in Kununurra and Wyndham were introduced under section 64 of the *Liquor Control Act 1988.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding for the TAMS trial has already been provided by the Kimberley Zone ($20,433), the Shire would like to request an additional amount of $15,000 for the engagement of a resource to prepare an evaluation report on the TAMS Trial.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)

That the Kimberley Regional Group authorises the additional funding of $15,000.00 be provided to the Shire of Wyndham East Kimberley for the engagement of a resource to monitor and prepare an evaluation report on the Takeaway Alcohol Management System Trial.

RESOLUTION:

That the Kimberley Regional Group;

1. ***Authorises the additional funding of $15,000.00 be provided to the Shire of Wyndham East Kimberley for the engagement of a resource to monitor and prepare an evaluation report on the Takeaway Alcohol Management System Trial,***

2. ***Seek individual member Council endorsement for the funding, and***

3. ***Authorise the Zone Secretariat to write to Regional Development Australia to provide an update on the TAMS Trial.***

Moved: Cr Archer ***Seconded: Cr Moulden***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.6 COUNTRY LOCAL GOVERNMENT FUND EXPENDITURE – KEY WORKER HOUSING PROJECT UPDATE

LOCATION/ADDRESS: Kimberley Region
APPLICANT: Nil
FILE: KRG01
AUTHOR: Project Manager, Kimberley Regional Group
CONTRIBUTOR/S Nil
RESPONSIBLE OFFICER: Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 25 June 2015

SUMMARY: This report provides an update as to the status of the Country Local Government Fund to progress the Key Worker Housing project.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 7 April 2013	*Item 7.7*
Kimberley Zone / Regional Collaborative Group Meeting 30 April 2014	*Item 9.5*
Kimberley Zone / Regional Collaborative Group Meeting 23 June 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 4 August 2014	*Item 9.2*
Kimberley Zone / Regional Collaborative Group Meeting 3 October 2014	*Item 9.1*
Kimberley Zone / Regional Collaborative Group Meeting 9 December 2014	*Item 9.1*
Kimberley Zone / Regional Collaborative Group Meeting 27 February 2015	*Item 9.1*
Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015	*Item 9.1*

COMMENT

2010-11
Initial Business Cases for the 2010-11, 2011-12 and 2012-13 Funding rounds were submitted to the Department of Regional Development and approved.

A Financial Assistance Agreement for the 2010-11 Key Worker Housing project was completed and approved with funds paid to the Secretariat, that being the Shire of Wyndham East Kimberley at the time. On the 24 January 2014 the sum of $1,622,018.67 + GST was transferred to the Shire of Broome from a total of $2,492,642.64 leaving a residual amount with the Shire of Wyndham East Kimberley of $870,623.97.

2010-11 FAA Project Budget

Project Items	CLGF Funds under this Agreement ($)	Leveraged Funding ($)	Name of Leveraged Sources	Total Funds ($)
Purchase minimum of 2 established dwellings in Broome	1,622,018.67	200,000	Recipient	1,822,018.67
Purchase minimum 1 established dwellings in Wyndham-East Kimberley	870,623.97	88,498 260,878.03	SWEK SWEK* CLGF Individual 2012-13	1,220,000
TOTALS ($)	**2,492,642.64**	**549,376.03**		**3,042,018.67**

*Shire of Wyndham East Kimberley

The Shire of Broome has purchased four dwellings with the 2010-11 funding. These properties have been settled are in Shire ownership.

- Unit 1, 17 Honeyeater Loop, Djugun
- Unit 8, 83 Walcott Street, Broome
- Unit 8, 6 Ibis Way, Djugun
- Unit 11, 6 Ibis Way, Djugun

The Shire of Wyndham East Kimberley has purchased two 2 bedroom 1 bathroom and one 3 bedroom 2 bathroom dwellings with the 2010-11 funding. These properties have been settled are in Shire ownership.

- 1 / 130 (Lot 260) Casuarina Way, Kununurra
- 2 / 130 (Lot 260) Casuarina Way, Kununurra
- 3 / 130 (Lot 260) Casuarina Way, Kununurra

The Secretariat has completed an Acquittal of the expenditure as per the Grant requirement and engaged RSM Bird Cameron for auditing. This Audit has been received by DRD they have issued an acquittal release letter.

2011-12

A Financial Assistance Agreement for the 2011-12 Key Worker Housing project was completed and submitted to the Department of Regional Development along with a letter of variation from the 2011-12 Business Case. These funds were approved from the Department of Regional Development with funds paid to the Secretariat. On the 11 July 2014 the sum of $956,842 + GST was transferred to each Kimberley Shire.

As the Shire of Wyndham East Kimberley has resolved to withdraw from the project, the three remaining Shires have agreed to redistribute the CLGF allocation of $956,842 and source leveraged funding to deliver on the project.

A new Financial Assistance Agreement and letter of variation was submitted to the Department of Regional Development outlining the reallocation of the $956,842 in grant funding, leveraged funding contributions from each of the three participating Shires and project deliverables. DRD approved the reallocation of funds and the Shire of Wyndham East Kimberley transferred the grant of $956,842 and interest of $8646.75 back to the Kimberley Regional Group on 13th March 2015. These funds were distributed according to the following allocation on 26th March 2015.

2011-2012 FAA Project Variation

Project Items	CLGF Funds under this Agreement ($)	Leveraged Funding ($)	Name of Leveraged Sources	Total Funds ($)	Current Status
Purchase minimum of 2 established dwellings	956,842	200,000	Shire of Broome	1,156,842	Complete
Construct 1 dwelling	+ 558,876	+ 191,114		749,990	Tender process commenced
Construct minimum of 2 dwellings	956,842	370,939	Shire of Derby West Kimberley	1,327,781	Construction commenced

Construct 2 dwellings	956,842	0	Shire of Halls Creek	956,842	Construction commenced
Construct 1 dwelling	+ 397,966	+ 92,034 (In-kind land $140,000)		490,000	Construction commenced
TOTALS ($)	**3,827,368**	**854,087**		**4,681,455**	

The Shire of Broome has purchased two dwellings with the 2011-12 funding. These properties have been settled are in Shire ownership.

- Apartment 2, 50 Tanami Drive, Bilingurr
- Apartment 4, 50 Tanami Drive, Bilingurr

The Shire of Broome is seeking tenders for a house and land package to build a single dwelling with the reallocated grant funds.

The Shire of Derby West Kimberley completed construction of the houses and handover was completed by 30 June 2015.

The Shire of Halls Creek has commenced construction of two dwellings at 190 Bridge Street with the original funding allocation, and a third dwelling with the reallocated funding at 4 Roberta Avenue.

A letter of variation for the FAA project milestone dates will need to be submitted to DRD, given that the agreement was only recently signed, making the dates in the agreement unachievable.

2012-13

Given the withdrawal of the Shire of Wyndham East Kimberley, a new Financial Assistance Agreement and letter of variation from the 2012-13 Business Case for the Key Worker Housing project was completed and submitted to the Department of Regional Development. DRD approved the FAA and the grant sum of $3,827,367 was received by the Kimberley Regional Group on 12th March 2015. These funds were distributed according to the following allocation on 14th March 2015.

2012-2013 FAA Project Variation

Project Items	CLGF Funds under this Agreement ($)	Leveraged Funding ($)	Name of Leveraged Sources	Total Funds ($)	Current Status
Construct 6 dwellings	1,553,790	1,027,382	Shire of Derby West Kimberley	2,581,172	Construction commenced
Construct 1 dwelling	+ 558,876	+ 91,124 (In-kind land $100,000)		650,000	Construction commenced
Construct 4 dwellings	1,553,790	0	Shire of Halls Creek	1,553,790	Construction commenced
Construct 1 dwelling	+ 160,910	329,090		490,000	Construction commenced
TOTALS ($)	**3,827,367**	**1,447,596**		**5,274,962**	

The Shire of Derby West Kimberley has awarded the tender, the contract documents have been signed, the building licence has been approved, site works have been completed and construction has commenced.

The Shire of Halls Creek has commenced construction of two dwellings at 120 Roberta Avenue and three dwellings at 172 Kinivan Street with the original funding allocation, and a sixth dwelling with the reallocated funding at 4 Roberta Avenue.

A letter of variation for the FAA project milestone dates will need to be submitted to DRD, given that the agreement was only recently signed, making the dates in the agreement unachievable.

CONSULTATION

Chief Executive Officers from the four respective Kimberley Shires
Department of Regional Development

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Kimberley Regional Group of Councils was allocated $2,344,449, $3,827,368 and $3,827,368 respectively from the 2010/11, 2011/12 and 2012/13 CLGF Regional Component.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 4 - Community: A vibrant community based on equity, inclusion and opportunity for all

- Outcome 4.1 Innovative and joined up approach to housing development, ownership and design through community partnership
- Strategy 4.1.2 Promote a planned approach to manage population growth and access to a choice of housing options
- Action 4.1.2.1 Develop and implement a regional business case for key worker housing

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group notes the progress of the Country Local Government Fund 2010-11, 2011-12 and 2012-13 Grant Funding for the Key Worker Housing Project.

Moved: Cr Archer ***Seconded: Cr Moulden***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.7 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2012/13 GRANT FUND EXPENDITURE – RECORDS MANAGEMENT PROJECT UPDATE

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government & Communities funding to progress an Office 365 / SharePoint collaborative technology project incorporating records management services for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 7 April 2013	*Item 7.4*
Kimberley Zone / Regional Collaborative Group Meeting 5 June 2013	*Item 7.8*
Kimberley Zone / Regional Collaborative Group Meeting 26 November 2013	*Item 9.6*
Kimberley Zone / Regional Collaborative Group Meeting 24 February 2014	*Item 9.6*
Kimberley Zone / Regional Collaborative Group Meeting 30 April 2014	*Item 9.6*
Kimberley Zone / Regional Collaborative Group Meeting 23 June 2014	*Item 9.5*
Kimberley Zone / Regional Collaborative Group Meeting 4 August 2014	*Item 9.3*
Kimberley Zone / Regional Collaborative Group Meeting 3 October 2014	*Item 9.2*
Kimberley Zone / Regional Collaborative Group Meeting 9 December 2014	*Item 9.2*
Kimberley Zone / Regional Collaborative Group Meeting 27 February 2015	*Item 9.2*
Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015	*Item 9.2*

At its meeting 5 June 2013 the Kimberley Regional Collaborative Group resolved that:

"The Kimberley Regional Collaborative Group submits a grant application for funding from the Department of Local Government for the implementation of Business Intelligence systems."

Funding was approved by the Department of Local Government on 28 June 2013 and 2012-13 grant funding of $107,000.00 excluding GST was received by the Shire of Broome, as secretariat for the Kimberley Zone / Regional Collaborative Group, on 2 July 2013.

The Kimberley Regional Collaborative Group at its meeting 24 February 2014 resolved that:

1. *Endorses the recommendation to utilise Department of Local Government and Communities grant funding to offset the purchase and implementation of an Office 365 cloud based collaboration and records management system.*

2. *Delegate authority to the Zone secretariat to accordingly amend the funding agreement with the Department of Local Government and Communities.*

3. *Delegate authority to the Zone secretariat to amend the 2013/2014 Budget by the deletion of account 22141 -Business Intelligence System, and amending account 22142/23022 –Governance Records Management System.*

4. *Delegate authority to the Zone secretariat to engage a suitably experienced contractor to undertake required development work utilising the Department of Local Government and Communities grant funding and employ a fixed term contract records officer utilising the balance of grant* funding.

A variation to Project Budget and a variation to Project Scope was submitted to the Department of Local Government and Communities and approved, outlining the request to offset the purchase and implementation of an Office 365 Cloud based collaboration and Records Management System for the Kimberley Zone, proposed to be undertaken in May 2014, with the remainder of funds to be allocated to employing a staff member to electronically scan documents.

A Records Officer was employed through the Shire of Broome to commence the scanning of all Kimberley Zone and Regional Collaborative Group files.

COMMENT

The Records Management project is progressing as anticipated with the following milestones being completed;

- All system requirement analysis and project administration has been completed.
- Development of the Record Keeping framework has been completed.
- An initial kickoff meeting with Bridged Networks was conducted.
- Subsequent phone meetings have established the user interface and technical requirements of the system.
- All licences have been purchased.
- The Office 365 / Share point and Records management system has been purchased and developed.
- The domain name 'kimberleyzone.com.au' has been registered.
- The records officer has completed the process of scanning Zone and RCG records onto the network.
- Online training of SharePoint has been completed through connected systems.
- SharePoint online has been deployed.
- Users have been created.
- The site has been customised as per the Zone/RCG specification.
- All OGS03, RCG01 and Combined files have been transferred to SharePoint.
- Meta data has been collated for the Records Management.
- Archival and disposal of historic records has been completed with each shire receiving $8492 in funds to be used towards this work.

An Interim Grant Acquittal for the Regional Business Plan – 2012/2013 Business Intelligence System Grant funding for the Office 365 Share point and Records Management System has also been submitted to the Department of Local Government and Communities.

The final stage of the project involves the training role out of the system to all user groups, this will be arranged for the coming month.

The Department of Local Government and Communities has authorised for the Kimberley RCG to use the project surplus funds of $10,000 from the Records Management project towards the third project instalment of DLGC grant funding for the Corporate Performance Management Project.

A Final Grant Acquittal for the Regional Business Plan – 2012/2013 Business Intelligence System Grant funding for the Office 365 Share point and Records Management System has also been submitted to the Department of Local Government and Communities.

CONSULTATION

IT Technical Advisory Group
Bridged Networks (Telstra Microsoft Office 365 reseller)
Connected Systems (Microsoft Partner)

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is fully funded from the Department of Local Government and Communities 2012-13 Grant Funding.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 1- Governance: A collaborative group demonstrating strong Regional Governance

- Outcome 1.4 Business efficiency and improved services through collaboration
- Strategy 1.4.1 Promote and facilitate mutually beneficial, cost efficient shared services arrangements
- Action 1.4.1.1 Identify key services requiring further collaborative effort to enhance delivery outcomes across the region, dependent on business cases as opportunities arise.

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group notes the finalisation of the Department of Local Government and Communities 2012-13 Grant Funded Records Management Project.

Moved: Cr Moulden ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.8 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2013/14 GRANT FUND EXPENDITURE – BUSINESS IMPROVEMENT REVIEW UPDATE

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government and Communities funding to progress a Business Improvement Review of the IT Vision Synergy Soft System for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 30 April 2014	*Item 9.7*
Kimberley Zone / Regional Collaborative Group Meeting 23 June 2014	*Item 9.6*
Kimberley Zone / Regional Collaborative Group Meeting 4 August 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 3 October 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 9 December 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 27 February 2015	*Item 9.3*
Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015	*Item 9.3*

At its meeting 5 June 2013 the Kimberley Regional Collaborative Group resolved that:

"The Kimberley Regional Collaborative Group submits a grant application for funding from the Department of Local Government for the implementation of Business Intelligence systems."

Funding was approved by the Department of Local Government on 28 June 2013 and the 2012-13 grant funding of $107,000.00 excluding GST was received by the Shire of Broome, as secretariat for the Kimberley Zone / Regional Collaborative Group, on 2 July 2013. This grant funding has been utilised for the 2012/2013 Business Intelligence System - Office 365 Share point and Records Management System.

A second instalment of $107,000 has been allocated from the Department of Local Government and Communities 2013-14 Grant Funding to the Regional Collaborative Group to implement Business Intelligence Systems as Identified in the Regional Business Plan. A Business Improvement Review of the IT Vision Synergy Soft System was identified and an agenda item put to the 30 April 2014 Zone meeting.

At its meeting 30 April 2014 the Kimberley Regional Collaborative Group resolved that:

- *Endorses the IT Business Improvement Project; and*
- *Authorises the Secretariat to finalise the Department of Local Government and Communities 2013-14 Grant Funding application and Financial Assistance Agreement.*

A Project Budget and Project Scope was submitted to the Department of Local Government and Communities outlining the request to conduct a Business Improvement Review of the IT Vision Synergy Soft System for the Kimberley Regional Group. This submission was approved and the Grant Agreement from the Department of Local Government and Communities was signed.

COMMENT

The Business Improvement Review project is progressing as anticipated with the following milestones being completed;

- An initial kickoff meeting with IT Vision was conducted.
- The proposed project approach and deliverables were agreed.
- An on site discussion and pre planning assessment was conducted.
- Workshop preparation was completed to review the Synergy setup, data quality and reporting functionality at each Kimberley Shire.
- Workshop templates and schedules have been completed.
- The workshops at each shire have been conducted and functional assessments completed.
- A draft project and recommendations report was delivered.
- A Final project and recommendations report was delivered.
- Quick Wins training was rolled out to each member Council during June and July 2015.
- Site visit reports were produced for each shire post training rollout.

A full Project report was delivered to the Executive Group for consideration and a BeingThere video conference was organised to determine the priority quick wins and training to be implemented at each of the Shires. At this discussion, training in Records, Report Manager Advanced and Advanced Rate Collection were determined as the priority areas for the quick wins. This has utilised all remaining funds from the 2013-14 DLGC grant.

The IT Vision project recommendations for the second project stage were discussed and it was decided that IT Vision present their Corporate Performance Management BI Board and CAMMS present their Interplan module on Human Resources, Risk and Personnel at the CEO's meeting in February 2015. From this meeting it was agreed to approach IT Vision for a detailed project scope.

A Final Grant Acquittal for the Regional Business Plan – 2013/2014 Business Intelligence System Grant funding for the Capacity Audit of Synergy has also been submitted to the Department of Local Government and Communities.

CONSULTATION

IT Vision
Staff at each of the Kimberley Shires

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is fully funded from the Department of Local Government and Communities 2013-14 Grant Funding.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 1- Governance: A collaborative group demonstrating strong Regional Governance

- Outcome 1.4 Business efficiency and improved services through collaboration
- Strategy 1.4.1 Promote and facilitate mutually beneficial, cost efficient shared services arrangements
- Action 1.4.1.1 Identify key services requiring further collaborative effort to enhance delivery outcomes across the region, dependent on business cases as opportunities arise.

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group notes the finalisation of the Department of Local Government and Communities 2013-14 Grant Funded Business Improvement Review of the IT Vision Synergy Soft System.

Moved: Cr Moulden ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.9 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014/15 GRANT FUND EXPENDITURE – CORPORATE PERFORMANCE MANAGEMENT

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government and Communities funding to progress the implementation of the Corporate Performance Management toolset for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015 Item 9.4

At its meeting 5 June 2013 the Kimberley Regional Collaborative Group resolved that:

"The Kimberley Regional Collaborative Group submits a grant application for funding from the Department of Local Government for the implementation of Business Intelligence systems."

Funding was approved by the Department of Local Government on 28 June 2013 and the 2012-13 grant funding of $107,000 excluding GST was received by the Shire of Broome, as secretariat for the Kimberley Zone / Regional Collaborative Group, on 2 July 2013. This grant funding has been utilised for the 2012/2013 Business Intelligence System - Office 365 Share point and Records Management System.

A second instalment of $107,000 excluding GST was allocated on 15 July 2014 from the Department of Local Government and Communities 2013-14 Grant Funding to the Regional Collaborative Group to implement a Business Improvement Review of the IT Vision Synergy Soft System.

At its meeting 3 May 2015 the Kimberley Regional Collaborative Group resolved that:

- *Endorses the Corporate Performance Management Project; and*
- *Authorises the Secretariat to finalise the Department of Local Government and Communities 2014-15 Grant Funding application and Financial Assistance Agreement.*

A Project Budget and Project Scope was submitted to the Department of Local Government and Communities outlining the request to conduct a Corporate Performance Management project for the Kimberley Zone. This submission was approved and the Grant Agreement from the Department of Local Government and Communities was signed.

Funding for a third instalment was approved by the Department of Local Government on 16 June 2015 and the 2014-15 grant funding of $158,000 excluding GST was received by the

Shire of Broome, as secretariat for the Kimberley Regional Group, on 25 June 2015. This grant funding has been utilised for the 2014/2015 implementation of a Corporate Performance Management toolset.

COMMENT

There is a pressing need for efficient and effective information management solutions that meet the operational and legislative requirements of the Kimberley Regional Group. The four Kimberley Councils of Derby, Broome, Kununurra and Halls Creek all utilise IT Vision Synergy Soft Systems for their business solutions.

Synergy Soft is a fully integrated enterprise product suite that encompasses all business areas of an organisation within a single user interface. The Kimberley regional Council's use the Synergy Soft solutions of Business and Financial Management, Corporate and community services, Records Management, Governance and Infrastructure service solutions.

The current local government management operating environment has undergone a significant increase in both the mandatory as well as desirable need for better analytical reporting, business intelligence and corporate performance management tools to support their business.

The corporate performance management (CPM) application seamlessly utilises the SynergySoft Enterprise Resource Planning data along with any other relevant data sources required for mandatory and desirable management use. The CPM toolset comes fully integrated with SynergySoft and populated with three initial functional solutions, including;

- Statutory Workforce Planning
- Financial Reporting and Analysis
- Operational Performance Indicators

The proposed objectives of the project are to enhance the availability and sophistication of analytical management reporting for both mandatory as well as desirable organisational business requirements.

This project will facilitate a standardised and comparative approach to reporting analysis across the Kimberley Regional Group that provides the basis for future benefits consideration such as comparative or consolidated reporting and benchmarking.

The project deliverables include;

- Kimberley Regional Group statement of work, including individual site statements.
- Kimberley Regional Group detailed implementation plan, including individual site plans.
- Unified CPM toolset including a base set of key user licences.
- IT Vision CPM Certified SynergySoft datasets.
- Data capsules for Workforce Planning and Management KPI Dashboard purposes.
- Ongoing end-to-end solution support and maintenance.

The culmination of these benefits will result in significant improvements in organisational operations which will benefit the individual organisations, the collaborative group and the region.

The Corporate Performance Management project is progressing as anticipated with the following milestones being completed;

- An initial kickoff meeting with IT Vision was conducted at each site.

- The proposed project approach and deliverables were agreed.

CONSULTATION

IT Vision
The four Kimberley Shires Chief Executive Officers

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is fully funded from the Department of Local Government and Communities 2014-15 Grant Funding.

It has been authorised from DLGC that $10,000 of surplus funds of the Records Management Project will be transferred from instalment 1 towards the cost of instalment 3 for the Corporate Performance Management Project.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 1- Governance: A collaborative group demonstrating strong Regional Governance

- Outcome 1.4 Business efficiency and improved services through collaboration
- Strategy 1.4.1 Promote and facilitate mutually beneficial, cost efficient shared services arrangements
- Action 1.4.1.1 Identify key services requiring further collaborative effort to enhance delivery outcomes across the region, dependent on business cases as opportunities arise.

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group notes the progress of the Department of Local Government and Communities 2014-15 Grant Funded Corporate Performance Management project.

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.10 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 1 CONSULTATION

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government and Communities grant funding to progress a Kimberley Youth Strategy for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 23 June 2014	*Item 9.7*
Kimberley Zone / Regional Collaborative Group Meeting 4 August 2014	*Item 9.5*
Kimberley Zone / Regional Collaborative Group Meeting 3 October 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 9 December 2014	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 27 February 2015	*Item 9.4*
Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015	*Item 9.5*

The Department of Local Government and Communities has awarded $40,000 from the Youth Friendly Communities Grants Program to the Regional Collaborative Group to develop a Kimberley Youth Strategy Stage 1-Consultation.

The grant Agreement was finalised and signed by the secretariat and submitted to the Department of Local Government and Communities and approved.

The grant agreement outlines the project definition as the research of the views of young people by engaging them in creative ways to inform the planning and development of their communities. The agreed anticipated activities include the Zone working in partnership with young people and/or community groups to support youth participation in helping make their community youth friendly. The consultation could also be used to support the review of other relevant strategies, policies and plans, and to inform the improvement of relevant services.

A Project Budget and Project Scope has been completed and submitted to the Department of Local Government and Communities and approved. Bluebottle Consulting was awarded the project.

COMMENT

The Kimberley Youth Strategy project is progressing as anticipated with the following milestones being completed;

- An initial kickoff meeting with Bluebottle Consulting was conducted.
- The proposed project approach and deliverables were agreed.
- The project schedule and payment plan was agreed.

- A formal agreement was drafted and signed by the Secretariat and Bluebottle Consultants.
- Service provider mapping has been completed.
- A survey monkey has been developed and put onto each Shires website and Facebook page.
- A media release has been completed.
- The regional face to face consultation has been completed.
- A Project progress report has been provided to the DLGC Director General.
- A Final Local Government Consultation Report has been provided.
- A draft Service Providers Report has been provided.
- A draft Consultation with Young People Report has been provided.
- A Final Kimberley Youth Services Mapping Document has been provided.
- A Final Stage 1-Consultation Report has been provided.

A meeting of the executive group was conducted on 15th April 2015 to discuss the delivery of Stage 1 – Consultation and the scope of Stage 2. It was agreed that Stage 2 would include the Kimberley Zone Strategy and Action Plan as well as a process of aligning the Kimberley Action Plan with each Shires Strategic Community Plan by identifying linkages and developing a plan for each Shire to build the capacity of the Shire and the community to meet the identified needs and remedy shortfalls in the current approaches to Youth Services.

A Final Grant Acquittal for the 2014 Grant funding for the Kimberley Youth Strategy Stage 1 – Consultation has also been submitted to the Department of Local Government and Communities.

CONSULTATION

Department of Local Government and Communities
Bluebottle Consulting
Staff at each of the Kimberley Shires

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project received $40,000 grant funding from the Department of Local Government and Communities 2013-14.

This project also required $10,635 from the 2014-15 budget surplus to be allocated towards the Kimberley Youth Strategy Stage 1 - Consultation. This surplus requirement is within the budget agreed to at the 4 August 2014 Zone/RCG Meeting.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 4 - Community: A vibrant community based on equity, inclusion and opportunity for all

- Outcome 4.5 Greater participation in the community and workforce
- Strategy 4.5.1 Remove disincentives to participation in the workforce
- Action 4.5.1.5 Develop a credible strategy on welfare reform
- Action 4.5.1.6 Participate in discussions on welfare reform policy at the regional level
- Action 4.5.1.7 Support the development of a regional plan for welfare reform

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)

That the Kimberley Regional Group;

1. ***Receives the final Kimberley Youth Strategy Stage 1 – Consultation report, and***
2. ***Notes the finalisation of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy Stage 1 - Consultation.***

RESOLUTION:

That the Kimberley Regional Group;

1. ***Receives the final Kimberley Youth Strategy Stage 1 – Consultation report, and***
2. ***Notes the finalisation of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy Stage 1 - Consultation.***
3. ***The Consultants work closely with service agencies to ensure no duplication of findings.***

Moved: Cr Archer ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

Attachment: 98 pages

8.11 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2015 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 2 STRATEGY AND ACTION PLAN

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government and Communities grant funding to progress the development of the Kimberley Youth Strategy Stage 2 – Strategy and Action Plan for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015 Item 9.6

In June 2014 The Department of Local Government and Communities awarded $40,000 from the Youth Friendly Communities Grants Program to the Regional Collaborative Group to develop a Kimberley Youth Strategy Stage 1-Consultation.

At its meeting 23 June 2014 the Kimberley Regional Collaborative Group resolved that:

'The Kimberley Regional Collaborative Group endorse the development of a Kimberley Youth Strategy and that the Secretariat be delegated authority to liaise with the Kimberley Chief Executive Officers to progress the development of the project plan and budget.'

Funding was approved by the Department of Local Government on 18 June 2014 and the grant funding of $40,000 excluding GST was received by the Shire of Broome, as secretariat for the Kimberley Zone / Regional Collaborative Group, on 29 June 2014. This grant funding has been utilised for the Kimberley Youth Strategy Stage 1 – Consultation.

At its meeting 3 May 2015 the Kimberley Regional Collaborative Group resolved that:

- *Endorses Kimberley Youth Strategy Stage 2 – Strategy and Action Plan; and*
- *Authorises the Secretariat to finalise the Department of Local Government and Communities 2014-15 Grant Funding application and Financial Assistance Agreement.*

A Project Budget and Project Scope was submitted to the Department of Local Government and Communities outlining the request to conduct Stage 2. This submission was approved and the Grant Agreement from the Department of Local Government and Communities was signed.

Funding for the implementation of the Kimberley Youth Strategy Stage 2 – Strategy and Action Plan was approved by the Department of Local Government and the 2014-15 grant funding of $80,000 excluding GST was received by the Shire of Broome, as secretariat for the

Kimberley Regional Group, on 25 June 2015. A second grant of $7,000 from Regional Development Australia Kimberley was received by the Shire of Broome, on 12 June 2015.

COMMENT

The Kimberley Regional Group will undertake stage 2 of the Kimberley Youth Strategy project to inform the development of a Kimberley youth strategy and action plan to ensure services are meeting the needs of the regions youth.

- Stage 1 – Consultation has been completed.
- Stage 2 - Development of a Youth Strategy for the Kimberley, outlining the key issues to be targeted, programs and services to be funded, and outcomes to be met.
- Stage 3 – Development and implementation of activities to support the Kimberley Youth Strategy.

The purpose of this project is to draw on the information obtained during the consultation phase which undertook consultation with youth, youth sector service providers and local governments across the Kimberley to inform the development of the Kimberley Youth Strategy.

The Kimberley Youth Strategy – Stage 2 – Strategy and Action Plan, will take on 6 project phases;

Phase 1 – Environmental Scan

1.1 Review the impact of current and proposed commonwealth and state youth services policies and trends.

1.2 Research other federal, state and local government policy initiatives to ascertain and inform strategies for positioning the Kimberley Regional Group to take advantage of future potential funding and strategic opportunities.

Phase 2 – Workshop

2.1 Facilitate a workshop with relevant staff representatives from each of the Shires to;

- establish a framework for local government involvement in youth services that guides a consistent, coordinated approach while allowing for the different operating contexts and delivery methods each shire has,
- identify priority focus areas for the strategic plan,
- provide an opportunity for knowledge sharing,
- identify best methods for ongoing collaboration.

Phase 3 – Develop Youth Strategy

3.1 Develop an overarching strategy document with the Kimberley Local Governments that is informed by the work undertaken during stage one of the project and the environmental scan.

Phase 4 – Develop Action Plan

4.1 Develop an action plan detailing specific activities and timeframes for implementing the youth strategy.

Phase 5 – Alignment of Kimberley Action Plan with each Shires Strategic Community Plan

5.1 Identify and link how each specific activity from the Kimberley action plan will fit into each Shire's Strategic Community Plan and develop a plan for each shire to build the capacity of the Shire and its community to meet the identified needs and remedy shortfalls in the current approaches to Youth Services.

Phase 6 – Convene and establish a youth engagement group for each Shire to discuss the action plan and develop activities for implementation of Stage 3.

6.1 Establish a youth engagement group at Broome, Derby, Fitzroy Crossing, Halls Creek and Kununurra to workshop with relevant staff representatives the activities from the action plan that will be prepared for implementation in Stage 3.

The Kimberley Youth Strategy Stage 2 project is progressing as anticipated with the following milestones being completed;

- An initial kickoff meeting with Bluebottle Consulting was conducted.
- The proposed project approach and deliverables were agreed.
- The project schedule and payment plan was agreed.
- An environmental scan was commenced.

CONSULTATION

Department of Local Government and Communities
Bluebottle Consulting
Staff at each of the Kimberley Shires

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project has received $80,000 grant funding from the Department of Local Government and Communities 2014-15 and a further $7,000 grant funding from Regional Development Australia Kimberley.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 4 - Community: A vibrant community based on equity, inclusion and opportunity for all

- Outcome 4.5 Greater participation in the community and workforce
- Strategy 4.5.1 Remove disincentives to participation in the workforce
- Action 4.5.1.5 Develop a credible strategy on welfare reform
- Action 4.5.1.6 Participate in discussions on welfare reform policy at the regional level
- Action 4.5.1.7 Support the development of a regional plan for welfare reform

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group notes the progress of the Department of Local Government and Communities 2015 Grant Funding for the development of the Kimberley Youth Strategy Stage 2.

Moved: Cr Moulden ***Seconded: Cr Archer***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.12 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2015 GRANT FUND EXPENDITURE – KIMBERLEY VOLUNTEERING STRATEGY – STAGE 1 - CONSULTATION

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRCG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: This report provides an update as to the status of the Department of Local Government and Communities grant funding to progress the development of the Kimberley Volunteering Strategy Stage 1 – Consultation for the Kimberley Regional Group.

BACKGROUND

Previous Considerations

Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015 Item 7.6

At its meeting 3 May 2015 the Kimberley Regional Collaborative Group resolved that:

'That the Kimberley Zone of WALGA and Regional Collaborative Group authorises the Secretariat to develop a project proposal and budget to apply to the Department of Local Government and Communities for funding to support the following regional volunteering initiatives;

1. Capacity building – Skills audit of Volunteers.
   - Develop a registration and matching service for groups and volunteers.
2. Capacity building - Training/Education of Volunteers.
   - Develop a Kimberley circuit to run Training/Education of volunteer staff.
3. Business Support Services
   - Develop a program to provide volunteer organisations with on ground support services to develop business plans, get setup and operational, and comply with all regulatory requirements.
   - Develop ongoing sporting and activity programs for the communities youth.
4. Central IT Database.
   - Develop an IT cloud database for sharing information on regulatory, taxation, governance, reporting, constitution, insurance requirements. Extend to pooling resources to undertake book keeping services.
5. Better communication.
   - Develop a marketing/promotion campaign across the Kimberley.'

After consultation with the Department of Local Government and Communities and the Chief Executive Officers of the four member Councils, it was agreed that a more broader application be made to undertake consultation with the Kimberley Local Governments, key volunteer service agencies and volunteers across the Kimberley to identify the key issues of volunteering in the region, to inform the development of a capacity building strategy to ensure volunteering services are meeting the needs of the community and that volunteers are equipped with the necessary skills to fulfil and meet community expectations.

Funding was approved by the Department of Local Government in June 2015 and the grant funding of $55,000 excluding GST was received by the Shire of Broome, as secretariat for the Kimberley Regional Group, on 26 June 2015.

COMMENT

There is a pressing need for a united approach towards delivering volunteering services in the Kimberley. The four Kimberley Councils of Broome, Derby West Kimberley, Wyndham East Kimberley and Halls Creek all have volunteering service agencies in their regions that provide varying levels of volunteering support in the community. This Kimberley Volunteering Strategy will consolidate and build upon the many excellent initiatives, programs and activities by Council and independent volunteering agencies to develop a strategic vision for the region which will shape the actions to be implemented over the next five years to achieve united goals.

The objective of this project is to undertake consultation with volunteers, volunteer service agencies and local governments across the Kimberley to inform the development of the Kimberley Volunteering Strategy.

The Kimberley Volunteering Strategy – Stage 1 – Consultation, will take on 5 project phases;

Phase 1 – Mapping of volunteer services agencies

1.3 Develop a database of currently available volunteer services, groups and programs within the Kimberley region. The database will include the following details for each service:
- Name
- Category of service
- Service location and reach
- Purpose
- Who the service is targeted at
- What programs or services are offered
- What the benefits are
- Who funds the agencies

1.4 Analysis and identification of the Volunteering Service Agency Database, duplication of, or gaps in volunteering service provision.

Phase 2 – Consultation

2.1 Develop a consultation strategy with the Kimberley Zone and Kimberley Local Governments, for a consultant to deliver. Ensuring the views of volunteers, service agencies and local governments are captured. The strategy will identify the best methods for communicating and engaging with each stakeholder group. These methods will include designing and conducting:
- surveys
- telephone interviews
- face to face interviews
- workshops
- other engagement methods as identified in discussion with stakeholders.

2.2 Contract a consultant to undertake the consultation process with key volunteer service agencies and volunteers to inform the Kimberley Volunteering Strategy, in the following towns:

- Broome
- Derby
- Fitzroy Crossing
- Halls Creek
- Kununurra
- Wyndham

Phase 3 – Reports on consultation findings

3.1 Development of three reports based on the consultation findings.

3.1.1 Report 1 – Volunteers

This report will outline the demographic profile of volunteers, data on the volunteers consulted and feedback about engagement strategies used. The report will also include descriptions of key consultation findings on what is important for a volunteer friendly community and what needs to be done to make the community volunteer friendly under the following themes;

- Capacity building (Skills, Education and Training)
- Agency support, leadership and services for strategic and operational matters
- Promotion and Recognition
- Paid administrative staff to allow volunteers to focus on the goals of the group
- Communication and information
- Succession Planning (Recruitment, retention, reward for civic participation)

The report will identify contemporary volunteering trends and issues. It will also detail how the outcomes of the consultation can inform the broader Volunteering Strategy.

3.1.2 Report 2 – Service providers

This report will include details of volunteer engagement strategies used by volunteer service agencies, as well as analyse the effectiveness of these strategies. The report will encapsulate the needs of volunteer service agencies.

3.1.3 Report 3 – Local Government

This report will provide an overview of consultation with local government including;

- Key issues in their region
- Feedback about Volunteer engagement strategies used
- Any funding of volunteering service agencies
- Details of memorandums of understanding in place with relevant volunteer service agencies

Phase 4 – Analysis

4.1 Analysis of information obtained during phases 1 and 2 of consultation, and inclusion of relevant policy or strategy documents identified to inform the final report.

Phase 5 – Final report

5.1 Development of the final report to incorporate the findings from the mapping and consultation process included with the overall analysis of the issues identified and outcomes achieved by volunteer service agencies and their volunteers.

CONSULTATION

Department of Local Government and Communities

Bluebottle Consulting
Staff at each of the Kimberley Shires

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project will be fully funded from the Department of Local Government and Communities 2014-15 Grant Funding.

Item	Detail	Cost	
Strategy Requirements Analysis and Project Administration	Project management process	$4,000	LG In-kind
Mapping of Services	Database is developed of all available volunteering service agencies, groups and programs in the Kimberley.	$5,000	DLG Grant
Consultation	Consultation is undertaken between the Kimberley Zone, Kimberley Local Governments, key volunteering service agencies and volunteers.	$42,000	DLG Grant
Reports on Consultation, Analysis and Final Report	Three reports will be delivered on the consultation findings. The final report will incorporate the findings from the mapping and consultation with the overall analysis.	$8,000	DLG Grant

DLCG Grant	$55,000
LG In-kind	$4,000
Total Project Cost	**$59,000**

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018

Goal 4 - Community: A vibrant community based on equity, inclusion and opportunity for all

- Outcome 4.3 Improved delivery in Community Services
- Strategy 4.3.1 Collaborate with federal and state governments and other agencies to ensure coordinated provision of services.

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)

That the Kimberley Regional Group;

1. ***Notes the progress of the Department of Local Government and Communities 2015 Grant Funding for the development of the Kimberley Volunteering Strategy Stage 1 – Consultation; and***

2. ***Endorses the appointment of _____ as the consultant to conduct the Volunteering Strategy.***

RESOLUTION:

That the Kimberley Regional Group;

1. ***Notes the progress of the Department of Local Government and Communities 2015 Grant Funding for the development of the Kimberley Volunteering Strategy Stage 1 – Consultation; and***

2. ***Defers the matter to the next Kimberley Regional Group meeting pending the collection of further quotes.***

Moved: Cr Archer ***Seconded: Cr Moulden***

CARRIED UNANIMOUSLY 4/0

Attachment 1: 8 pages
Attachment 2: 22 pages

8.13 COLLABORATIVE GRANT APPLICATION FOR ORGANISATIONAL DEVELOPMENT

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Chief Executive Officer, Shire of Halls Creek
CONTRIBUTOR/S	Executive Services Manager, Shire of Halls Creek
RESPONSIBLE OFFICER:	Chief Executive Officer, Shire of Halls Creek
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 August 2015

SUMMARY: This report proposes a collaborative grant submission to Lotterywest to assist with organisational development in the form of bringing training to the Kimberley.

BACKGROUND

Previous Considerations

Nil

COMMENT

The Shire of Halls Creek (SoHC) is committed to both employing locally and training and developing the current workforce. In the 2013-2014 financial year, SoHC spent $161,476 on training and development for their employees, however a large portion of this expenditure was on travel and accommodation and therefor does not represent best value for money.

SoHC have received a quote for five consecutive days of training in the Local Government Act from WALGA totalling $19,552.50 exclusive of travel and accommodation for the trainer.

While it may often prove cheaper to send one employee to Perth for training than to bring the trainer to the Kimberley, this practice limits the exposure of the training to the workforce. The Shire would like to be able to bring training opportunities to the Kimberley in order to limit the expenditure on travel and accommodation and increase the number of employee development opportunities.

In order to achieve this within tight budget constraints, SoHC proposes a collaborative grant application to Lotterywest for Organisational Development for $120,000 to be spilt evenly among the four Shires.

CONSULTATION/STAKEHOLDERS

Consultation has occurred with Western Australia Local Government Association for the purpose of quotes.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil at this stage

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)
RESOLUTION:

That the Kimberley Regional Group authorise the Secretariat to establish a collaborative grant application to Lotterywest for the purpose of organisational development.

Moved: Cr Moulden ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.14 KIMBERLEY REGIONAL GROUP SEED FUND PROJECTS

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2015

SUMMARY: This report provides a list of recommended projects for the Regional Group surplus Seed Funding.

BACKGROUND

Previous Considerations

Kimberley Chief Executive Officers Meeting *1 October 2013*
Kimberley Chief Executive Officers Meeting *23 February 2014*
Kimberley Zone / Regional Collaborative Group Meeting 3 May 2015 *Item 9.7*

At the Kimberley Zone of WALGA and Regional Collaborative Group Meeting on 3 May 2015 in Darwin, the Zone was presented Agenda Item 9.7 Regional Collaborative Group Seed Fund Project.

At this meeting of the Zone, the following Resolution was made with regard to the subject item.

RESOLUTION:

That the Kimberley Regional Collaborative Group lay the item on the table.

Moved: Cr Archer ***Seconded: Cr Tracey***

CARRIED UNANIMOUSLY 4/0

Given that the 2014-15 budget allocated the $40,000 seed fund contribution towards the Kimberley Tourism Corridor project, and the proposed projects of developing a business case for the establishment of a centre for excellence in the Kimberley was layed on the table, the question now lies with the member Councils as to what project the funds should be used for.

There is currently $65,445 in surplus funding in the Kimberley Regional Group accounts. The table below outlines the cumulative project expenditure.

Projects from 13/14, 14/15 and 15/16	Income	Expenditure	Surplus/Deficit
Seed Fund	80,000	0	80,000
Waste Management	45,000	-45,000	-

Key Worker Housing	8,620,225	-8,626,345	(6,120)
Business Intelligence Systems	372,000	-373,602	(1,602)
Youth Strategy	172,000	-137,635	(10,635)
Volunteering Strategy	55,000	-55,000	-
Strategic Community Plan Review	8,775	-17,141	(8,366)
TAMS	-	-20,433	(20,433)
Interest	32,601	0	32,601
Total	**9,340,601**	**-9,275,156**	**65,445**

Project options from the Kimberley Regional Business Plan 2014-2018 include;

RBP	Project	Funding	Monetary Allocation	Comment
1.1.2	Regional Procurement Strategy	Research	In-kind	Possibly WALGA Tenderlink &e-quote, funded by individual councils
1.2.1	KDC Business cases	Funding required for consultant from RCG	$20k	Need to meet with KDC to look at projects from Blueprint from which to make business cases
1.3.1.1	Consultation and engagement strategy to work with Aboriginal corporations	Research	In-kind	In house review of current LG policies to develop standardised policy across the Kimberley LG's
2.4.1.1	Partnership with university for waste water management	$50k Funding required from RCG	Nil	Project is being pursued individually by member Councils
3.1.1.1	Partnership with KDC to develop business case for a townscape plan			Idea was dismissed at the CEO's meeting 1 Oct 2013
3.5.1.2	Develop uniform local planning policies in relation to broadband development	Research	In-kind	In house review of current LG policies to develop standardised policy across the Kimberley LG's
5.5.1.2	Develop policies for renewable energy in the Kimberley	Research	In-kind	In house review of current LG policies to develop standardised policy across the Kimberley LG's
Other	Youth Strategy Implementation	DLGC Grant Funding	In-kind	Implementation of actions from Kimberley Youth Strategy
Other	LG Indigenous employment	DLGC Grant Funding	In-kind	Application will be revamped and submitted

				to DLGC
Other	Education Centres for Excellence	Research/Possible funding	$25k	Need to meet with KDC to discuss a business case
Other	Land Tenure	Research/Possible funding	$25k	Need to meet with KDC to discuss a business case

COMMENT

In reviewing the adopted actions for 2015/16 in the Kimberley Regional Business Plan, the following are considered for completion;

1. $25,000 - Education Centres for Excellence Business case
2. $25,000 – Land Tenure Business case

For members consideration to determine a priority list of projects to be pursued in 2015-16, with a monetary allocation of surplus KRG funds.

CONSULTATION

Chief Executive Officers from the four Kimberley Shires

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is proposed that all projects be funded from the cumulative 2013-14 and 2014-15 seed fund surplus.

STRATEGIC IMPLICATIONS

The Kimberley Regional Business Plan 2014-2018.

VOTING REQUIREMENTS

Absolute Majority

(REPORT RECOMMENDATION)

That the Kimberley Regional Group;

1. ***Request the Secretariat to advise each member Council that $10,000 seed funding is not required for 2015/16 due to surplus funds available from previous years,***

2. ***Authorize the Secretariat to commence the project options from the Kimberley Regional Business Plan 2014-2018;***

   a) ***Education Centres for Excellence Business case***
   b) ***Land Tenure Business case***

3. ***Adopt the following budget amendments for 2015/16;***

   a) ***Account No 405382Kimberley Zone – RCG Project Seed Fund – Op Inc, reduce from $40,000 to nil,***
   b) ***Project 1, Income $25,000-Transfer from reserve, Expenditure $25,000***
   c) ***Project 2, Income $25,000-Transfer from reserve, Expenditure $25,000***

RESOLUTION:

That consideration of this item be deferred.

Moved: Cr Archer ***Seconded: Cr Moulden***

CARRIED UNANIMOUSLY 4/0

Attachment: Nil

8.15 JOINT KIMBERLEY, PILBARA AND NORTHERN TERRITORY FORUM OUTCOMES REPORT

LOCATION/ADDRESS:	Kimberley Region
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Project Manager, Kimberley Regional Group
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Project Manager, Kimberley Regional Group
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 July 2015

SUMMARY: The Tuna Blue Next Port of Call Forum Outcomes Report has been received and is attached for member consideration.

BACKGROUND

Previous Considerations

Kimberley Zone of WALGA and Regional Collaborative Group Next Port of Call Forum, Darwin May 2015.

COMMENT

Councillors and Chief Executive Officers from the Kimberley Regional Group, the Pilbara Local Government Authorities and Northern Territory Local Government Authorities attended the Next Port of Call Forum over three days in Darwin in May 2015. The forum was facilitated by Tuna Blue Pty Ltd.

The aim of the forum was to bring together strategic perspectives on a range of issues and collaborations relevant to Local Governments across Northern Australia. Shared initiatives sessions were held after each group of speakers and a Roundtable session was held at the end of each day to identify and clarify key initiatives. A final Roundtable was held at the conclusion of the forum to identify a smaller number of high priority initiatives to be progressed.

At the conclusion of the forum, a Communications Report was distributed to participants and is available at: https://prezi.com/7j3e5kfk6mgf/.

This Outcomes Report complements the Communications Report and provides a full account of the input received from participants.

Over 50 participants and speakers attended the forums representing a wide range of industry groups, government agencies, corporate operations and support services.

Considering all of the initiatives, the Forum identified the following six priorities as their focus over the next 12 months:

- The increased development of **connectivity and supply chain logistics** (especially ports) is a major focus for the three Zones / Regional Councils and will require consistent lobbying and working with stakeholders to see outcomes;
- Work across the three Zones / Regional Councils to **set key themes** for our greater region through the RDA Northern Alliance approach;
- Work towards developing **a standardised project pipeline** that can be part of a communication campaign with export markets such as China or Vietnam (all three

Zones support this initiative but are at different stages internally and will need to audit individual projects first, with a shared workshop with relevant stakeholders possible further down the track);

- All WA LGA's need to stay informed and play an **advocacy role** in terms of the Supreme Court heritage decision;
- All three Zones / Regional Councils support building the capacity for **Aboriginal businesses** to undertake tenders and subcontracting of specific element of works programs (this is best pursued at an individual LGA level with help from WALGA where required);
- The Pilbara Regional Council and DFES will work on a **Bushfire Management Trial**.

These identified initiatives and actions are presented for the Kimberley Regional Group consideration and approval. This item also seeks guidance as to the extent of the groups involvement moving forward in relation to budget implications and resource allocation.

CONSULTATION

Kimberley Regional Group
Next Port of Call Forum Attendees
Tuna Blue Facilitators

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The report review will record discussion on financial implications in the future. Where financial implications are relevant these will be presented to the zone meetings for approval.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

(REPORT RECOMMENDATION)

That the Kimberley Regional Group;

1. ***Receives the 'Next Port of Call Forum 2015 Outcomes Report', and***

2. ***Endorses the following projects as key priorities for the group to investigate and work forward on;***
   a) _____***;***
   b) _____***;***
   c) _____ ***and***
   d) _____***.***

RESOLUTION:

That the Kimberley Regional Group ;

1. ***Receives the 'Next Port of Call Forum 2015 Outcomes Report', and***

2. ***That the CEO group be delegated authority to prioritise and circulated the project list to member Councils.***

Moved: Cr Archer ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

Attachment: 25 pages

9. REPORTS FROM REPRESENTATIVES

9.1 Kimberley Development Commission – Tim Bray
Final signing of the Blueprint.

9.2 Australia's North West – Glen Chidlow
- A new contract is being developed with Tourism WA.
- Bucketlist
- Media – Today Tonight, WA Weekender and Sunrise Weather.

9.3 Regional Development Australia – Chris Mitchell
- Seeking one new board member
- National Stronger Regions Funding – Round 2 is open

9.4 Department Local Government and Communities – Kelly McIntyre
Attachment 9.4 DLGC Connect Newsletter

9.5 WALGA Road Wise – Apologies
Attachment 9.5 Roadwise Report

9.6 WALGA – Jo Burges
Attachment 9.6 Kimberley Country Zone Status Report February 2015

10. CORRESPONDENSE

No Incoming and outgoing correspondence was tabled at the Meeting.

11. GENERAL BUSINESS

11.1 Change of Secretariat
Transfer of Secretariat to be discussed in October 2015 with Tony Brown from WALGA. The Shire of Derby West Kimberley are requesting the Secretariat role.

RESOLUTION:

That Member Councils consider the change of Secretariat from the Shire of Broome to the Shire of Derby West Kimberley.

Moved: Cr Archer ***Seconded: Cr Edwards***

CARRIED UNANIMOUSLY 4/0

12. MEETING CLOSURE

The meeting closed at 4.59pm

Western Australian Local Government Association Zone Standing Orders

1. INTERPRETATIONS

For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:

1.1 ***"Absolute Majority"*** means:
a total majority of delegates for the time being of the Zone whether present and voting or not.

1.2 ***"Association"*** means:
the Western Australian Local Government Association.

1.3 ***"Constitution"*** means:
the Constitution of the Western Australian Local Government Association.

1.4 **"Delegate or Deputy Delegate"** means**:**
those persons duly elected, from time to time, for a fixed term to represent a Council at a Zone of the Western Australia Local Government Association.

1.5 **"Deputy President or Chairman**" means***:***
the Deputy President or Chairman for the time being of the Zone.

1.6 ***"Meeting"*** means:
a meeting of a Zone of the Western Australia Local Government Association.

1.7 ***"President or Chairman"*** means:
the President or Chairman for the time being of the Zone.

1.8 ***"Simple Majority"*** means:
a majority comprising enough of the delegates for the time being of the Zone for their number greater than 50% of the number of voting delegates that are present

1.9 **"State Council**" means***:***
the Executive of the Western Australian Local Government Association.

1.10 **"Zone**" means***:***
a geographically based subdivision containing Councils and incorporated within a country and metropolitan constituency as listed in Schedule three of the Constitution.

1.11 ***"Zone Secretary"*** means:
a person or persons nominated or appointed by the Zone or the Association to undertake Zone secretarial functions as required.

2. ORDINARY AND SPECIAL MEETINGS

Meetings of the Zone shall be of two kinds: "ordinary" and "special". No business shall be transacted at a special meeting other than for which the meeting was called.

3. CONDUCT OF MEETINGS

The proceedings and business of meetings of the Zone shall be conducted according to these Standing Orders.

4. NOTICE OF MEETING

4.2 The Zone Secretary shall give at least 7 days notice of a meeting to all delegates of the Zone unless all of the delegates have agreed in writing to shorter notice.

4.2 Notice shall be given at the destinations appearing in the records of the Zone Secretary. Notice shall include the agenda for the meeting and will be deemed to have been delivered immediately if transmitted electronically or on the second working date after posting.

4.2 Ordinary Meetings of the Zone shall be called by the Zone Secretary pursuant to sub-clause 4.1.

4.2 Special Meetings of the Zone shall be called by the Zone Secretary on the written request of the President or Chairman or at least one quarter of the delegates.

5. QUORUM

5.1 The Zone shall not conduct business at a meeting unless a quorum is present.

5.2 At any meeting of the Zone, greater than 50% of delegates present and entitled to vote shall form a quorum.

5.3 If a quorum has not been established within the 30 minutes after a meeting is due to begin then the meeting can be adjourned –

(a) by the President or Chairman of the meeting;
(b) if the President or Chairman is not present, by the Deputy President or Deputy Chairman of the meeting;
(c) if the President or Chairman or Deputy President or Deputy Chairman is not present, by a majority of delegates present;
(d) if only one delegate is present, by that delegate; or
(e) if no delegate is present by the Zone Secretary.

The business that could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

5.4 If at any time during a meeting a quorum is not present, the President or Chairman shall suspend proceedings for five (5) minutes and if a quorum is not present after that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it to some future time.

5.5 Notice of a meeting adjourned because of the absence of a quorum shall be given to all delegates.

6. MEETINGS OPEN TO THE PUBLIC

The business of the Zone shall be open to the public except upon such occasions as the Zone may by resolution otherwise decide.

7. ORDER OF BUSINESS

Unless the meeting should decide otherwise, the order of business at Zone meetings, with he exception of special meetings or an adjourned meeting, shall be as follows:

(a) Recording of attendance and apologies;
(b) Announcements;
(c) Adjourned business (if any);
(d) Confirmation of minutes of previous meetings;
(e) Matters for decision;
(f) Reports – President or Chairman and Zone Representative to State Council;
(g) State Council agenda items;
(h) General business.

8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the President or Chairman of such intention.

9. PRESIDENT OR CHAIRMAN

In the construction of these Standing Orders unless the context requires otherwise, the word *"President or Chairman"* shall in the absence of the Chairman or President include the Deputy President or Deputy Chairman or the delegate chosen by resolution to preside at any meeting.

10. DELEGATE AND DEPUTY DELEGATE

10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.

10.2 A deputy delegate elected to act in the capacity of a delegate unable to attend a meeting shall exercise all rights of that delegate.

11. PRESIDENT OR CHAIRMAN TO PRESIDE

11.1 The Chairman or President shall preside at all meetings of the Zone but in absence of the President or Chairman, the Deputy President or Deputy Chair shall preside.

11.1.1 In the absence of the President or Chairman and the Deputy President or Deputy Chairman, the Zone shall choose by resolution a delegate present to preside at the meeting.

12. DEBATE PROCEDURES

12.1 A delegate moving a substantive motion may speak for –
(a) 10 minutes in his or her opening address; and
(b) 5 minutes in exercising the right to reply.

12.2 Other speeches for or against motions are to be limited to 5 minutes.

12.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.

12.4 As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

12.5 No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.

12.6 The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.

12.7 When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.

12.8 No more then two delegates shall speak in succession on one side, either for or against the question before the Zone, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment shall at once be put to the Zone.

12.9 Notwithstanding clause 12.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put. Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.

12.10 At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the Conference, after the mover has replied.

13. QUESTIONS

Any delegate seeking to ask a question at any meeting of the Zone shall direct the question to the President or Chairman.

14. DELEGATES TO ADDRESS THE PRESIDENT OR CHAIRMAN

A delegate moving or seconding a motion or amendment or taking part in a discussion thereon shall address the President or Chairman.

15. POINT OF ORDER

A delegate who is addressing the President or Chairman shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard

and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.

16. MOTION - SUBSTANCE TO BE STATED

A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President or Chairman, shall put the motion or amendment in writing.

17. PRIORITY OF SPEAKERS

If two or more delegates wish to speak at the same time the President or Chairman shall decide who is entitled to priority.

18. PRESIDENT OR CHAIRMAN TO BE HEARD

Whenever the President or Chairman signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President or Chairman may be heard without interruption.

19. PRESIDENT OR CHAIRMAN MAY CALL TO ORDER

The President or Chairman shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.

20. RULING BY PRESIDENT OR CHAIRMAN

The President or Chairman shall decide all questions of order or practice, whose decision shall be final and be accepted by the Zone without argument or comment unless in any particular case the Zone resolves that a different ruling shall be substituted for the ruling given by the President or Chairman. Discussions shall be permitted on any such motion.

21. LIMITATION OF SPEECHES

21.1 A delegate shall not speak upon any motion or amendment or in reply for a longer period than five (5) minutes without consent of the Zone which shall be signified without debate.

21.2 No delegate shall speak more than once on any motion unless in exercising a right to speak in closing the debate on a motion which the delegate has moved.

22. RESOLUTIONS

22.1 Except as otherwise provided in these Standing Orders, all motions concerning the affairs of the Zone shall be passed by a simple majority.

22.2 Any matter considered by the Zone at a Special Meeting shall not be passed unless having received an absolute majority.

23. NO DISCUSSION

Where there is no discussion on a motion, the President or Chairman may deem the motion to be passed unless the meeting resolves otherwise.

24. PERMISSIBLE MOTIONS DURING DEBATE

24.1 When a motion is under debate, no further motion shall be moved except the following:

(a) that the motion be amended;
(b) that the meeting be adjourned;
(c) that the debate be adjourned;
(d) that the question be now put;
(e) that the meeting proceed with the next business;
(f) that the meeting sits behind closed doors.

24.2 Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate may move without notice any one of the motions listed in clause 23.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.

24.3 When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President or Chairman shall then call for further speakers.

25. METHOD OF TAKING VOTES

The President or Chairman shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.

26. DIVISION

The result of voting openly is determined on the voices or by a show of hands and, immediately upon a vote being taken, a delegate may call for a division.

27. WITHDRAWAL OF MOTION

A motion or amendment may be withdrawn by the mover, with the consent of the meeting, which shall be signified without debate. No delegate may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

28. ALL DELEGATES TO VOTE

28.1 At meetings of the Zone, a delegate present at the meeting when a question is put shall vote on the question.

28.2 Each delegate shall be entitled to exercise one deliberative vote on any matter considered by the Zone.

28.3 The President or Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the President or Chairman shall exercise a second vote.

28.4 Where the Deputy President or Deputy Chairman is required to preside at a meeting, the Deputy President or Deputy Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the Deputy President or Deputy Chairman shall exercise a second vote.

28.5 In the absence of the President or Chairman and Deputy President or Chairman, the delegate chosen by resolution to preside over the meeting shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the presiding delegate shall exercise a second vote.

29. RESCISSION OF RESOLUTION

29.1 At the same meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Zone may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all the delegates who were present at the time the original resolution was passed are present in their seats when the rescission or alteration is proposed.

29.2 At a Future Meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Zone may rescind or alter a resolution made at an earlier meeting:

(a) by simple majority, where the delegate intending to move the motion has, through the Zone Secretary, given written notice of the intended motion to each of the other delegates at least seven (7) days before the meeting; or
(b) by absolute majority, in any other case.

30. SUSPENSION OF STANDING ORDERS

30.1 In cases of urgent necessity or whilst the Zone is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.

30.2 Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.

31. NO ADVERSE REFLECTION ON ZONE

A delegate of the Zone shall not reflect adversely upon a resolution of the Zone, except on a motion that the resolution be rescinded.

32. NO ADVERSE REFLECTION ON DELEGATE

A delegate of the Zone shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Zone resolves, without debate, that the question then before the Zone cannot otherwise be adequately considered.

33. MINUTES

Minutes of meetings shall be permanently recorded and copies supplied to all delegates.

34. CONFIRMATION OF MINUTES

The minutes of any preceding meeting, whether ordinary or special, not previously confirmed shall be submitted at the next Ordinary Meeting of the Zone and no discussion thereon shall be permitted except as to their accuracy as a record of the proceedings.

35. GENERAL BUSINESS

A delegate may under general business introduce a motion relating to any item of interest to Local Government, but not otherwise.

36. AMENDMENTS

These Standing Orders may be altered, added to or repealed subject to a resolution passed by not less than 75% of delegates present at a meeting of the Zone. Copies of proposed alterations, additions or amendments shall be forwarded to all delegates by the Zone Secretary prior to the meeting.

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- Robyne Webster – Daly Waters Pub
- Pauline Royes – Etheridge Shire Councillor
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SW Newsletter promotion	One article	Two articles	Three articles	Four articles
Grant Project sourcing				✓
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Media Famil & Geocache Site Priority			✓	✓
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Lobbying and Advocacy		✓	✓	✓
$50 Discount on ATDW listing	✓	✓	✓	✓
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Friends of Savannah Guides M'ship & Guide Training School discounts	✓	✓	✓	✓
Membership Certificate	✓	✓	✓	✓
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13. REPORTS

13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

13.2 INFRASTRUCTURE

13.2.1 Wet Season Road Closures

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	RD.09.11
DECLARATION OF INTERESTS:	Nil

PURPOSE

To authorise the Chief Executive Officer to close unsealed Shire roads as required for operational (maintenance) reasons over the wet season.

BACKGROUND

In relation to this matter, Council at its ordinary meeting on 16 December 2014 resolved;

COUNCIL DECISION

Minute No. 10703

Moved: Cr K Wright
Seconded: Cr B Robinson

1) Kalumburu Road, Port Warrender Road (including Mitchell Plateau/Falls) and Mt Elizabeth Road be closed from mid December 2014 and reopen late April 2014, at the discretion of the CEO and weather permitting.
3) Closed Road Usage Permits can be issued by the Shire in absolutely necessary circumstances, with at least three full business days' notice prior to planned road use.

Carried unanimously 8/0

and,

COUNCIL DECISION

Minute No. 10704

Moved: Cr K Wright
Seconded: Cr B Robinson

That Delegation number CD/GOV 6104 not be amended by altering the last paragraph to read "*Any proposal to close a thoroughfare for any period exceeding 6 months must be referred to Council for determination.*"

Carried 5/3
For: Cr K Wright, Cr B Robinson, Cr G King, Cr D Spackman, Cr R Dessert
Against: Cr D Learbuch, Cr J Moulden, Cr G Taylor

STATUTORY IMPLICATIONS

The Shire has the authority to close roads under the *Local Government Act 1995* – Cl 3.50, Cl 3.50A, Cl 3.51 and Cl 5.42 and also under the *Road Traffic Act 1974* - Cl 92.

The CEO has authority to close roads for up to three months under delegated authority. A Council decision is required for road closure periods in excess of three months.

POLICY IMPLICATIONS

There are no policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no policy implications in relation to 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

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 ENGAGEMENT

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

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

- A fortnightly advertisement will be placed in the Kimberley Echo commencing from 18 December 2015;
- Advertising on Facebook;
- Public notice;
- Media release in accordance with the *Local Government Act 1995* – Cl 3.50 and Cl 5.51; and
- Prior written notice will be provided to all owners of land affected by these closures in accordance with the *Local Government Act 1995* – Cl 3.50 and Cl 3.51.

COMMENT

In the past, the Shire has closed certain roads to the public during the wet season to preserve the integrity of the road and for the safety of the public who could become bogged on an isolated piece of road. It is planned to close unsealed roads to the general public from November or December and reopen them between about February to April as and when required according to road condition and weather conditions. The decision to close any road or section of road will be based on the Shire's assessment of the likely damage that may be caused to the road by public use.

In Many cases, local residents are familiar with care of the road and will be provided with a conditional exemption to use the road based on an understanding of care for the road. The requirements associated with this exemption will be explained in detail to applicants in writing with the necessary written notification of the road closure.

Closed Road Usage Permits may be issued to the general public by the Shire in circumstances of absolute necessary, with at least three full business days' notice prior to any planned travel and conditional upon actual road conditions at the time of travel.

The CEO has authority to close roads for up to three months under current delegated authority. A Council decision is required for road closure periods in excess of three months. The wet season at Kalumburu can begin in mid to late November and end March or April which is a period of up to five months. The current delegated authority limits the CEO's ability to manage the closure of roads to three months. The recommendation proposed provides authority for the CEO to manage the road system and close roads where necessary for a time period of up to six months.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to close unsealed roads to the general public during the wet season as and when required according to road conditions and weather conditions.

COUNCIL DECISION

Minute No. 11064

Moved: Cr B Robinson
Seconded: Cr G King

That Council authorise the Chief Executive Officer to close unsealed roads to the general public during the wet season as and when required according to road conditions and weather conditions.

Carried Unanimously 8/0

13.2.2 Appointment of Bush Fire Control Officers

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	All Shire
AUTHOR:	Paul Wilson Senior Ranger & Emergency Services Coordinator.
REPORTING OFFICER:	David Klye Director Infrastructure Services
FILE NO:	ES.01.1
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider the appointment of Rob Gianni Dario, Ranger, Shire of Wyndham East Kimberley as a Bushfire Control Officer.

BACKGROUND

The Shire's previous incumbent resigned his position Ranger on the 11th June 2015 leaving a position of Bushfire Control Officer vacant.

The Bush Fires Act 1954 empowers Local Governments to appoint Bush Fire Control Officers. This position is required to effectively carry out the Shire's obligations pursuant the Act.

STATUTORY IMPLICATIONS

The recommendation of this report has been prepared in accordance with *The Bush Fires Act 1954.*

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

(2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.

(2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.

(3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.

(4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —

(a) carrying out normal brigade activities;

[(b), (c) deleted]

(d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
(e) procuring the due observance by all persons of the provisions of Part III.

(5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

(5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.

(5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

(6) In this section —
***approved local government** means a local government approved under subsection (7)by the FES Commissioner.*

(7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —

(a) may approve the local government as one to which subsections (6) to (18)

(b) may from time to time cancel or vary any previous approval given under this subsection.

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).

(10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer

appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to

(12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.

(14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).

(15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.

(16) The provisions of subsections (6) to (18) are not in derogation of those of any other

(17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "catastrophic", "extreme", "severe" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

(18) Subsections (6) to (18) do not authorise the burning of bush —

(a) during the prohibited timer' or

(b) during the period in which, and in the area of the State in respect of which,a total fire ban is declared under section 22a to have effect.

POLICY IMPLICATIONS

There are no policy implications associated with this report

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

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

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

COMMUNITY ENGAGEMENT

Pursuant section 38(2)(a) of the *Bush Fires Act 1954;*

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Following appointment, should that occur, it is proposed to place public notices in the Kimberley Echo and the Bastion newspapers and that a notice be posted on the Shire website with an updated contact list.

COMMENT

The previous Bushfire Control Officer resigned his position as a Bushfire Control Officer on the 11th June 2015, leaving a position of Bushfire Control Officer vacant. Mr Dario commenced his employment with the Shire on the 10th August 2015.

From an operational perspective, it is considered necessary to appoint Mr Dario as a Bushfire Control Officer to provide continuous provision of service.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council appoint Rob Gianni Dario, Ranger, as a Bushfire Control Officer under Section 38 of the *Bush Fires Act 1954*.

COUNCIL DECISION

Minute No. 11065

Moved: Cr K Wright
Seconded: Cr S Cook

That Council appoint Rob Gianni Dario, Ranger, as a Bushfire Control Officer under Section 38 of the *Bush Fires Act 1954*.

Carried Unanimously 8/0

13.2.3 Policy Review – E13 Cattle Grids Located on Public Road Network

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Mark Davidson, Manager Engineering Services
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a review of is policy E13 Cattle Grids located on the Shire of Wyndham East Kimberley public road network (Attachment 2), re-named CP/OPS 3652 Cattle Grid Policy (Attachment 1).

BACKGROUND

At its 18 September 2007 meeting, Council adopted a revised Policy E13 – Cattle Grids;

COUNCIL DECISION

Minute No. 7867

Moved: Cr K. Wright
Seconded: Cr M. Middap

That Council adopts the revised Cattle Grid Policy E13 as per Attachment 1.

Carried unanimously 6/0

The Attachment 1 referred to in the decision is attached to this report at Attachment 2 - E13 Cattle Grids Located on Public Road Network .

STATUTORY IMPLICATIONS

The *Local Government Act 1995 Section 3.1* and the *Main Roads Act 1930* Section 24 applies to this item.

POLICY IMPLICATIONS

The policy relieves the Shire of the maintenance burden of Cattle Grids on Shire roads.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised policy.

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 2.3.2: Plan, design and budget for sustainable infrastructure

This policy aligns fully with the State Government's Integrated Planning and Reporting Framework.

This report aligns with Council's focus on Infrastructure, Key Result Area 1, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

- Sustainable asset management for infrastructure under the Shire's control

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENT

This review of the Council's policy E13 Cattle Grids located on the Shire of Wyndham East Kimberley public road network is to be re-named, CP/OPS 3652 Cattle Grids includes only minor changes to the strategic policy position.

The re-drafted policy addresses only policy and strategic matters, specific technical detail and information of an operational nature will be contained in a separate operational document that is currently being developed.

Under the draft policy the cost of maintaining Cattle Grids will continue to be borne by the Shire.

The policy has also been re formatted to conform with the new standard format for Council policies. The current policy is attached as Attachment 2 - E13 Cattle Grids Located on Public Road Network. The proposed new policy is attached as Attachment 1 - CP-OPS 3652 - Cattle Grids.

ATTACHMENTS

Attachment 1 – Draft CP-OPS 3652 – Cattle Grids
Attachment 2 – E13 Cattle Grids Located on Public Road Network

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Rescinds, policy E13 Cattle Grids Located on public road network,
2. Adopts draft policy CP-OPS 3652 – Cattle Grids, as per Attachment 1.

MOTION

Cr B Robinson moves that Council:

1. Rescinds, policy E13 Cattle Grids Located on public road network,
2. Adopts draft policy CP-OPS 3652 – Cattle Grids, as per Attachment 1 with the following amendments to the policy:
    - Point 9. Cattle Grids on Shire roads shall be maintained by the Shire to Shire standards.
    - Point 10. The cost of maintenance for all Cattle Grids on Shire roads shall be shared equally between the Shire and Pastoral Lessees. The Shire shall invoice Pastoral Lessees for their share of the costs associated with Cattle Grids maintenance.
    - Points 10 and 11 of the Draft CP/OPS 3652 Cattle Grids Policy shall be re-numbered to suit.

COUNCIL DECISION

Minute No. 11066

Moved: Cr B Robinson
Seconded: Cr G Taylor

That Council:

1. **Rescinds, policy E13 Cattle Grids Located on public road network,**
2. **Adopts draft policy CP-OPS 3652 – Cattle Grids, as per Attachment 1 with the following amendments to the policy:**
    - **Point 9. Cattle Grids on Shire roads shall be maintained by the Shire to Shire standards.**
    - **Point 10. The cost of maintenance for all Cattle Grids on Shire roads shall be shared equally between the Shire and Pastoral Lessees. The Shire shall invoice Pastoral Lessees for their share of the costs associated with Cattle Grids maintenance.**
    - **Points 10 and 11 of the Draft CP/OPS 3652 Cattle Grids Policy shall be re-numbered to suit.**

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**Draft CP/OPS 3652**	
POLICY	**Cattle Grids**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 18 September 2007	Resolution No: 7867
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: August 2018	
LEGISLATION	*Local Government Act 1995 Section 3.1* *Main Roads Act 1930* Section 24	
RELATED POLICIES	Nil	
RELATED ORGANISATIONAL DIRECTIVES	**AP/OPS 4641 Cattle Grids**	

PURPOSE:

This policy provides guidelines for the standards and responsibility for the installation and maintenance of cattle grids located on public roads.

DEFINITIONS:

Cattle Grids means a structure placed within the road comprising steel grids finished flush with the road pavement, and having the grid bearers spaced so as to impair the crossing of stock past that point.

Interested Parties Refers to those persons gaining direct benefit from the provision of the cattle grid, and listed on the maintenance agreement as an interested party

POLICY STATEMENTS:

1. Cattle Grids exist on the Shire's road network and present a safety risk to road users if not properly constructed or maintained.

2. Cattle Grids, may be installed on rural public roads at cost to landowners as an alternative to erecting fencing to that land adjoining the road boundary.

3. As a road authority, the Shire may grant permission for construction of Cattle Grids on its public roads. (The Shire does not have jurisdiction to approve Cattle Grids on main roads for which it is not responsible. These requests should be forwarded to the appropriate authority.)

4. The cost of construction of Cattle Grids on Shire roads shall be borne by the applicant.

5. Where a Cattle Grid is located on the boundary between pastoral properties, each of the interested parties will be responsible for 50% of the cost of construction and maintenance of the grid the road approaches 6 metres either side of the grid.

6. Prior to construction or maintenance of any infrastructure on a road of which the Shire is the road authority, an application must be lodged with the Shire in the approved format for approval. A fee will be charged to the applicant for the assessment of the application and inspections of the construction or maintenance activity in accordance with the current the Shire's Schedule of Fees and Charges.

7. Cattle Grids shall be constructed in accordance with Main Roads WA standards and must be capable of withstanding the mass limit applicable to the effected road.

8. A number of companies manufacture prefabricated grid units. The Shire will consider alternatives upon submission.

9. The cost of maintenance of Cattle Grids on Shire roads shall be borne by the Shire.

10. It is a condition of approval the if a Cattle Grid or the fences attached to the Cattle Grid are not maintained to a cattle proof condition to the satisfaction of the Shire, the Shire may at its entire discretion take ownership of the Cattle Grid and that part of the fences on the road formation, or within the road reserve, and remove both the fences and the Cattle Grid

11. If in the Shire Administration's opinion, the construction of the cattle grid has resulted in damage to any of the Shire's assets such as the roadway surface or pavement, kerb, footpath, verges, signage, vegetation or the like, the Shire Administration may order the applicant to effect repairs. If the interested parties fails to repair the damage within the time stipulated by the notice, the Shire may do so and all costs, including administrative costs and administrative on costs will be payable by the applicant.

EXPLANATORY NOTES:

Fees and Charges for cattle grids shall be in accordance with the adopted Schedule of Fees and Charges for the current financial year.

APPLICATION/S:

This policy applies to the construction of cattle grids on all Shire road reserves.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.
Controls:
1. Current budget and service levels.
2. Develop agreed standards of service and communicate with the community

Risk: Lack of maintenance and renewal of infrastructure resulting in inadequate level of service.
Control:
1. Education of Council and organisation in asset management principles.
2. Funding submissions

Shire of Wyndham East Kimberley
Council Policy
E13

POLICY No:	**E13**
DIVISION:	**Engineering**
SUBJECT:	**Cattle Grids located on (the Shire of Wyndham East Kimberley) Public Road Network**
REPORTING OFFICER:	**Executive Manager Engineering and Development Services**
ENABLING LEGISLATION:	**Local Government Act 1995**

OBJECTIVE
To outline the standards and responsibility for the installation and maintenance of cattle grids located on public roads (as listed on the Shire of Wyndham East Kimberley Road Inventory).

POLICY
1. Construction Standard Cattle grids located on public roads will be constructed to the following standard:

Minimum Width:	• Tourist Access Roads	4.5 metres (single lane)
	• All other roads	9.0 metres
Minimum Length:	All roads	2.0 metres
Typical clear opening between bars:	125mm	
Engineering standard:	Capable of triple road train stock trucks	
Clearance Markers:	900mm x 450mm	Mounted on wing frames
Advisory Signs:	750mm x 750mm	Located 75 - 100 metres from Grid
Drainage:	The floor of the grid channel is to be 100mm above the adjoining ground level	
Approach Ramp	Maximum gradient to be 1:40	

Gradient:		
Aprons:	2.5 metre long concrete, or 15 metre long bitumen seal apron	
Grid Panel connection	The grid panels are to be constructed as lift out sections weighing less than 1.5 tonne each, bolted to the grid channel	

2. Responsibility for Installation Costs

2.1 Boundary Grids between Pastoral Properties
Where a cattle grid is located on the boundary between pastoral properties, the Shire of Wyndham East Kimberley will be responsible for the cost of installation and maintenance of the grid.

2.2 Internal Grids
All existing internal grids installed prior to (adoption date of policy) will be deemed to have complied with the requirements of this policy except where structural adequacy may be inadequate. The Shire of Wyndham East Kimberley will be responsible for the progressive upgrading of any grid deemed by the Shire of Wyndham East Kimberley to be below the minimum structural standard.

Where a pastoral owner/station manager intends to install a new grid, it will be the responsibility of that person to advise the Shire of Wyndham East Kimberley of the proposed grid. Following site investigation and issue of approval by the Shire of Wyndham East Kimberley, installation will be required to meet the construction standard as detailed in this policy and all costs met by the applicant.

Ongoing maintenance will be the responsibility of the Shire of Wyndham East Kimberley.

2.3 Fenced Highways and Main Roads
\Where a pastoral owner/station manager negotiates with Main Roads WA for the provision of fencing of the road reserve, any grids required on intersecting local roads will be the responsibility of the pastoral property and/or Main Roads WA.

3. Removal of Redundant Grids

The function of a cattle grid is primarily to allow the uninterrupted flow of traffic through a fence line whilst controlling stock movement. Where a pastoral owner/station manager does not maintain an internal fence line abutting a grid for a period no less than 6 months, the intended removal of the grid/s is to be made in writing to the pastoral owner/station manager giving a minimum of 60 days notice of the intention to remove the nominated grid/s.

Following the issue of the notice, where the pastoral owner/station manager notifies the Shire that the fence line is to be reinstated within an agreed timeframe, no further action will be taken until the agreed timeframe has elapsed. Where no action

has been taken a further notice will be issued at the end of the agreed timeframe giving 30 days notice of the intention to remove the grid/s following which the grid will be removed and road reinstated.

The cost of removal and associated repairs to the road will be borne by the Shire of Wyndham East Kimberley.

4. Program Timing

The Shire of Wyndham East Kimberley will determine the timing and priority of the maintenance and/or upgrading of grids as outlined in this policy in consideration of all other budgeting priorities on an annual basis.

ADOPTED: 18/09/2007

13.2.4 Policy Review – E2 Crossovers

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a review of its policy E2 Crossovers (Attachment 2), to be re-named CP/OPS -3653 – Vehicle Crossover Subsidy (Attachment 1).

BACKGROUND

At its 28 July 2004 meeting Council adopted a policy titled E2 Crossovers;

COUNCIL DECISION

MINUTE NO 6795

Moved Cr K Wright / J Nelson

That Council:

1. ***Repeal all current Engineering policies in their entirety.***
2. ***Endorse the modified Engineering policies as attached.***

CARRIED UNANIMOUSLY (7-0)

A copy of the E2 Crossovers policy is attached to this report as Attachment 2- E2 Crossovers.

STATUTORY IMPLICATIONS

Local Government Act 1996 Section 5.56 and *Local Government (Uniform Local Provisions) Regulations 1996* Sections 15(1) and 15(2) apply to this item.

POLICY IMPLICATIONS

The proposal clearly establishes Council's policy in relation to the crossover subsidy and the acceptable standard of construction.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised policy. The revised policy does however formalise the Shire's obligations to contribute to the construction of crossovers under the *Local Government (Uniform Local Provisions) Regulations.*

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 2.3.2: Plan, design and budget for sustainable infrastructure

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENT

Policy E2 Crossovers (Attachment 2 - E2 Crossovers) is essentially a brief crossover construction specification. Council policy should not contain technical and operational specifications. This information and information of an operational nature will be contained in a separate operational document that is currently being developed.

A copy of the draft policy is attached as Attachment 1 – CP/OPS -3653 – Vehicle Crossover Subsidy. The re-drafted policy addresses only policy and strategic matters. The proposed policy differs to the previous policy in that it specifies how the Shire will manage the construction of crossovers and how it will apply the crossover subsidy provisions of the *Local Government (Uniform Local Provisions) Regulations 1996*. The draft policy refers to a comprehensive crossover specification for the construction of crossovers.

The policy has also been re-formatted to conform with the new standard format for Council policies.

ATTACHMENTS

Attachment 1 - Draft CP/OPS -3653 Vehicle Crossover Subsidy
Attachment 2 – E2 Crossovers

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Rescinds, policy E2 Crossovers,
2. Adopts draft policy draft policy CP/OPS -3653 Vehicle Crossover Subsidy as per Attachment 1**.**

COUNCIL DECISION

Minute No. 11067

Moved: Cr B Robinson
Seconded: Cr D Learbuch

1. **Rescinds, policy E2 Crossovers,**
2. **Adopts draft policy draft policy CP/OPS -3653 Vehicle Crossover Subsidy as per Attachment 1.**

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**Draft CP/OPS - 3653**	
POLICY	**Vehicle Crossover Subsidy**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 28 July 2004	Resolution No: 6795
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	August 2018	
LEGISLATION	*Local Government Act 1995*, Section 3.1 *Local Government (Uniform Local Provisions) Regulations 1996* Sections 15(1) and 15(2)	
RELATED POLICIES	Nil	
RELATED ORGANISATIONAL DIRECTIVES	**AP/OPS-4642 Vehicle Crossover Specification**	

PURPOSE:

This policy provides guidelines on the requirements for eligibility of an application for a Shire subsidy for the construction of crossovers.

DEFINITIONS:

Crossover means a vehicular carriageway constructed between a road formation and the front boundary of a property.

Crossover Subsidy is an amount determined by Council in accordance with *Local Government (Uniform Local Provisions) Regulations 1996 Sections 15(1) and 15(2).* The crossover subsidy is payable to property owners for the satisfactory completion of a crossover in accordance with this policy.

POLICY STATEMENTS:

1. The first Crossover only constructed between a carriageway and a front property boundary only may be eligible for a Shire crossover subsidy.

2. The subsidy payable for a crossover shall be to the value determined by Council in accordance with *Local Government (Uniform Local Provisions) Regulations 1996 Sections 15(1) and 15(2)* and as published in the Shire's Schedule of Fees.

3. Applications for the subsidy will be considered following submission to Shire Administration of a completed application on the 'Application Form – Crossover Subsidy'.

4. Applications will be considered by Shire administration and maybe accepted, accepted

with conditions, amended or refused. Following determination applicants will be advised accordingly.

5. To be eligible for a crossover subsidy the crossover must be constructed in accordance with Council's current crossover construction specification or to a standard which in the opinion of the Chief Executive Officer is superior to that standard.

6. The subsidy does not apply to repairs, maintenance or reconstruction of existing crossovers.

7. A single new crossover to private properties is eligible for a Shire subsidy subject to the proponent gaining prior written approval. One Crossover Subsidy is available per property title.

8. A single (or one one-way in or one one-way out) new crossover to commercial properties is eligible for a Shire subsidy subject to the proponent gaining prior written approval. One Crossover subsidy is available per property title.

9. If in the Shire's opinion, the construction of the crossover has resulted in damage to any of the Shire's assets such as the roadway surface or pavement, kerb, footpath, verges, signage, vegetation or the like, the Shire may order the applicant to effect repairs. If the applicant fails to repair the damage within the time stipulated by the notice, The Shire may do so and all costs, including administrative costs and administrative on costs will be payable by the applicant and maybe deducted from any subsidy.

10. Should the crossover be required to traverse a drain, the applicant shall install a culvert as specified on the approval.

11. In order to be eligible for the subsidy the crossover works shall be inspected and approved in writing by the Shire. The minimum inspections required are;

    1) immediately prior to pouring concrete, and
    2) following completion of the works.

    The cost of the first each of these two inspections only is met by the Shire. If additional inspections are required because the works failed to meet the specifications, these will be at cost to the applicant in accordance with Council's Schedule of Fees and Charges.

12. The Shire shall be given not less than 24 hours prior notice of the time for which inspections are requested. The request must be directed to the officer nominated on the approval. Inspections will normally be limited to the Shire's ordinary business hours.

EXPLANATORY NOTES:

The crossover subsidy is intended to be an equitable subsidy available as a once only offer to each property title to encourage the construction of suitable crossovers.

Fees and Charges for crossovers shall be in accordance with the adopted Schedule of Fees and Charges for the current financial year.

APPLICATION/S:

This policy applies all private property titles within the Shire of Wyndham East Kimberley

that have not previously received a crossover subsidy.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation or financial loss.
Control: Review policies and procedures in accordance with review schedule.

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

1. Current budget and service levels.
2. Develop agreed standards of service and communicate with the community

POLICY No:	**E2**
DIVISION:	**Engineering**
SUBJECT:	**Crossovers**
REPORTING OFFICER:	**Executive Manager Engineering and Development Services**
ENABLING LEGISLATION:	**Local Government Act 1995 Schedule 9.1 Clause 7. Local Government (Uniform Local Provisions) Regulations 1996 - Regulations 12 to 16**

OBJECTIVE:

To provide landowners with adequate access to their property.

POLICY:

1. CROSSOVER CONSTRUCTION

The following standards set by Council are to be used for future Council work and for developers wishing to subdivide and develop land.

Standards:

Residential	**Maximum Number**	**Council Contribution**
3m Wide Concrete Minimum 6m Wide Concrete Maximum	2 Total Width 10m	50% of the cost of a standard 3m Concrete Crossover for the first crossover only.
Rural:		
8m wide 300mm Diameter steel pipe minimum or wider if required.	No Limit	Nil (Cost to Developer)

2. CROSSOVER MAINTENANCE

The repair, maintenance and replacement of crossovers shall be the responsibility of the adjoining landowner served by the crossover.

ADOPTED: 20 July 2004
REVIEWED:
AMENDED:

Cr J Moulden declares a financial interest in this item (live at Crossing Falls which has a strategic community firebreak) and leaves the Chambers at 5.59pm.

The CEO advises that as the Shire President has left the Chambers and there is no Deputy present, a Presiding Member is to be endorsed by Counicl for this item.

Cr B Robinson nominates Cr S Cooke, seconded Cr G Taylor.

Cr D Spackman nominates Cr K Wright, seconded Cr G King.

Cr K Wright withdraws his nomination.

Cr S Cooke accepts the nomination and is declared the Presiding Member for this item.

13.2.5 Revised Policy, FC2-Fire Breaks

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Paul Wilson, Senior Ranger & Emergency Services Coordinator
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	ES.03.1 / CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a review of its FC2 Fire Break Order (Attachment 2 – Current Order FC2 Fire Break Order), re-named as a policy CP/REM 3620 Fire Breaks (Attachment 1 - Draft Order CP/REM 3620 Firebreak Order).

BACKGROUND

At its 13 May 2003 meeting Council adopted a revised policy FC2 -.Firebreak Order;

COUNCIL DECISION

Minute No. 6298

Moved: Cr Wright
Seconded: Cr Barnes

That Council amend its Policy FC2 – Firebreak Order as it follows:

1. Amend Clause 2 a) to read:

"Not less than six metres wide and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings".

2. Amend Clause 2 a) to read:

"Firebreaks are required to be a distance of not less than six metres wide and within three metres of building and/or haystacks of groups of buildings".

3. Amend Clause 3 b) to read:

"Where the land is greater than 2000m2, a firebreak of not less than six meters in width immediately surrounding any buildings, or not less than three metres in width inside and along the whole of the external boundaries of the land is required".

4. Amend Clause 4 b) to read:

"Not less than six metres wide and within three metres of the perimeter of all buildings and/or haystacks or group of buildings".

5. Amend Clause 6 to read:

"Remove all flammable material 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 15 metres outside the permitter of any drum, ramp or stack of drums".

Carried unanimously 9/0

STATUTORY IMPLICATIONS

Bush Fires Act 1954 Section 33 applies to this matter.

POLICY IMPLICATIONS

The policy binds the Shire to key commitments in the containment of wildfire and to the allocation of resources to implement fire suppression.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised order (policy).

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 ENGAGEMENT

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

No community engagement is required.

COMMENT

This review of the Council's policy position, FC2 Firebreak Order, is largely a minor re-wording of some of sections of the order and re formatting to conform with the new standard format for Council's policies. The current order is attached as Attachment 2 - FC2 Fire Break Order. The proposed new policy is attached as Attachment 1 – CP/REM 3620 Fire Breaks.

ATTACHMENTS

Attachment 1 - Draft Policy CP/REM 3620 Fire Breaks
Attachment 2 – Current Order FC2 Fire Break Order
Attachment 3 – Amended Policy

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Rescinds, order FC2 Fire Break Order,
2. Adopts draft order CP/REM 3620 Fire Breaks attached as per Attachment 1.

MOTION

Cr B Robinson moves that Council:

1. Rescinds, order FC2 Fire Break Order,
2. Adopts the amended policy CP/REM 3620 (Attachment 3) with a change to 9.2 in the amended policy to read:

   Properties within a specific area may be exempt from the above requirements if they are within an established fire break area that is maintained by the affected land owner and approved by the Shire.

COUNCIL DECISION

Minute No. 11067

Moved: Cr B Robinson
Seconded: Cr K Wright

That Council:

1. **Rescinds, order FC2 Fire Break Order,**
2. **Adopts the amended policy CP/REM 3620 (Attachment 3) with a change to 9.2 in the amended policy to read:**

   Properties within a specific area may be exempt from the above requirements if they are within an established fire break area that is maintained by the affected land owner and approved by the Shire.

Carried Unanimously 7/0

Reason for the decision differing to the Officer's Recommendation: The Attachment 1 draft policy did not take into consideration the pre approved firebreak orders.

Cr J Moulden enters the Chambers at 6.11pm.

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**CP/REM - 3620**	
POLICY	**Fire Breaks**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20 August 1998	Resolution No: Insert Here
REVIEWED/MODIFIED	Date: 13 May 2003	Resolution No:
	Date: 25 August 2015	Resolution No:
REVIEW DUE	Date: August 2017	
LEGISLATION	*Bush Fires Act 1954 Section 33*	
RELATED POLICIES	N/A	
RELATED ORGANISATIONAL DIRECTIVES	N/A	

PURPOSE:

To ensure that Fire breaks are installed and maintained to enable effective management of the outbreak of Bush Fires.

DEFINITIONS:

Fire break is any natural or constructed discontinuity in a fuel bed that may be used to segregate, stop and control the spread of a wildfire, or to provide a fire control line from which to suppress a fire. All vegetation is removed down to bare mineral earth.

Fire control Line is a natural or constructed barrier, or treated fire edge, used in fire suppression and prescribed burning to limit or prevent the spread of fire.

Fuel Dumps and Depots are an area specifically designated for the storage of fuel, whether or not drums are containing fuel.

Rubbish Site (Prescribed Premises) Class I inert landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial (500 tonnes or more per year)

Rubbish Site (Prescribed Premises) Class II or III putrescible landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial (20 tonnes or more per year)

Rubbish Site (Prescribed Premises) Class IV secure landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.

POLICY STATEMENTS:

1. Deadline for Burning Fire breaks

Pursuant Section 33 *Bush Fires Act 1954* all owners and occupiers of land within the Shire of Wyndham East Kimberley are required to establish fire breaks on or before **1st June each year** in accordance with the following:

2. Ord Irrigation Area:

Being all land within the Ord Irrigation Area, Fire breaks are required to be;

a) Not less than three (3) metres wide inside and along and as close to external boundaries as possible, and

b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings, groups of buildings or haystacks.

NOTE: This requirement need not be met if the property is being worked and provided the irrigation channels are in use.

3. Pastoral Lands:

Being land outside the Town Sites of Wyndham and Kununurra held under Pastoral Lease and not included in sub section 1 above.

a) Fire breaks are to be a distance not less than six (6) metres wide and within three (3) of a building/s and haystacks.

5. Rural Lands

Being land outside the Town Sites and not being land under a Pastoral Lease, this includes Packsaddle Plains, Crossing Falls and River Farm Road subdivisions. Fire breaks are required to be:

a) Not less than three (6) metres wide inside, along and within ten (10) metres of external boundaries, and

b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings or haystacks or group of buildings.

4. Town Site Land:

For land inside the outside Town Sites and not being rural land or land under a Pastoral Lease, Fire breaks are required to be:

a) Where the area is 2000sq metres or less, remove vegetation by clearing or slashing inflammable material form the whole of the land, excluding standing live trees.

b) Where the area of the land is greater than 2000sq metres a fire break not less than six (6) meters 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.

6. Rubbish Sites (Prescribed Premises)

Being all Rubbish Sites for Pastoral Stations that have been registered as a Prescribed Premises. Fire breaks are required to be not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

NOTE: Pursuant Schedule 1 (5B) 63, 64, 65 of the Environmental *Protection Regulations 1987* a "Rubbish Site" must be a Prescribed Premises (refer definitions).

7. Fuel Dumps and Depots:

Remove all flammable material 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) meters outside the perimeter of any drum, ramp or stack of drums.

8. Satisfactory Compliance

The requirements referred to in paragraphs **1.** to **7.** hereof, must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

9. Exemptions

If is considered impracticable for any reason to clear fire breaks or to remove flammable material from the land as required by this notice you may apply to the Council or its duly authorised officer by not later than 1st May each year for permission to provide fire breaks in alternative positions or take alternative action to abate fire hazards on the land.

EXPLANATORY NOTES:

Fire breaks are a form of fuel break, while a fuel break can include several forms of discontinuity such as green strips, a fire break must include a mineral earth strip.

When aligned with fire access roads or tracks, fuel breaks support detection, patrol, prescribed burning, initial attack, and ongoing fire suppression.

A fuel break is part of a strategic network when it is located to enhance the protection of significant assets through the provision of local protection or links across the landscape.

Firebreaks can also provide efficient access for firefighting resources, and the reduction of risks through removal of dangerous trees and the local reduction of fuel.

Firebreaks allow more efficient containment of large bushfires, Fire breaks also significantly reduce the impacts of large bushfires.

RISK:

Risk: Environmental damage and consequential financial liability from poor bushfire management.
Controls:

1. Compliance with Emergency Management Act and Bushfire Control Act
2. Administer through local laws, policies and practices.
3. Bushfire prevention measures undertaken eg firebreaks.

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

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

Risk: Inability to deliver levels of service expected by the community.
Control: Current budget and service levels.

Shire of Wyndham East Kimberley
Council Policy Manual
FC2

POLICY NO:	**FC2**
DIVISION:	**Fire Control**
SUBJECT:	**Fire Break Order**
REPORTING OFFICER:	**Executive Manager Engineering & Development Services**
ENABLING LEGISLATION:	**Bush Fires Act 1954**

OBJECTIVE:

To ensure that fire breaks are installed and maintained to enable effective management of bush fires.

POLICY:

Pursuant to the powers contained in Section 33 of the Bush Fires Act (1954-1998), all owners and or occupiers of land in the Shire of Wyndham-East Kimberley are hereby required, on or before 1st June each year to have firebreaks clear or inflammable material in accordance with the following:

1. **Rural Lands:**

   Being all land within the Ord Irrigation Area, firebreaks are required to be:

   a) Not less than three metres wide inside and along and as close to external boundaries as is possible, and

   b) Not less than six metres wide and within three metres of the perimeter of all buildings and/or haystacks or 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:**

   Being land outside the townsites of Wyndham and Kununurra, held under a Pastoral Lease, and not included in 1) above.

   a) Firebreaks are required to be a distance of not less than six metres wide and within three metres of building and/or haystacks or groups of buildings.

3. Townsite Land:

a) Where the area is 2000sq metres or less, remove by clearing or slashing inflammable material from the whole of the land, save standing live trees.

b) Where the area of the land is greater than 2000sq metres a firebreak of not less than six metres in width, immediately surrounding any buildings or not less than three metres in width inside and along the whole of the external boundaries of the land is required.

4. Rural Lands:

Outside townsites and not being land under a pastoral lease, this includes Packsaddle Plains, Crossing Falls and Riverfarm Road subdivisions. Firebreaks are required to be:

a) Not less than four metres wide inside, along and within ten metres of external boundaries: and

b) Not less than six metres wide and within three metres of the perimeter of all buildings and/or haystacks or group of buildings.

5. Rubbish Sites:

Being all rubbish sites for pastoral stations. Firebreaks are required to be not less than three metres wide and within three metres of the perimeter of the rubbish site.

6. Fuel Dumps and Depots:

Remove flammable material 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 metres outside the perimeter of any drum, ramp or stack of drums.

7. The acts referred to in paragraphs 1) to 6) hereof, must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham-East Kimberley.

8. If is considered impracticable for any reason to clear firebreaks or to remove flammable material from the land as required by this notice you may apply to the Council or its duly authorised officer by not later than 1st May each year for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land.

ADOPTED: 20 August 1998
REVIEWED:
AMENDED: 13 May 2003

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	CP/REM - 3620	
POLICY	Fire Breaks	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20 August 1998	Resolution No: Insert Here
REVIEWED/MODIFIED	Date: 13 May 2003	Resolution No:
	Date: 25 August 2015	Resolution No:
REVIEW DUE	Date: August 2017	
LEGISLATION	*Bush Fires Act 1954 Section 33*	
RELATED POLICIES	N/A	
RELATED ORGANISATIONAL DIRECTIVES	N/A	

PURPOSE:

To ensure that Fire breaks are installed and maintained to enable effective management of the outbreak of Bush Fires.

DEFINITIONS:

Fire break is any natural or constructed discontinuity in a fuel bed that may be used to segregate, stop and control the spread of a wildfire, or to provide a fire control line from which to suppress a fire. All vegetation is removed down to bare mineral earth.

Fire control Line is a natural or constructed barrier, or treated fire edge, used in fire suppression and prescribed burning to limit or prevent the spread of fire.

Fuel Dumps and Depots are an area specifically designated for the storage of fuel, whether or not drums are containing fuel.

Rubbish Site (Prescribed Premises) Class I inert landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial (500 tonnes or more per year)

Rubbish Site (Prescribed Premises) Class II or III putrescible landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial (20 tonnes or more per year)

Rubbish Site (Prescribed Premises) Class IV secure landfill site are premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.

POLICY STATEMENTS:

1. Deadline for Burning Fire breaks

Pursuant Section 33 *Bush Fires Act 1954* all owners and occupiers of land within the Shire of Wyndham East Kimberley are required to establish fire breaks on or before **1st June each year** in accordance with the following:

2. Ord Irrigation Area:

Being all land within the Ord Irrigation Area, Fire breaks are required to be;

a) Not less than three (3) metres wide inside and along and as close to external boundaries as possible, and

b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings, groups of buildings or haystacks.

NOTE: This requirement need not be met if the property is being worked and provided the irrigation channels are in use.

3. Pastoral Lands:

Being land outside the Town Sites of Wyndham and Kununurra held under Pastoral Lease and not included in sub section 1 above.

a) Fire breaks are to be a distance not less than six (6) metres wide and within three (3) of a building/s and haystacks.

5. Rural Lands

Being land outside the Town Sites and not being land under a Pastoral Lease, this includes Packsaddle Plains, Crossing Falls and River Farm Road subdivisions. Fire breaks are required to be:

a) Not less than three (6) metres wide inside, along and within ten (10) metres of external boundaries, and

b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings or haystacks or group of buildings.

4. Town Site Land:

For land inside the outside Town Sites and not being rural land or land under a Pastoral Lease, Fire breaks are required to be:

a) Where the area is 2000sq metres or less, remove vegetation by clearing or slashing inflammable material form the whole of the land, excluding standing live trees.

b) Where the area of the land is greater than 2000sq metres a fire break not less than six (6) meters 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.

6. Rubbish Sites (Prescribed Premises)

Being all Rubbish Sites for Pastoral Stations that have been registered as a Prescribed Premises. Fire breaks are required to be not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

NOTE: Pursuant Schedule 1 (5B) 63, 64, 65 of the Environmental *Protection Regulations 1987* a "Rubbish Site" must be a Prescribed Premises (refer definitions).

7. Fuel Dumps and Depots:

Remove all flammable material 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) meters outside the perimeter of any drum, ramp or stack of drums.

8. Satisfactory Compliance

The requirements referred to in paragraphs **1.** to **7.** hereof, must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

9. Exemptions

9.1 Exemptions for individual properties

If is considered impracticable for any reason to clear fire breaks or to remove flammable material from the land as required by this notice you may apply to the Council or its duly authorised officer by not later than 1st May each year for permission to provide fire breaks in alternative positions or take alternative action to abate fire hazards on the land.

9.2 Exemptions for specific areas

Properties within a specific area may be exempted from the above requirements if they are within an established fire break area that is maintained by the Shire. Should a significant proportion of the residents of a specific area request an area fire break, the Shire will establish and maintain a fire break around the entire area at no direct cost to the property owners.

EXPLANATORY NOTES:

Fire breaks are a form of fuel break, while a fuel break can include several forms of discontinuity such as green strips, a fire break must include a mineral earth strip.

When aligned with fire access roads or tracks, fuel breaks support detection, patrol, prescribed burning, initial attack, and ongoing fire suppression.

A fuel break is part of a strategic network when it is located to enhance the protection of significant assets through the provision of local protection or links across the landscape.

Firebreaks can also provide efficient access for firefighting resources, and the reduction of risks through removal of dangerous trees and the local reduction of fuel.

Firebreaks allow more efficient containment of large bushfires, Fire breaks also significantly reduce the impacts of large bushfires.

RISK:

Risk: Environmental damage and consequential financial liability from poor bushfire management.
Controls:

1. Compliance with Emergency Management Act and Bushfire Control Act
2. Administer through local laws, policies and practices.
3. Bushfire prevention measures undertaken eg firebreaks.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.
Control: Current budget and service levels.

13.2.6 Policy Review, FC1 Plant Mobilisation in an Emergency

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Paul Wilson, Senior Ranger & Emergency Services Coordinator
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	ES.03.1 / CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a review of its policy FC1 Plant Mobilisation in Emergency (Attachment 2), re-named, CP/REM 3621 Plant Mobilisation in Emergency (Attachment 1).

BACKGROUND

The current policy states an adoption date of 17 July 1997, however, Shire staff were unable to locate the Council Resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 6.8(1) (C)

POLICY IMPLICATIONS

The policy binds the Shire to key commitments in the timely mobilisation of plant in the event of emergency.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised policy.

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

This report aligns with Council's focus on Infrastructure, Key Result Area 1, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

- Effective Emergency Management strategies and partnerships

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENT

There is no change to the policy position as a result of the review of Council's policy, FC1 Plant Mobilisation of Plant in Emergency, the is basically a re formatting of the policy to conform to the new standard format for Council's policies. The current policy is attached as Attachment 2 – FC1 Plant Mobilisation of Plant in Emergency. The draft policy is attached as Attachment 1 – CP/REM -3621 Plant Mobilisation of Plant in Emergency.

ATTACHMENTS

Attachment 1 – CP/REM -3621 Plant Mobilisation of Plant in Emergency
Attachment 2 – FC1 Plant Mobilisation of Plant in Emergency

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Rescinds, policy FC1 Plant Mobilisation of Plant in Emergency,
2. Adopts draft policy CP/REM -3621 Plant Mobilisation of Plant in Emergency attached as per Attachment 1.

COUNCIL DECISION

Minute No. 11068

Moved: Cr D Learbuch
Seconded: Cr B Robinson

That Council;

1. **Rescinds, policy FC1 Plant Mobilisation of Plant in Emergency,**
2. **Adopts draft policy CP/REM -3621 Plant Mobilisation of Plant in Emergency attached as per Attachment 1.**

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**CP/REM 3621**	
POLICY	**Plant Mobilisation in Emergency**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 17 July 1997	Resolution No: Insert Here
REVIEWED/MODIFIED	Date:	Resolution No:
	Date: 4th August 2015	Resolution No:
REVIEW DUE	Date: 4th August 2017	
LEGISLATION	*Local Government Act 6.8(1) (c)*	
RELATED POLICIES	N/A	
RELATED ORGANISATIONAL DIRECTIVES	N/A	

PURPOSE:

To ensure Council supplies a timely mobilisation of Plant and equipment in the event of an emergency.

DEFINITIONS:

Emergency - an unforseen circumstance, often dangerous, requiring immediate action.

POLICY STATEMENTS:

In addition to the authority conferred to the Shire President by Section 6.8(1)(c) Local Government Act 1995, in the event of an emergency the Chief Executive Officer is authorised to incur expenditure not included in an annual budget from the municipal fund.

EXPLANATORY NOTES:

Emergency situations within the Shire of Wyndham East Kimberley can arise in a number of circumstances.

In the event of an emergency situation, the safety and wellbeing of the community is paramount and as such the Shire wishes to facilitate a timely response from the organisation.

Rapid deployment of Shire resources including staff, plant and equipment will reduce the impact of emergency events.

RISK:

Risk: Environmental damage and consequential financial liability from poor bushfire management.

Controls:

1. Compliance with Emergency Management Act and Bushfire Control Act
2. Administer through local laws, policies and practices.
3. Bushfire prevention measures undertaken eg firebreaks.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.
Control: Current budget and service levels.

Shire of Wyndham East Kimberley
Council Policy Manual
FC1

POLICY NO:	**FC1**
DIVISION:	**Fire Control**
SUBJECT:	**Plant Mobilisation in Emergency**
REPORTING OFFICER:	**Executive Manager Engineering & Development Services**
ENABLING LEGISLATION:	

OBJECTIVE:

Rapid deployment of plant and equipment in structures where life and property are put at risk.

POLICY:

Chief Executive Officer and Chief Bush Fire Control Officer authorised to mobilise plant and equipment in emergency situations when life and property are at risk.

ADOPTED: 17 July 1997
REVIEWED:
AMENDED:

13.2.7 Policy Review – E11 – Roadside Memorials

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a review of E11 Roadside Memorials (Attachment 2), re-named CP/OPS 3654 Roadside Memorials (Attachment 1).

BACKGROUND

Council initially adopted E11 – Roadside Memorials at its December meeting in 2005.

At its 20 January 2009 meeting Council re-adopted Policy E11-Roadside Memorials;

COUNCIL DECISION

Minute No. 8529

Moved: Cr D Ausburn
Seconded: Cr K Torres

That Council re-adopt of Policy E11- Roadside Memorials.

Carried unanimously 8/0

The policy as adopted is attached as Attachment 2 - E11 Roadside Memorials.

STATUTORY IMPLICATIONS

The *Local Government Act 1995 Section 3.1* and the *Main Roads Act 1930* Section 24 applies to this item.

POLICY IMPLICATIONS

The policy binds the Shire to key commitments in managing the effects of road trauma by providing guidance in relation to the placement and management of roadside memorials within its road reserves.

FINANCIAL IMPLICATIONS

The Shire will continue to be responsible for the costs associated with the supply, and installation of road side memorials as a result of adoption of this policy.

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 ENGAGEMENT

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

No community engagement is required

COMMENT

This review of Council's Roadside Memorial Policy is consistent with Council's existing policy and that applied by Main Roads Western Australia and includes a clarification of the policy and re formatting to conform with the new standard format for Council policies. The current policy is attached as Attachment 2 - E11 Roadside Memorials. The proposed new policy is attached as Attachment 1 – CP/OPS 3654 Roadside Memorials.

Detailed specifications for memorials and their placement will be provided in a separate operational document (Roadside Memorials organisational directive) that is currently being developed.

ATTACHMENTS

Attachment 1 – CP/OPS 3654 Roadside Memorials
Attachment 2 – E11 Roadside Memorials

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Rescinds, policy E11 Roadside Memorials,
2. Adopts draft policy CP/OPS 3654 Roadside Memorials attached as per Attachment

COUNCIL DECISION

Minute No. 11069

Moved: Cr G Taylor
Seconded: Cr D Learbuch

That Council;

1. **Rescinds, policy E11 Roadside Memorials,**
2. **Adopts draft policy CP/OPS 3654 Roadside Memorials attached as per Attachment 1.**

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**Draft CP/OPS 3654**	
POLICY	**Roadside Memorials**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 20/12/2005	Resolution No: 7345
REVIEWED/MODIFIED	Date: 20/01/2009	Resolution No: 8529
	Date:	Resolution No:
REVIEW DUE	Date: September 2018	
LEGISLATION	*Local Government Act 1995 – Sections 2.7 and 3.1*	
RELATED POLICIES	CP/OPS-3651 - Private Works and Developments on Road Verges and Council Managed Land	
RELATED ORGANISATIONAL DIRECTIVES	AP/OPS- 4643 Organisational Directive Roadside Memorials	

PURPOSE:

The purpose of this policy is to provide guidance on the management of roadside memorials within the road reserves of highways, main roads and local roads.

DEFINITIONS:

Bitumen/road seal is sealed surface of the road.

Carriageway is the portion of a road or bridge devoted particularly to the use of vehicles, inclusive of shoulders and auxiliary lanes.

Contractors are a contract with a third party to deliver a set of given services for a defined period to maintain sections of the road network.

Control of Access Road are roads that do not permit pedestrian access or parking. For example the Freeways, Tonkin Highway and Reid Highway.

Freeway is a divided highway for through-traffic with no access for traffic between interchanges and with grade separation at all intersections.

Guideposts are a wooden or plastic white post with a reflector approximately 1.5 metres from the edge of the road.

Highways are roads provide connections between capital cities. They are also principal routes between a city and the major producing regions of the State. Highways also service major transport terminals or significant commercial and industrial centres.

Landscaped verges are landscaped frontages/ mown verges that are adjacent to the road. For example estates such as Secret Harbour and Carramar.

Main Road is a principal road in the road system.

Median is a space that divides two carriageways.

Road Reserve is the area either side of the road that belongs to Main Roads.

Roadside Memorial is an object or image constructed , erected, planted, printed or placed in the road or within the road reserve in honour of family or friends whose lives have been lost on the road.

Roadside Structure are items like bridges, overpasses, tunnels.

Shared Path are paths which are adjacent to freeways, major highways and rail corridors. These paths cater for pedestrians, including those in wheelchairs, and cyclists.

Traffic Control Item are traffic signals or signs.

Traffic Islands are small refuge typically located at intersections.

POLICY STATEMENTS:

1. The Shire of Wyndham East Kimberley has an obligation to be respectful and considerate of the bereaved.
    a) Shire staff will be considerate and respectful of the needs of persons wishing to install roadside memorials.
    b) The requests of family members will take priority over those of friends.

2. The Shire of Wyndham East Kimberley has an obligation to provide a safe and efficient road network.
    a) A roadside memorial will only be considered for crash sites where fatalities have occurred and where the location will not interfere with pedestrians, traffic, homes or businesses.
    b) A memorial will not be considered for animals.

3. A roadside memorial shall:
    a) Consist of
        i. A cross (or other suitable religious symbol);
        ii. A paver;
        iii. A decal; or
        iv. A plant (vegetation).
    b) Be of a size and nature described in the relevant Organisational Directive;
    c) Not consist of flowers or retro-reflective material.

4. The Shire of Wyndham East Kimberley will (as detailed in the Roadside Memorials organisational directive):
    a) Manage the approval process for the placement of roadside memorials;
    b) Provide details of approved memorials;
    c) Supply roadside memorials;
    d) Install or assist in the installation of roadside memorials at suitable locations;
    e) Not accept responsibility for the security or maintenance of roadside memorials;
    f) Remove any roadside memorials not conforming to this policy; and
    g) Remove the roadside memorial after a period of 5 years.

5. Any installation of a Roadside Memorial must also be undertaken in conjunction with CP/OPS-3651 Private Works and Developments on Road Verges and Council Managed Land.

EXPLANATORY NOTES:

Road Safety:

Memorials at fatal crash sites provide a means for assisting people to grieve for their loved ones as well as serving as a visual deterrent to road users, delivering a powerful road safety message. The Shire of Wyndham East Kimberley respects the need for people to erect roadside memorials, but it must also provide a safe and efficient road network to all road users to meet its obligations under the *Local Government Act 1995* and the *Main Roads Act 1930*. To do this the Shire needs to consider potential safety hazards including visual distractions to motorists, physical objects that could harm road users and the possible movement of personal items onto the road. The Shire also needs to consider the safety of pedestrians in close proximity to fast moving vehicles.

The Shire of Wyndham East Kimberley's overall objective is to ensure the road environment is safe for all road users and to respect people's grief.

Key Principles:

Family wellbeing principles

- The form of a memorial may be personal; and may reflect religion or culture.
- The wishes and needs of the family must be acknowledged for a roadside memorial to be permitted.

Community wellbeing principles

- When establishing a roadside memorial, consideration should be given to members of the community affected by the fatal crash.
- When a community member raises a concern regarding a roadside memorial, then action will be taken in consultation with affected parties to address concerns.
- When establishing a roadside memorial, it should be done in a manner that is respectful of broader community values.

Transitional timeframe principle

- When managing a roadside memorial, it should be acknowledged that roadside memorials are generally temporary in nature and that a transitional approach should be adopted.

Road safety principle

- When establishing a roadside memorial it must not compromise road safety. It must:
    a) not pose a hazard to road users;
    b) not pose an unacceptable distraction to road users;

c) be installed in a manner to ensure personal safety; and

d) be placed in a location that enables people to visit safely.

Road management principles

- When establishing a roadside memorial, the owner's details should be included on the memorial for contact purposes.
- A roadside memorial should not interfere with road management or maintenance activities.
- The Shire will continue to perform all construction and maintenance works required within road reserves that contain roadside memorials.
- When the Shire intends to undertake any works in the vicinity of a roadside memorial, requiring its relocation or removal, the Shire will endeavour to contact the memorial owner.
- Where works are required to the ground on which an approved roadside memorial is located, the memorial will be moved away from the work area for the duration of works and then re-installed as close as practical to the original location at the conclusion of the works.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation or financial loss.
Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.
Control: Monitor current budget and service levels.

Shire of Wyndham East Kimberley
Council Policy
E11

POLICY No:	**E11**
DIVISION:	**Engineering**
SUBJECT:	**Roadside Memorials**
REPORTING OFFICER:	**Executive Manager Engineering and Regulatory Services**
ENABLING LEGISLATION:	**Local Government Act 1995**

OBJECTIVE:

To control roadside memorials within the road reserves of highways, main roads and local roads.

POLICY:

1. Be considerate and respectful of the needs of persons wishing to install roadside memorials.
2. Approve the placement of roadside memorials.
3. Supply roadside memorials.
4. Install or assist in the installation of roadside memorials at suitable locations as detailed in the guidelines attached to this policy.
5. Not accept responsibility for the security or maintenance of roadside memorials.
6. Remove any roadside memorials not conforming to this policy
7. Not approve or provide roadside memorials for animals.
8. Will only approve or provide roadside memorials for accident sites where location not interfering with pedestrians or traffic and shall be displayed only during open hours of the business.
9. *Requests for memorials will only be considered when received from a member of the immediate family.*

ADOPTED: 20/12/2005
REVIEWED:
AMENDED: 20/01/2009

1. DEFINITION OF A ROADSIDE MEMORIAL

A roadside memorial can be described as an object or image constructed, erected, planted, printed or placed on the road or within the road reserve in honor of family or friends whose lives have been lost on the road.

2. GUIDELINES

2.1. REQUESTS FOR ROADSIDE MEMORIALS

When touched by tragedy, family and friends find roadside memorial can help comfort and heal, as it provides a tangible record of a life lived and serves as a reminder to the community to drive carefully. Where requests are received, The Shire of Wyndham East Kimberley can provide support to family and friends by assisting them to understand the requirements of this policy and install or assist in the installation of a suitable roadside memorial at the safest location. It should be noted that this policy is intended to provide guidance to Council Officers and each case should be dealt with in an individual basis.

The Shire of Wyndham East Kimberley's foremost concern is that all road users are provided with a safe road environment and that family and friends and the road user are safe whilst a roadside memorial is being erected, visited, or is being maintained. It is important that family and friends park their vehicles safely and clear of the road while attending the roadside memorial.

This policy is only applicable to roads dedicated in the Shire of Wyndham East Kimberley. Where the request for a Roadside Memorial is within the reserves of the Victoria and Great Northern Highways, Main Roads WA will need to provide consent.

2.2. RECORDING REQUESTS FOR ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley will maintain a record of requests for roadside memorials. The details will be documented so the person/s responsible for the roadside memorial can be contacted if necessary.

2.3. MEMORIAL REQUIREMENTS TO MAXIMISE ROAD SAFETY

The Shire of Wyndham East Kimberley will approve, supply and install a cross, paver, or decal as per the specifications in section 3.3.1, depending on the family and/or friends preference. Alternatively, the applicant may purchase a plant compliant with The Shire of Wyndham East Kimberley guidelines and Council Officers will assist with the installation. If however, assesses that the option is impractical due to safety reasons one of the other alternatives may be selected.

2.3.1. ROADSIDE MEMORIALS – TYPES AND STRUCTURE

Note: these specifications should be used as a guide only, common sense should prevail when assessing specific locations for placement of roadside memorials.

2.3.1.1. Cross

Crosses are constructed from timber and are:

- 850mm long (600mm out of the ground) and 400mm wide
- Built from pieces 40mm x 18mm
- Painted white and are non-reflective

Crosses shall be located:

- No closer than 1 meter of the line of guideposts; and
- No closer than 3 meters of the edge of any bitumen/road seal; and
- No closer than 1 meter from the edge of any shared path.

Crosses shall not be located:

- Where they may interfere with the role of any traffic control item
- In close proximity to residential dwellings where they may cause concern to the occupants
- On landscaped verges
- On traffic islands, medians or roundabouts
- On any roadside structure

2.3.1.2. Paver

Pavers are a grey concrete and are 600mm long and 300mm wide.

Pavers should be flush with the existing surface and shall be located:

- Within the area which is regularly graded during shoulder grading and drain maintenance
- In close proximity to residential dwellings where they may cause concern to the occupants
- On landscaped verges
- On roundabouts

2.3.1.3. Decal

Decals are adhesive labels, 160mm long and 130mm wide, which display a white cross on a black background.

Decals shall be located:

- At the base of traffic signal poles

- At the base of street light columns

Decals shall not be located:

- On any traffic signs
- On street name signs

2.3.1.4. Plants

Plants must comply with Councils' vegetation placement guidelines in regards to trunk size and setback distance. The requested plant type must be stated as part of the application/approval process and the Council Officer will verify the appropriateness of the plant type for the location.

Examples of locally occurring plants that would be suitable for the metropolitan area are as follows:

- Adansonia Gregorii 'Boab'
- Eucalyptus Ptychocarpa 'Spring Bloodwood'
- Many of the Melalucas
- Plumeria Rubra 'Frangipani'
- Many of the Grevilleas .
- Tabebuia Chrysantha 'Golden trumpet Tree'

Plants shall be located:

- No closer than 1 meter from the edge of any shared path
- On traffic islands and medians where the landscaping permits.

Plants shall not be located:

- Where they may interfere with the role of any traffic control item
- In close proximity to residential dwellings where they may cause concern to the occupants.
- On landscaped verges

2.3.1.5. Additional Requirements

Roadside memorials should be without memorabilia such as artificial flowers, toys, pot plants, shoes, clothing etc. There should also be no footings, decorative kerbing, rocks, bricks, or fencing around the memorial. The reason being that such items may be a visual distraction to road users, physical objects could harm road users and the possible movement of personal items onto the road could be a potential road safety hazard.

Only one (1) roadside memorial shall be allowed per life lost and consideration will be given to removing memorials more than 5 years old unless their renewal has been requested. Every effort will be made to contact the responsible person/s as stated in section 3.5.

2.3.2. INSTALLATION OF ROADSIDE MEMORIALS

A Council representative will install or assist in the installation of approved roadside memorials as detailed in section 4.3.1. The Council representative will ensure its placement is in accordance with the Council's standards and requirements and most importantly take into consideration the safety of road users. Council officers will consider safety issues such

as where the road geometry is less than optimum i.e. road crests, bends and high-speed locations.

2.3.3. MAINTENANCE OF ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley does not accept responsibility for the maintenance of any roadside memorial, or the loss, damage, removal or relocation of roadside memorials that may occur sue to road maintenance, construction activities or vandalism.

2.4. ROADWORKS/MAINTENANCE NEAR APPROVED ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley will continue to perform all construction and maintenance works required within road reserves that contain roadside memorials.

Where works are required to the ground on which an approved roadside memorial is located, the memorial will be carefully shifted away from the work area for the duration of works and then re-installed as close as practical to the original location at the conclusion of the works. Care will be taken to minimise damage to the roadside memorial.

2.5. ROADSIDE MEMORIAL REMOVAL PROCEDURE

One of the Shire of Wyndham East Kimberley's key objectives is to maximise road safety on Council's roads. Any roadside memorial presenting a safety hazard will be removed without notice. Every effort will be made to contact the responsible person/s regarding the removal of the roadside memorial.

Person/s responsible for roadside memorials that comply with section 3.3 but require removal because of their poor state of repair, concerns raised by the local community or that have been in place for more than 5 years, shall be contacted by Council Officers, in the event that Officers are unsuccessful in contacting the appropriate person, a notice will be attached to the memorial asking the person who has placed, or requested the placement of the memorial, to contact the Council within 60 days. (The standard notification advising of the need to remove a roadside memorial is at attachment 1)

If the shire is not contacted within the given timeframe, the roadside memorial will be removed. Shire of Wyndham East Kimberley will store the removed roadside memorial for a period of 60 days.

2.6. EXISTING MEMORIALS

The Shire of Wyndham East Kimberley will treat all existing roadside memorials in a sensitive manner and will address each one on an individual basis with the aim of making roadside memorials complaint with this policy

13.2.8 Policy Review – F21 Asset Management

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	David Klye, Director Infrastructure
REPORTING OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.11.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to review its Asset Management Policy.

BACKGROUND

At its 18 August 2009 meeting Council adopted a policy F21 - Asset Management;

COUNCIL DECISION

Minute No. 8766

Moved:Cr K Wright
Seconded:Cr D Ausburn

That Council adopts the proposed Policy F21 - Asset Managment as attached.

CARRIED UNANIMOUSLY: (8/0)

The Attachment referred to in the decision is attached to this report at Attachment 3 – F21 - Asset Managment.

At its 21 February 2012 meeting Council also adopted an administrative Asset Management Policy;

COUNCIL DECISION

Minute No. 9690

Moved: Cr K Torres
Seconded: Cr J McCoy

That Council adopts the revised Asset Management Policy as per Attachment 1.

Carried unanimously 6/0

The Attachment 1 referred to in the decision is attached to this report at Attachment 2 – AP/CC 4562 Asset Management Policy.

STATUTORY IMPLICATIONS

Local Government Act 1996 Section 5.56 and *Local Government (Administration) Regulations 1996* Section 19 C applies to this item.

POLICY IMPLICATIONS

The policy binds the Shire to key commitments in asset management and to the allocation of resources to implement asset management.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in adopting the revised policy.

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 2.3.2: Plan, design and budget for sustainable infrastructure

This policy aligns fully with the State Government's Integrated Planning and Reporting Framework.

This report aligns with Council's focus on Infrastructure, Key Result Area 1, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.
Sustainable asset management for infrastructure under the Shire's control

COMMUNITY ENGAGEMENT

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

No community engagement is required

COMMENT

This review of the Council's asset management policy includes minor re-wording of the policy and re formatting to conform with the Shire's new standard format for Council policies. The current policy is attached as Attachment 2 - AP/CC 4562 Asset Management Policy. The draft policy is attached as Attachment 1. – CP/FIN-3216 Asset Management.

Council at its 21 February 2012 ordinary meeting adopted an asset management policy AP/CC 4562 Asset Management Policy. No record could be found of the rescission of the superseded policy F21 Asset Management attached as Attachment 3 – F21 Asset Management. It is proposed to formally rescind policy F21 Asset Management and policy AP-CC4562 Asset Management Policy and adopt the draft policy is attached as Attachment 1. – CP/FIN-3216 Asset Management.

ATTACHMENTS

Attachment 1 – Draft CP/FIN 3216 Asset Management
Attachment 2 - AP/CC 4562 Asset Management Policy
Attachment 3 – F21 Asset Management

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council;

1. Rescinds, policy F21 Asset Management and AP-CC4562 Asset Management Policy
2. Adopts draft policy CP/FIN-3216 Asset Management as per Attachment 1.

COUNCIL DECISION

Minute No. 11070

Moved: Cr S Cooke
Seconded: Cr B Robinson

That Council;

1. **Rescinds, policy F21 Asset Management and AP-CC4562 Asset Management Policy**
2. **Adopts draft policy CP/FIN-3216 Asset Management as per Attachment 1**

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**Draft CP/FIN- 3216**	
POLICY	**Asset Management**	
RESPONSIBLE DIRECTORATE	Infrastructure	
RESPONSIBLE OFFICER	Director Infrastructure	
COUNCIL ADOPTION	Date: 18 August 2009	Resolution No: 8766
REVIEWED/MODIFIED	Date: 21 February 2012	Resolution No: 9690
	Date:	Resolution No:
REVIEW DUE	Date: August 2017	
LEGISLATION	*Local Government Act 1995, Section 5.56* *Local Government (Administration) Regulations 1996 Section 19DA*	
RELATED POLICIES	CP/OPS-3649 Maintenance of Shire Assets. CP/OPS-3650Private Work CP/OPS-3651 Private Works and Developments on Road Verges and Council Managed Land.	
RELATED ORGANISATIONAL DIRECTIVES	Organisational Directive, Asset Management Procedures – Roles and Responsibilities.	
RELATED DELEGATIONS	12 - Tenders 13 – Disposal of Property 14 – Private Works 15 – Appointment of Consultants 23 – Contract Variations 38 – Public Thoroughfares 39 – Gates across Public Thoroughfare 40 – Dangerous Excavation in or near Public Thoroughfare 41 - Crossovers 42 – Permission to Deposit Materials On, or Excavate Adjacent to, a Street 43 – Events on Roads 44 – Road Trains and Extra Mass Permits 45 – Traffic Regulatory Signs 49 – Variation to Firebreak Orders 50 – Variation to Prohibited Burning Times	

PURPOSE:

The objectives of this policy are to ensure adequate provision is made for the long-term replacement of assets by:

1. Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
2. Applying best asset management practices as appropriate to the management of assets for the Shire of Wyndham East Kimberley.
3. Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
4. Allocating corporate responsibility for asset management and the necessary resources to deliver Asset Management strategies.

5. Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining an asset management awareness throughout the organisation by training and development.
6. Assisting the Shire in compliance with the provisions of the State Government's Integrated Planning & Reporting Framework by having an integrated approach to planning for the future.
7. Meeting legislative requirements for asset management.
8. Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
9. Providing a framework for implementing asset management to enable a consistent, coordinated and strategic approach.
10. Facilitate continuous improvement and innovation in delivering service in achieving service standards to benefit the community.
11. Provide a framework which quantifies risk and incorporates that into the decision making process.
12. Provide guidance to staff responsible for asset management.

DEFINITIONS:

"**Asset**" means a physical item that is owned or controlled by the Shire of Wyndham East Kimberley, and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual, and non-tangible assets).

"**Asset Management**" means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet Council's priorities for service delivery.

"**Asset Management Plan**" means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

"**Council**" means the elected Council (comprising Councillors) of the Shire of Wyndham East Kimberley.

Infrastructure Assets" are fixed assets that support the delivery of services to the community. These include the broad asset classes of Roads, Drainage, Buildings and Parks.

"**Level of Service**" means the combination function, design and presentation of an asset. The higher the level of service, the greater the cost to deliver the service. The aim of asset management is to match the asset and level of service of the asset to the community expectation, need and level of affordability.

"**Life Cycle**" means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

"**Whole of life cost(s)**" means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

"**Maintenance**" means regular ongoing day-to-day work necessary to keep asset operating and to achieve its optimum life expectancy.

"**Operations**" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

"**New**" means creation of a new asset to meet additional service level requirements.

"**Resources**" means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).

"**Renewal**" means restores, rehabilitates, replaces existing asset to its original capacity. This may include the fitment of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.

"**Risk**" means probability and consequence of an event that could impact on the Council's ability to meet its corporate objectives.

"**Shire**" means the collective Shire of Wyndham East Kimberley organisation. The Chief Executive Officer of the Shire of Wyndham East Kimberley is responsible for ensuring the Shire's obligations and commitments are met.

"**Stakeholders**" are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

"**Upgrade**" means enhances existing asset to provide higher level of service.

POLICY STATEMENTS:

Scope

This policy applies to all Shire activities and service delivery of the Shire. It relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire that are used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party. This may include but is not limited to;

- Government Agencies
- Private Enterprise
- Contractors

Background

The community relies on the Shire of Wyndham – East Kimberley to deliver services. The Shire has finite resources and limited income streams that can be targeted to fund service delivery. The Shire must ensure that service delivery is well targeted and aligns with the Community's aspirations identified via the Strategic Community Plan.

To ensure that scarce resources are optimally allocated, it is important that informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of infrastructure assets. The Shire also needs to continuously consider whether it needs to provide or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party, i.e. non asset ownership service delivery.

To assist with making informed decisions in relation to this issue, the Shire will put in place the following;

1. A Strategic Asset Management Framework that is consistent with National standards in Asset Management and Long Term Financial Planning (Nationally Consistent Approach).

2. Maintain a contemporary Asset Management Policy that is regularly reviewed (this Policy).
3. Develop, maintain and regularly review an Asset Management Improvement Strategy that clearly articulates a sustainable path for continuous improvement and identifies resources to implement via the budget process.
4. Develop, maintain and regularly review Asset Management Plans that cover all key Infrastructure Asset Classes.
5. Asset Management Plans will document the Council adopted level of service that applies to Infrastructure Assets which will be derived from Service Level Plans and the community engagement processes used to develop the Strategic Community Plan.
6. Ensure processes are in place to train Councillors and Officers in key aspects of Asset Management and Long Term Financial Planning.

Policy

1. To achieve the policy objectives, the Shire of Wyndham East Kimberley recognises that Asset Management is a major corporate function.
2. The Shire will make informed decisions in relation to its infrastructure assets. To achieve this, the Shire will prepare an Asset Management Improvement Strategy that will guide the implementation of asset management across the organisation with the key outcome being the adoption by Council of an Asset Management Plan for all classes of infrastructure assets.
3. Asset Management Plans will form part of the Shire's day-to-day business practices and will be used to make informed decisions in relation to asset management
4. The Shire has limited resources and is custodian of a large number of assets, many of which have reached or gone beyond their economic life. In making decisions in relation to infrastructure assets, the Shire will apply the philosophy of renewing assets before acquiring new assets and where possible, rationalising assets that are no longer used or do not provide the agreed level of service.
5. The Council will determine the level of service required for assets.
6. As part of Shire's consideration of asset management, the Shire will follow the following key principles:
    - 6.1 Prior to consideration of any major works for renewal or improvement to an asset, undertake a critical review of the need of that Asset;
    - 6.2 Will consider the Whole of life cost for all new assets and for any major renewal or improvements into the Shire's Long Term Financial Plans;
    - 6.3 Undertake to develop Asset Management Plans that are financially sustainable;
    - 6.4 Involve and consult with key stakeholders on determining levels of service and asset service standards;
    - 6.5 Manage its assets utilising a corporate team approach using a multi-discipline working group;
    - 6.6 Ensure asset information is accurate and up to date allowing for appropriate asset planning, both in the short and long term, and for informed decision making to occur;
    - 6.7 Allocate appropriate resources to ensure asset management practices can be undertaken and the timely maintenance and renewal or upgrade of those assets so that Life Cycle costs are optimised;

6.8 Ensure the roles and responsibilities of all asset users are well defined and understood;

6.9 Develop reporting procedures based on key principles of this Asset Management Policy;

6.10 Training in asset and financial management will be provided for councillors and relevant staff;

6.11 Continually seek opportunities for multiple uses of assets.

6.12 Implementation of asset management as an organisational philosophy will occur through the Asset Management Practices Improvement Strategy.

EXPLANATORY NOTES:

Related Documents;

Asset Management Strategy and associated Asset Management Plans.

APPLICATION/S:

Implementation of asset management as an organisational philosophy will occur through the Organisational Directive, Asset Management Procedures – Roles and Responsibilities.

This policy applies to Council, Councillors, Executive Leadership Team, Staff and the community involved in the operations, maintenance, refurbishment, renewal, upgrading and development of Council's existing and new infrastructure assets.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community
Control: Current budget and service levels.

Risk: Inability to fund the infrastructure gap.
Control: Develop LTFP to ensure critical assets maintained in Annual Budgets

Shire of Wyndham East Kimberley
AP/CC 4562
Asset Management Policy

OBJECTIVE:

The objective of this policy is to ensure that the Shire of Wyndham – East Kimberley has sufficient structure, systems, processes, resources and organisational commitment in place to deliver service outcomes on a financially sustainable basis.

Service delivery may be via the provision of Shire owned Infrastructure Assets, in which case assets are to be optimally managed to support financially sustainable service delivery outcomes for the lowest whole of life cost.

Alternatively service delivery may be by via third party, in which case the Shire has a role in ensuring third party Infrastructure Assets are optimally provided and managed to achieve financially sustainable service delivery outcomes without the need to draw on Shire resources.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning & Reporting Framework by having an integrated approach to Planning for the Future.

POLICY:

Scope & Limitations

This policy covers all service delivery of the Shire of Wyndham – East Kimberley and relates specifically to the management of infrastructure assets under the care, control and responsibility of the Shire that are used to deliver services or the infrastructure management regime of third parties where the Shire facilitates service delivery by a third party. This may include but is not limited to;

- Government Agencies
- Private Enterprise
- Contractors

Background

The community relies on the Shire of Wyndham – East Kimberley to deliver services. The Shire has finite resources and limited income streams that can be targeted to fund service delivery. The Shire must ensure that service delivery is well targeted and aligns with the Community's aspirations identified via the development of the Strategic Community Plan.

To ensure that scarce resources are optimally allocated, it is important informed decisions are made when considering the acquisition, ongoing ownership, management and disposal of infrastructure assets. The Shire also needs to

continuously consider whether it needs to provide and / or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party, i.e. non asset ownership service delivery.

To assist with making informed decisions in relation to this issue, the Shire will put in place the following;

- A Strategic Asset Management Framework that is consistent with National standards in Asset Management and Long Term Financial Planning (Nationally Consistent Approach).
- Maintain a contemporary Asset Management Policy that is regularly reviewed (this Policy).
- Develop, maintain and regularly review an Asset Management Improvement Strategy that clearly articulates a sustainable path for continuous improvement and identifies resources to implement via the budget process.
- Develop, maintain and regularly review Asset Management Plans that cover the following key Infrastructure Asset Classes;
    - Transport
        - Roads
        - Pathways
        - Boat Ramps
        - Airport Runways and Aprons
        - Car Parks
    - Buildings
        - All buildings and structures
    - Bridges
        - Bridges and Major Culverts
        - Jetties
    - Stormwater Drainage
    - Recreation
        - Play Equipment
        - Playing Surfaces
        - Street and Park Furniture
        - Street Lighting
        - Miscellaneous infrastructure
- Asset Management Plans will document the Council adopted level of service that applies to Infrastructure Assets which will be derived from Service Level Plans and the community engagement processes used to develop the Strategic Community Plan.
- Ensure processes are in place to train Councillors and Officers in key aspects of asset management and long term financial planning.

Guiding Statement

KEY COMMITMENTS

Prior to making a decision to either, deliver a new service, vary the current level of service (up or down) or cease the delivery of a service, the following key commitments are to be adhered to;

- The need for the service will be reviewed.

- The service must align with the Community Strategic Plan and fit within the Corporate Business Plan (A Capital evaluation process is to be developed and utilised to assess this).
- Options for the Shire to facilitate delivery of the service by a third party are to be identified and considered.
- If the service is needed and a third party cannot deliver the service, infrastructure assets that are required to deliver the service will be identified along with;
    - The whole of life cost of delivering the service
    - The whole of life planning, maintenance, operation, renewal and disposal cost of the asset required to support the service delivery.
- The service delivery and asset whole of life costs must fit within the 10 Year Long Term Financial Plan (once developed).
- Options to renew infrastructure asset before acquiring a new infrastructure assets are to be considered.
- Options to rationalise assets will be considered.
- A cross functional, multidisciplinary team will be established and maintained to develop the systems and processes to comply with the above key commitments.

Linkage to Integrated Strategic Plan (ISP)
The Shire has a corporate business plan linking to long term financial planning that integrates asset management, and specific council plans within the Integrated Strategic plan.

Linkage to Other Council Policy
Nil

RESPONSIBILITY AND REPORTING

Council - is responsible for approving (including amendments to) the following documents;

- Asset Management Policy
- Asset Management Improvement Strategy
- Asset Management Plans

Council is also responsible for ensuring (upon recommendation of the CEO) that resources are allocated to achieve the objectives of the above documents.

In adopting asset management plans, Council is also determining the Level of Service for each asset class.

Chief Executive Officer (CEO) - is responsible for ensuring that systems are in place to develop, maintain and regularly review Council's AM Policy, AM Improvement Strategy, AM Plans. The CEO reports to Council on all matters relating to Asset Management.

Executive Management Group (EMG) – is responsible for monitoring the implementation of asset management across the organisation. The EMG will ensure that strategies are put in place to remove barriers to the successful implementation of Asset Management. The Executive Management Group reports to the CEO on all matters relating to Asset Management.

Asset Management Working Group (AMWG) – will be established as a sub group of the Integrated Planning & Reporting Working Group (IP&RWG) and is responsible for ensuring that Council's Asset Management Improvement Strategy is achieved and that Asset Management Plans are prepared and maintained in line with Council's Policy on Asset Management. Where changes to Council's AM Policy, Improvement Strategy or Plans are identified, the AM Working Group is responsible for reporting this to the EMG for consideration. Where aspects of Council's Policy, Improvement Strategy or Plans are not being achieved or adhered to, the AM Working Group is responsible for reporting non-compliances to the EMG for corrective action. The Asset Management Working Group reports to the Executive Management Group on all matters relating to Asset Management via the IP&RWG.

Director Infrastructure (DI) – is responsible for resource allocation (from Council approved resources) associated with achieving Council's Asset Management Improvement Strategy. The DIS reports to the CEO in relation to Asset Management resource allocation.

Asset Management Co-ordinator (AMC) – is responsible for supporting the AM Working Group and ensuring that resources are commissioned (where appropriate) to assist the AM Working Group achieve its objectives. The Asset Management Co-ordinator reports to the DI on all matters relating to Asset Management.

All Directors – are responsible for ensuring that resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Working Group. All Directors report to the CEO on all matters relating to Asset Management under their area of control.

POLICY DEFINITIONS

"Asset" means a physical item that is owned or controlled by the Shire of Wyndham – East Kimberley, and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual, and non-tangible assets).

"Asset Management" means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet the priorities of the Corporate Business Plan for service delivery.

"Asset Management Plan" means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

"Council" means the elected council (comprising Councillors) of the Shire of Wyndham – East Kimberley.

"Infrastructure Assets" are fixed assets that support the delivery of services to the community. These include the broad asset classes of Roads, Drainage, Buildings, Parks and Bridges.

"Level of Service" means the combination Function, Design and Presentation of an asset. The higher the Level of Service, the greater to cost to deliver the service. The aim of asset management is to match the asset and level of service of the asset to the community expectation, need and level of affordability.

"Life Cycle" means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

"Whole of life cost(s)" means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

"Maintenance" means regular ongoing day-to-day work necessary to keep asset operating and to achieve its optimum life expectancy.

"Operations" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

"New" means creation of a new asset to meet additional service level requirements.

"Resources" means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).

"Renewal" means restores, rehabilitates, replaces existing asset to its original capacity. This may include the fitment of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.

"Risk" means probability and consequence of an event that could impact on the Council's ability to meet its Corporate objectives.

"Shire" means the collective Shire of Wyndham – East Kimberley organisation. The Chief Executive Officer of the Shire of Wyndham – East Kimberley is responsible for ensuring the Shire's obligations and commitments are met.

"Stakeholders" are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

"Upgrade" means enhances existing asset to provide higher level of service.

Outcomes

Adherence to this policy will ensure that the Shire will continue to deliver (or facilitate the delivery) of financially sustainable services aligned with the aspirations of the community.

POLICY ADMINISTRATION

Directorate		**Officer Title**		**Contact:**	
Infrastructure		Director Infrastructure		9168 4161	
Date Effective	x/02/2012				
Date Adopted	x/02/2012	**Last Reviewed**			
Risk Rating	High	**Review Cycle**	Annual	**Next Due**	

Statutory Compliance	Local Government (Administration) Regulations 1996
Industry Compliance	Western Australian Asset Management Improvement Program (WAAMI) National Asset Management & Financial Planning Assessment Framework (NAMAF)
Organisational Compliance	Integrated Planning Strategy
Process Links	
Endorsed by EMT	
Approved by CEO	

Shire of Wyndham East Kimberley
Council Policy
F21

POLICY No:	**F21**
DIVISION	**Finance**
SUBJECT:	**Asset Management Policy**
REPORTING OFFICER	**Executive Manager Corporate Services**
ENABLING LEGISLATION	**Local Government Act 1995 (Section 1.3(3))**

OBJECTIVE:

The objectives of this policy are to:

- Provide a framework for implementing asset management to enable a consistent, coordinated and strategic approach at all levels of Government.
- Apply best asset management practices as appropriate to the Shire of Wyndham East Kimberley.
- Allocate corporate responsibility for asset management and the necessary resources to deliver Asset Management strategies.
- Facilitate continuous improvement and innovation in delivering service in achieving service standards to benefit the community.
- Provide a framework which quantifies risk and incorporates that into the decision making process.
- Provide guidance to staff responsible for asset management.

DEFINITIONS:

"Asset" means a physical item that is owned or controlled by the Shire of Wyndham East Kimberley, and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual, and non-tangible assets).

"Asset Management" means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet Council's priorities for service delivery.

"Asset Management Plan" means a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

"Council" means the elected Council (comprising Councillors) of the Shire of Wyndham East Kimberley.

"Infrastructure Assets" are fixed assets that support the delivery of services to the community. These include the broad asset classes of Roads, Drainage, Buildings and Parks.

"Level of Service" means the combination function, design and presentation of an asset. The higher the level of service, the greater the cost to deliver the service. The aim of asset management is to match the asset and level of service of the asset to the community expectation, need and level of affordability.

"Life Cycle" means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

"Whole of life cost(s)" means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and rehabilitation and disposal costs.

"Maintenance" means regular ongoing day-to-day work necessary to keep asset operating and to achieve its optimum life expectancy.

"Operations" – means the regular activities to provide public health, safety and amenity and to enable the assets to function e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

"New" means creation of a new asset to meet additional service level requirements.

"Resources" means the combination of plant, labour and materials, whether they be external (contactors/consultants) or internal (staff/day labour).

"Renewal" means restores, rehabilitates, replaces existing asset to its original capacity. This may include the fitment of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.

"Risk" means probability and consequence of an event that could impact on the Council's ability to meet its corporate objectives.

"Shire" means the collective Shire of Wyndham East Kimberley organisation. The Chief Executive Officer of the Shire of Wyndham East Kimberley is responsible for ensuring the Shire's obligations and commitments are met.

"Stakeholders" are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

"Upgrade" means enhances existing asset to provide higher level of service.

POLICY:

To achieve the policy objective, the Shire of Wyndham East Kimberley is committed to ensuring that Asset Management is recognised as a major corporate function.

The Shire is committed to making informed decisions in relation to its infrastructure assets. To achieve this, the Shire will prepare an Asset Management Improvement Strategy that will guide the implementation of asset management across the organisation with the key outcome being the adoption by Council of an Asset Management Plan for the following classes of infrastructure assets:

- Roads
- Footpaths
- Drainage
- Buildings
- Parks & Ovals (Recreation Service Areas)
- Street Trees
- Airports

Asset Management Plans will form part of the Shire's day-to-day business practices and will be used to make informed decisions in relation to service delivery across:

- New asset acquisition
- Renewal of existing assets
- Upgrade of existing assets
- Disposal of existing assets

The Shire has limited resources and is custodian of a large number of assets, many of which have reached or gone beyond their economic life. In making decisions in relation to infrastructure assets, the Shire is committed to the philosophy of renewing assets before acquiring new assets and where possible, rationalising assets that are no longer used or do not provide the agreed level of service.

The Shire is committed to determining the level of service required for infrastructure assets in a collaborative manner with asset stakeholders.

As part of Shire's consideration of asset management, the Shire will follow the following key principles:

- Prior to consideration of any major works for renewal or improvement to an asset, undertake a critical review of the need of that asset;
- Will consider the 'whole of life' cost for all new assets and for any major renewal or improvements into the Shire's long term financial plans;
- Undertake to develop industry standard asset management plans that are financially sustainable;

- Involve and consult with key stakeholders on determining levels of service and asset service standards;
- Manage its assets utilising a corporate team approach using a multi-discipline working group;
- Ensure asset information is accurate and up to date allowing for appropriate asset planning, both in the short and long term, and for informed decision making to occur;
- Allocate appropriate resources to ensure asset management practices can be undertaken and the timely maintenance and renewal and/or upgrade of those assets so that 'life cycle' costs are optimised (existing and new assets);
- Ensure the roles and responsibilities of all asset users are well defined and understood;
- Develop reporting procedures based on key principles of the Asset Management Policy;
- Continually seek opportunities for multiple uses of assets.

Implementation of asset management as an organisational philosophy will occur through the Asset Management Practices Improvement Strategy.

This policy applies to Council, Councillors, Executive Managers, Staff, Committees of Management and the Community involved in the operations, maintenance, refurbishment, renewal, upgrading and development of Council's existing and new infrastructure assets.

Adopted: 18 August 2009
Reviewed:
Amended:

13.3 COMMUNITY DEVELOPMENT

13.3.1 Policy Review - Community Grants CP COM-3582 Annual Community Grant Scheme

DATE:	25/08/2015
AUTHOR:	Wayne Richards, Manager Community Services
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	GS.05.3
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to adopt the amended Council Policy CP-COM-3582 – Community Grants Scheme.

BACKGROUND

The Shire recognises that an important role for the Shire is to support and facilitate community groups to provide services to the rest of the community. The Shire does this in a number of ways; provision of assistance and guidance for administrative and governance functions, provision of services and facility use at subsidised rates, and leasing of property at well below commercial rental.

As well as service and facility provision, there are circumstances where direct financial support is appropriate. Direct financial support can allow clubs and groups to undertake programs that they may not otherwise be able to provide such as:

- Undertake capital works projects to improve community facilities (typically at a lower cost than the Shire is able to)
- Undertake projects that benefit the community
- Deliver events that can have a positive impact socially and economically.

Direct financial support also allows the Shire to support organisations that do not hold a lease or use Shire facilities and therefore do not already receive Shire support.

While this financial support provides significant benefit, it is essential that the method of distributing this support is transparent and equitable. It is also recognised that there are a wide variety of circumstances where this financial support is appropriate and a single mechanism for distribution is not always able to cater for this variety.

The existing Policy has been reviewed with the information above in mind. This reviewed Policy is attached. (Attachment 1).

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

This item seeks to amend CPCOM-3582 Annual Community Grant Scheme. As the Policy now also covers the Quick Grant Scheme, the title has been amended from Annual Community Grant Scheme to Community Grant Scheme.

FINANCIAL IMPLICATIONS

The budget for the Community Grant Scheme will be adopted through the Annual Budget 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 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

Strategy 3.1.3: Support the community by providing access to local funding and sponsorship opportunities

COMMUNITY ENGAGEMENT

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

Community Grants will be advertised prior to the grant round opening.
Community Groups affected by the removal of the Event Sponsorship line item within the 2015/16 Annual Budget will be contacted directly and informed of the new Community Grant process.

COMMENT

The Draft Reviewed Policy contains several amendments of note. These include:

The Grants Assessment Panel will now consist of three Shire Officers rather than two Councillors and one Shire Officer. The Assessment Panel recommendations will still require endorsement by Council.

The Annual Community Grant round will be conducted from 1 September with the closing date the last business day of September. Previously the grants were assessed in May for the following financial year, prior to adoption of the Annual Budget. This will provide Council with increased flexibility when setting the budget for Community Grants.

Quick Grants will now be covered by this Policy. Previously Quick Grants were an administrative process.

It should be noted that funding for specific events has not been included in the 2015/16 draft budget. The Community Grant Scheme will be the only process available to community groups for direct financial support. Therefore events that have previously received Shire funding through Economic Sponsorship will be required to apply through the Community Grant Scheme. The Draft Policy has been reviewed with consideration of this.

To summarise the planned actions and implications of this report for the grants process for 2015/16 following the adoption of this policy and 2015/16 Annual Budget:

- Round 2 of Annual Community Grants will be advertised (note this will incorporate events) with a closing date of 30 September.

- Applications from the May Annual Grants Round will be included in this assessment with any applications for events that have taken place between 1 July and the assessment date still eligible without prejudice.
- Event organisers that have historically received funding under the Event Sponsorship process will be notified that this process is no longer available and to receive funding they must submit an Annual Community Grant Application.
- Recommendations from the Grants Assessment Panel will be brought to the October Ordinary Council Meeting for consideration and endorsement.

ATTACHMENTS

Attachment 1 - Draft Reviewed CP-COM-3582 – Community Grants Scheme

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Draft Reviewed Council Policy CP-COM Community Grant Scheme.

MOTION

Cr K Wright moves the item for re-presentation.

COUNCIL DECISION

Minute No. 11071

Moved: Cr K Wright
Seconded: Cr D Spackman

That item 13.3.1 Policy Review – Community Grants CP COM-3582 Annual Community Grants Scheme is re-presented (to Council at a Briefing Session).

Lost 3/5

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

COUNCIL DECISION

Minute No. 11072

Moved: Cr G Taylor
Seconded: Cr S Cooke

That Council adopt the Draft Reviewed Council Policy CP-COM Community Grant Scheme.

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	CP/COM-3582	
POLICY	Community Grant Scheme	
RESPONSIBLE DIRECTORATE	Community Development	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
LEGISLATION	*Local Government Act 1995* *Local Government (Administration) Regulations 1996* *Local Government (Rules of Conduct) Regulations 2007*	
RELEVANT DELEGATIONS		

OBJECTIVES:

The objectives of this policy are to provide direction for the Shire of Wyndham East Kimberley Community Grant Scheme to ensure that financial support is provided in a manner that:

- Leads to improved outcomes for the Shire of Wyndham East Kimberley community in alignment with the Shire's Strategic Community Plan;
- Is equitable;
- Is consistent;
- Is accessible;
- Ensures due diligence when providing financial support to community organisations;
- Maximises efficiency and reduces the administration burden where possible;
- Ensures the value of all Shire contributions and support (i.e. subsidised use of facilities, low rental leases) are taken into account when assessing financial contributions; and
- Ensures the value of the Community Grant Scheme is recognised by recipients and community.

DEFINITION/S:

'Community Organisation': incorporated, not for profit, service groups and associations.
'Private Organisation/Individual': Any individual, business, group or organisation not classified as a "Community Organisation" as per the above definition. This includes government agencies.
'Grant': The transfer of money from one organisation to another. In the case of the Community Grant Scheme, these grants are conditional, meaning the money is given for a specific purpose and may not be used for any other project or activity.
'Sponsorship': A commercial arrangement in which a sponsor provides a contribution or money or 'in kind' support to an activity in return for certain specified benefits. Sponsorship is not philanthropic. A sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement. (ICAC, 2006)

POLICY STATEMENT/S:

The Shire of Wyndham East Kimberley is committed to providing support for not for profit, community based, sporting, cultural, environmental, service groups and associations. This support is to foster high quality programs, community events, facilities and services that provide benefit to the community of the Shire of Wyndham East Kimberley.

To meet the objectives listed above, the following guidelines apply:

Equitable:

- Applications for large contributions (over $500) will be assessed through a competitive process

Consistent:

- A clear process for assessment is in place that aligns with the objectives of the Community Grants Scheme
- Assessment criteria are adopted prior to the commencement of the advertising process for the Grant round

Accessible:

- Applications are advertised with sufficient timeframe
- Forms used are written in clear language and well formatted
- For small amounts of up to $500.00, some funding is made available through Quick Grants process to allow access to support at relatively short notice to provide access to Shire support for projects that typically are not organised up to 12 months in advance.

Due Diligence:

- For events, Grant funding will not be provided until Shire approval has been issued
- Applications will provide and prompt applicants for sufficient information so informed recommendations can be made to Council.
- Applications will require evidence of:
    - Incorporation
    - Not for profit status
    - The ability to complete the project
- All grants must be acquitted, with applicants providing evidence:
    - that all funds were spent in accordance with their Grant application.
- Any unspent contribution must be returned to the Shire

Reduce Administrative Burden:

- While meeting due diligence, application and acquittal forms are as user friendly as possible

Ensure the value of Shire contributions is acknowledged:

- Other Shire contributions towards applicants should be taken into account including:
    - Use of Shire facilities and equipment at community (subsidised) rates
    - Rates concessions
    - Other Shire grants or financial support

Ensure the Shire receives adequate recognition for its contribution:

- Applicants must state how they will recognise the Shire's contribution
- Applicants must provide evidence of this recognition within their acquittal.

Eligibility:

To be eligible for funding under the Community Grant Scheme;

Applicants:

- Must be, or be auspiced by, a Community Organisation as defined above
- Must not have any outstanding debts to the Shire
- Must have no outstanding previously received Grant acquittals to the Shire
- May not be an organisation where the primary purpose is to promote political beliefs; or
- May not be an organisation where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds

Grants:

- Must directly benefit the Shire of Wyndham East Kimberley Community
- Will not fund projects that are underway or completed at the time the application is assessed. In the case of Annual Community Grants, this is the date that the grants are adopted by Council.
- Funding events will be conditional on the event being approved by the Shire and meeting all relevant legislation
- Must not be used for trophies, prizes, insurance or operational expenditure
- Must not be used for projects that are primarily fundraiser projects, where the funds raised from the project are to be directly forwarded to another organisation that does not meet the eligibility criteria
- In the case of Capital/building works, must be on a crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion); or
- In the case of Capital/building works, must not be on property directly managed by the Shire.

Grant Scheme:

To meet the Grant Scheme objectives and to support a wide variety of programs, projects and events; grants will be distributed to community organisations through two mechanisms:-

1. Quick Grants
2. Annual Community Grants

Quick Grants:

Quick Grants are a mechanism for the Shire to support local club*s* and community groups for amounts of up to $500.00 plus GST.

The grants are available at any time and the application process is relatively basic. Quick grants primarily cater for small projects and initiatives that are unlikely to be planned many months in advance. They provide a mechanism for the Shire to offset Shire fees and charges in a fair and equitable manner as opposed to the provision of waivers on an ad hoc basis.

- Organisations are eligible for one Quick Grant per year only
- May be submitted at any time
- Fully completed applications must be submitted a minimum of four weeks prior to the activity.

Quick Grants are assessed based on:

- Applicant Eligibility
- Project Eligibility
- Demonstrated need
- Demonstrated community benefit.

Annual Grants:

Annual Grants provide the opportunity for not for profit, community based, sporting, cultural, environmental, service groups and associations to apply for funding for larger scale projects over $500.00 plus GST.

Annual Grants are provided for larger projects and provide a mechanism for the Shire to assess all large requests for funding in a manner that is transparent and equitable for all applicants. Given the potential for large financial contributions, Annual grant applications are relatively comprehensive seeking a variety of information that will allow the Grants Panel to make an informed decision based on a variety of factors.

Annual Community Grants may support (noting eligibility requirements):
- Capital Works
- Purchase of equipment; or
- General project expenses.

Key Features:
- Open 1 August and close 31 August.
- All organisations receiving Annual Community Grants will be required to expend and acquit the funds within 4 weeks of the completion of the event, or 30 June on the financial year of issue (the latter of the two).

Note: As endorsement of grants will take place in September at the earliest, projects and events that take place within July, August or September will not meet the requirement that projects may not have commenced on the date of assessment. Therefore projects must take place during the financial year of issue, or the first half of the following financial year. This amount will be included in the annual budget and restricted for payment in the following year.

Annual Community Grants shall be assessed against the following criteria:
- Demonstrated need for funding
- Benefits to the community, including:-
    - Improved quality, range and access to services by the community
    - Addressing key social issues within the community
    - Local economic benefit
    - Benefit to a wide range of people from a variety of backgrounds
- Demonstrated community support for the organisation and the project or activities planned
- The organisation's demonstrated ability or capacity to achieve measurable outcomes for the community and to deliver the project successfully.
- Demonstration of links to Council's Strategic Community Plan

Priority will be given to applications that:
- Can demonstrate ongoing benefit to the community (i.e. capital works project, equipment purchase or in the case of events, community development or economic development)
- Demonstrate partnerships with other Community Organisations and funding sources

- Demonstrated community support for the organisation and the project or activities planned
- Provide co-contribution, whether through other grant funding sources or the applicants own contribution. Applicants should aim to contribute a minimum of 50% of the project costs (this may be in kind). Applications for more than 50% of a project cost will be considered however the applicant should provide reasoning why they are not able to contribute half of the project costs
- Are from Community Organisations that do not already receive financial support from the Shire including subsidised lease fees, subsidised facility hire fees and rates concessions
- Provide evidence that grant funding is being spent locally; and/or
- Promote access and inclusion.

Note: Annual Community Grants are not Sponsorship. The difference between grants and sponsorship is critical in the management of the perception of corruption with regard to Shire financial support. It may be viewed that any personal benefit to any individual involved in the decision making process could influence the decision making process. For this reason, given the purpose of the Community Grant Scheme is to provide support for Community organisations and events, there should be no expectation of reciprocal benefit beyond modest acknowledgement. Therefore all Shire contribution through this scheme will be a "grant" as opposed to "sponsorship". Any sponsorship benefits provided by a grant recipient other than acknowledgement of the Shire's contribution will not be accepted.

Assessment:

Quick Grants will be assessed by the Manager Community Services.

The Community Grants and Events Grants Assessment Panel will consist of a minimum of three Shire Officers facilitated by the Director Community Development.

The Assessment Panel will draft and present an assessment report to Council for consideration and adoption.

Acquittal:

The Shire has a duty to ensure that the funding distributed through this Community Grants Scheme is spent in accordance with the approved application. To ensure the use of funds is monitored, all grant recipients must complete an acquittal providing proof of:

- Total project Expenditure (including copies of invoices)
- Completion of the project in accordance with the application
- Recognition of the Shire's contribution.

Acquittals will be assessed by the Manager Community Services. Past acquittals may be used when assessing grant applications. Acquittals deemed to provide insufficient information may result in:

- The applicant being required to return funds, or;
- The insufficient acquittal being noted during assessment of future grant applications.

EXPLANATORY NOTES:

The Shire of Wyndham East Kimberley is supportive of activities, programs, projects and events that positively contribute to the community of the Shire of Wyndham East Kimberley.

The Shire provides ongoing support for community organisations in a number of ways, as follows:-

- Community Facilities are hired to community groups by the Shire at well below the cost of maintaining them (specific Community fees);
- Provision of administrative support for community groups in developing their governance functions and in increasing their capacity and resilience;
- Community Leases are provided at well below market rental; and
- Direct financial support.

This Community Grant Scheme enables the Shire to provide direct financial support, and to provide this support in an equitable and transparent manner. The Scheme ensures that funding distributed maximises the benefit to the Shire of Wyndham East Kimberley Community and is used in an appropriate manner.

RISKS:

Corrupt behaviour:

The possibility of any personal benefit to any individual involved in assessment of approval of financial support is reduced through the Shire not accepting any reciprocal benefit.

Councillors must declare an interest should they hold an interest in any of the organisations applying for funding.

Panel members will be replaced should they hold an interest in any of the organisations applying for funding.

Thorough assessment process conducted using a pre-approved assessment tool with a panel of three, followed by review by Council.

Liability from supporting an unregulated or unapproved event or project:

Any approval for funding will be conditional upon the applicant gaining all approvals.

Financial risk to the Shire

Approval of total funding limited to amount adopted within the Annual Budget.

13.3.2 Development Control Policy Review

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Louise Gee, Director Community Development
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	N/a
ASSESSMENT NO:	N/a
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to review and consider repealing Development Control policies that have been deemed irrelevant due the content of these policies being provided in alternate legislative documents or guide lines.

BACKGROUND

At the Ordinary Council Meeting held on 28 April 2015 the proposed process for the review of all Council policies was discussed, Council were advised that it was intended that all Council policies would be reviewed by December 2015.

Council will also recall that the review of all Council policies was a requirement of the Shire of Wyndham East Kimberley 2014 Probity Compliance Audit Report – Recommendation 16:-

> *"That Council arranges for the completion of a comprehensive review of its policies and adopts those reviewed policies by 31 December 2015. In meeting that timeframe Council may wish to consider engaging a consultant to complete the review."*

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

(1) The council –
  (a) governs the local government's affairs; and
  (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –
  (a) oversee the allocation of the local government's finances and resources; and
  (b) determine the local government's policies.

POLICY IMPLICATIONS

It is recommended that a number of policies be repealed as listed below.

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 ENGAGEMENT

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

No community engagement is required

COMMENT

The following Council policies have been deemed irrelevant due the content of these policies being provided in alternate legislative documents or guide lines (refer Attachment 1).

Policy No.	*Title*	*Comment*
DC1	*Lodgement of Development Applications*	*Form of application; accompanying material; additional material for heritage matters; advertising of applications is outlined in the local planning scheme.*
DC2	*Battleaxe Leg Blocks*	*Development control provisions for Battleaxe Subdivision are outlined in the Western Australian Planning Commission (WAPC) Development Control Policy 2.2 - Residential Subdivision (August 2013). Refer Attachment 2 for extract.* *The WAPC will normally require proposals for the creation of battleaxe lots to comply with the above Policy. The WAPC may permit variations to the policy upon consultation with local government, and where it is satisfied that such variations would be consistent with orderly and proper planning.*
DC4	*Car Parking Provision for Commercial Development*	*Cash in lieu provision of car parking bays is included in Local Planning Scheme No. 7 – 8.4.1.*
DC6	*Development Outside of Town Sites*	*Settlement Zone objectives; preparation*

		and endorsement of community layout plans; development requirements is included in Local Planning Scheme No. 7. State Planning Policy 3.2 Aboriginal Settlements also outlines the requirements for the planning of the orderly and coordinated development of Aboriginal settlements.
DC8	*Development / Subdivision Contributions*	Model Subdivision Conditions have been developed by the Western Australia Planning Commission to ensure adherence to planning legislation and policies. There are model conditions which local government may apply to subdivisions which provides for satisfactory arrangements to be made regarding the upgrading and/or construction of roads. Refer Attachment 3 extract.
DC11	*Relocated Dwellings*	*Relocated dwellings are dealt with by Local Planning Policy No. 7 – Relocated and Transportable Buildings.* *The utilisation of a caravan for temporary accommodation is regulated by the Caravan Park and Camping Grounds Regulations 1997.*
DC12	*Temporary Accommodation*	*There are existing legislative provisions that allow for temporary accommodation on site during the construction of a dwelling i.e. Temporary Planning and Building Approvals; Caravan Park and Camping Grounds Regulations 1997.*
DC13	*Town Planning Scheme – Rezoning*	*The rezoning of land (amendments to Local Planning Schemes) is undertaken in accordance with the Planning and Development Act 2005.*
DC14	*Itinerant Food Vendors*	*Itinerant food vendors are regulated in accordance with Part 5 – Trading in Thoroughfares and Public Places, Activities in Thoroughfares and Public Places and*

		Trading Local Law 2005.
DC15	*Outdoor Advertising on Council Property, Bus Shelter Advertising Hoardings*	The Shire has one (1) bus shelter asset located adjacent to the Tourism House. There have been no requests for the placement of advertising on this asset.
DC16	*Special Licences*	Provisions available under building legislation for the issuance of temporary building permits.
DC18	*Stallholders Licences*	The granting of Stallholder Permits is regulated by the Activities in Thoroughfares and Public Places and Trading Local Law 2005 Part 5, Division 1 – Stallholders and traders.

ATTACHMENTS

Attachment 1 - Development Control Policies to be repealed.
Attachment 2 – WAPC Development Control Policy 2.2 – Residential Subdivision (August 2013) extract
Attachment 3 – WAPC Model Subdivision Conditions Schedule October 2012

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council repeals the following policies:-

- DC1 Lodgement of Development Applications
- DC2 Battleaxe Leg Blocks
- DC4 Car Parking Provision for Commercial Development
- DC6 Development Outside of Town Sites
- DC8 Development/Subdivision Contributions
- DC11 Relocated Dwellings
- DC12 Temporary Accommodation
- DC13 Town Planning Scheme – Rezoning
- DC14 Itinerant Food Vendors
- DC15 Outdoor Advertising on Council Property, Bus Shelter Advertising Hoardings
- DC16 Special Licences
- DC18 Stallholders Licences

COUNCIL DECISION

Minute No. 11073

Moved: Cr K Wright
Seconded: Cr B Robinson

That Council repeals the following policies:-

- **DC1 Lodgement of Development Applications**
- **DC2 Battleaxe Leg Blocks**
- **DC4 Car Parking Provision for Commercial Development**
- **DC6 Development Outside of Town Sites**
- **DC8 Development/Subdivision Contributions**
- **DC11 Relocated Dwellings**
- **DC12 Temporary Accommodation**
- **DC13 Town Planning Scheme – Rezoning**
- **DC14 Itinerant Food Vendors**
- **DC15 Outdoor Advertising on Council Property, Bus Shelter Advertising Hoardings**
- **DC16 Special Licences**
- **DC18 Stallholders Licences**

Carried Unanimously 8/0

POLICY NO:	DC 1
DIVISION:	Development Services
SUBJECT:	Lodgement of Development Applications
REPORTING OFFICER:	Executive Manager of Development Services
ENABLING LEGISLATION:	Town Planning Scheme No.6 - Wyndham Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVES:

- To establish for applicants and staff a clear understanding of the minimum information required for the lodgement of a planning, building and/or health applications.
- To detail the process by which planning, building and health applications will be accepted and accordingly processed by Shire staff in a consistent and timely manner.
- To represent the Shire's commitment to the continuing improvement to the delivery of development approvals based on a high level of customer service.

POLICY:

1.0 Introduction

Historically, respective planning, building and health (development) applications lodged with the Shire have proven to be inconsistent and generally lacking in detailed information required by staff to effectively process the application in a timely manner. As a consequence an increased work load is generated for Shire staff through the need to procure information that concurrently has caused un-necessary delay to the issuance of relevant approvals, licences and permits.

In an endeavour to resolve this issue and improve the processing of development applications in a consistent, transparent and timely manner it is intended that this policy will prescribe the minimum information required and detail the procedure to be followed in respect to the submission and processing of applications.

Broadly, this policy is based on the legislative framework and legal requirements applied through various state government Acts, Regulations and Policies applicable to the grant of planning consents, building licences and health approvals or permits by the Shire of Wyndham East Kimberley.

2.0 Definitions

"Building Application" means an application for a building licence lodged on a Form 2 (Yellow Envelope) under the Local Government Act 1960 – Building Regulations.

"Health Application" means an application to construct or install an apparatus for the treatment of sewage on a form prescribed under the Regulation 4 and 4a of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

"Planning Application" means an application for planning consent lodged on a Form 1 under the Shire's respective Town Planning Scheme No.6 and Town Planning Scheme No.7.

3.0 Policy Statements

3.1 The onus is on the applicant to provide all relevant information as detailed in the planning, building or health application check lists and any specific details required by the assessing officer.

3.2 Applications that fail to contain the minimum information as prescribed on the application check list/s will generally not be accepted by either:

(a) Hand delivery at the front counter, with the applicant to sign a file note that details the information required;
(b) Post or electronically lodgement and accordingly returned to the applicant with a request for the relevant information to be provided.

Refer to check lists in Appendix A - Planning, Appendix B – Building and Appendix C – Health, that form part of this Policy.

3.3 Building and health applications will not be processed and licences will not be issued until planning consent has been granted – refer to time frames in statement 3.4 below.

3.4 Applications will endeavoured to be processed within the following time frames where all required information is provided:

o Planning	- no advertising	- delegation	- 30 days
	- no advertising	- no delegation	- 45 days
	- advertising	- delegation	- 60 days
	- advertising	- no delegation	- 70 days
o Building		- delegation	- 21 days
o Health		- delegation	- 21 days

These periods are subject to changes in legislation that may occur.

3.5 A register/s of development applications shall be presented to the Shire Council each month detailing the applications processed for the previous month, including the time taken in processing and reasons should an application not be processed within the time frames prescribed in statement 3.4 above.

3.6 All building development for the Shire of Wyndham East Kimberley shall be subject to the protocol and procedures of this policy, with the exception of payment of application fees. In the case of such development the Chief Executive Officer or the Executive Manager of Development Services shall sign the relevant application/s as the authorising agent.

REFERENCE:

- The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7;
- *Planning & Development Act (2005)*
- Building Code of Australia (BCA)
- *Health Act 1911*
- *Local Government (miscellaneous provisions) Act 1960 (as amended)*
- *Building Regulations 1989 (as amended)*
- *Building Notes (issued by the Dept housing and Works and now the Building commission*
- *Association of Building Sustainability Assessors (Energy Efficiency star ratings)*

ADOPTED: ***15th December 2009***
REVIEWED:
AMENDED:

Appendix A

Planning Application Check List

(Please read thoroughly)

Every application for Planning Consent shall be accompanied by the following minimum information:

MINIMUM INFORMATION	PROVIDED (Applicant to Tick)	CHECKED (Officer to Tick)
COMPLETED APPLICATION FORM for planning consent signed by applicant of owners of the property		
SITE PLAN (Scale of not less than 1:500 – 3 copies) To include street name/s; lot number/s; north point; lot dimensions; boundary setback distances to existing and proposed buildings; relative levels of the site with respect to the street; use of new buildings; existing and proposed access; location, number, dimensions and layout of car parking spaces; location and dimensions of service areas; landscaped, open storage or trade display areas, where applicable.		
FLOOR PLAN (Scale not less than 1:100 – 3 copies) To include identification of specific rooms, outdoor living areas and vehicle parking under main roof.		
ELEVATIONS (Scale not less than 1:100 – 3 copies) To include reference to natural ground level, height of walls; roof pitches.		
* **LANDSCAPING PLAN** (scale of not less than 1:500) To include location and area for landscaping to be shown.		
* **SCHEDULE OF MATERIALS/COLOURS** To include the type of external wall and roof claddings and relevant colours.		
* **STORMWATER MANAGEMENT PLAN** (scale of not less than 1:500) To include method of disposal, network of drainage and connection point into Local Government system.		

Note: 1. ** means optional for single house, two grouped houses (duplex) and outbuildings other than where specific design guidelines or Town Planning Scheme provisions and development standards are applied;*

2. *Incomplete applications will generally not be accepted.*

Appendix B

Building Application Check List

(Please read thoroughly)

Every application for a Building Licence shall be accompanied by the following minimum information:

MINIMUM INFORMATION	PROVIDED (Applicant to Tick)	CHECKED (Officer to Tick)
COMPLETED APPLICATION FORM Envelope with applicant signature and builders registration number		
SITE PLAN (Scale not less than 1:500 – 2 copies) To include street name/s; lot number/s; north point; lot dimensions; existing and proposed buildings; use of new buildings; buildings; relative levels of the site with respect to the street or way adjoin, Storm water control and proposed sheet flow existing and proposed access; location, number, dimensions and layout of car parking spaces; location and dimensions of service areas; landscaped, open storage or trade display areas, where applicable. Note site plans to address all aspects of the R Code requirements		
FLOOR PLAN (for each floor) (Scale not less than 1:100 – 3 2opies)		
ELEVATIONS & CROSS SECTIONS (Scale not less than 1:100 – 2 copies showing height of each story footings proposed finished ground levels)		
SPECIFICATIONS – 2copies		
STRUCTURAL ENGINEER CERTIFICATION All structural plans to be signed off by a registered structural engineer		
BCA ENERGY EFFICIENCY CHECK SHEET(S) including 5 star plus requirements or star rating assessment		
WATER CORPORATION APPROVAL All building applications within a reticulated water and/or sewer area are to be lodged with the Water Corporation by the applicant/builder for certification prior to lodgement with the Shire. Applications will not be processed without Water Corporation endorsement shown on the plans.		
HOME INDEMNITY INSURANCE CERTIFICATION Applies to houses(domestic buildings) built by a registered builder		
*** FIRE & EMERGENCY SERVICE APPROVAL (FESA)** Applies to all commercial buildings		
BCITF LEVY FORM Payable on all projects over $20,000.		

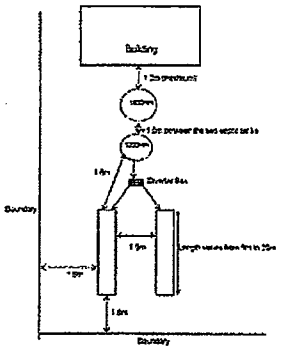
Note: 1. ** means optional for single house and outbuilding developments;*
2. *Incomplete applications will generally not be accepted.*

Appendix C

Health Application Check List

(Please read thoroughly)

Every development application for Health approval or a licence, such as an on site effluent disposal system, shall be accompanied by the following minimum information:

MINIMUM INFORMATION	PROVIDED (Applicant to Tick)	CHECKED (Officer to Tick)
COMPLETED APPLICATION FORM Completion of application form for on-site effluent disposal apparatus including signatures		
SITE PLAN (scale of not less than 1:500 – 2 copies) To include street name/s; lot number/s; north point; lot dimensions; existing and proposed buildings; use of new buildings; set backs from boundaries, bores, and structures position of effluent disposal apparatus (ie septic tanks and leach drains); details of plumbing fixtures that connect into system; Type of leach drain/disposal to be used (manufacturer details); alignment of sewer plumbing, existing and proposed vehicle access; location and layout of car parking spaces, where applicable. See diagram below 		
FLOOR PLAN (Scale not less than 1:100 – 3 copies)		
PAYMENT OF FEE ($208)		

Note: 1. Incomplete applications will generally not be accepted.

POLICY No:	**DC2**
DIVISION	**Development Control**
SUBJECT:	**Battleaxe Leg Blocks**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	

OBJECTIVE:

To recognise battleaxe blocks as a legitimate form of subdivision whilst protecting rights and interests of adjoining landholders particularly in terms of drainage and dust.

POLICY:

Length and Width

Townsites: - 6 metres wide with 50 metre maximum length

Rural Areas: - 12 metres wide with no maximum length

Amenity

Battleaxe leg accesses must be constructed in a manner that provides for good drainage and further will not create dust problems for adjoining landholders.

Alternative Access

Battleaxe leg accesses will only be approved if no frontage to an existing road reserve exists.

ADOPTED: 17/07/1997
REVIEWED:
AMENDED:

POLICY NO:	DC4
DIVISION:	Development Control
SUBJECT:	Car Parking Provision for Commercial Development
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Town Planning Scheme 7

OBJECTIVE:

To ensure adequate and appropriate parking is provided for commercial development and that the rights and interests of adjoining and surrounding landholders are not compromised.

POLICY:

Number of parking bays required is determined by the Town Planning Scheme.

Shopping Centre Accommodation and Tourism Developments must incorporate provision for coach bays.

Cash in Lieu payments in the absence of actual provision of car parking bays is to be based on the valuation of the land and cost of construction.

The valuation component of land to be used for off-site parking is to be based on unimproved site value of the land the subject of the development application.

Cash in Lieu payments are not to be treated as an alternative to car parking if parking cannot reasonably be provided in a realistic vicinity of the development site. The development in this circumstance should not be given approval given the deleterious impact on car parking availability to existing enterprise in the vicinity

Cash-in-lieu payments are to be paid in full prior to the issue of a building licence for the development.

ADOPTED: **17/17/1997**
REVIEWED: **July 2004**
AMENDED: **19/03/1998**
AMENDED: **17/09/1998**
AMENDED:

POLICY NO:	**DC6**
DIVISION:	**Development Control**
SUBJECT:	**Development Outside of Town Sites**
REPORTING OFFICER:	**Executive Manager Engineering and Development Services**
ENABLING LEGISLATION:	**Town Planning Scheme No 7**

OBJECTIVE:

To ensure that essential and appropriate infrastructure is provided in terms of developing communities outside of established town site areas.

POLICY:

Any applications for the excision of Crown land for residential purposes must include an overall development plan that provides details of subdivisional design, projected population and essential services, including roads, sanitation, water and power.

As a general policy, standards provided in the development plan will need to comply with Council policy on infrastructure standards.

The location of any settlement is not to compromise surrounding land use and must be appropriately zoned, if located within a Planning Scheme Area.

ADOPTED: **17 July 1997**
REVIEWED: **20 July 2004**
AMENDED: **16 November 2004**

POLICY NO:	**DC8**
DIVISION:	**Development Control**
SUBJECT:	**Development / Subdivision Contributions**
REPORTING OFFICER:	**Executive Manager Engineering and Development Services**
ENABLING LEGISLATION:	**Town Planning Scheme No 7**

OBJECTIVE:

To require developers to provide appropriate new infrastructure and contribute to existing infrastructure that will be impacted upon by the development.

POLICY:

Existing infrastructure ie; feeder roads, is to attract 50% contribution to bring such infrastructure to a standard that is provided for in Council Policy after taking into account the impact of the development.

ADOPTED: **17 July 1997**
REVIEWED: **20 July 2004**
AMENDED: **16 November 2004**

POLICY NO:	**DC11**
DIVISION:	**Development Control**
SUBJECT:	**Relocated Dwellings**
REPORTING OFFICER:	**Executive Manager Engineering and Development Services**
ENABLING LEGISLATION:	**Town Planning Scheme No 7**

OBJECTIVE:

To maintain a parity of the completed standard between relocated buildings, newly built dwellings and caretakers accommodation.

POLICY:

Conditions of Approval:

The Chief Executive Officer may grant approval for the use of a building or caravan as a dwelling on a lot in accordance with table 1, definitions and the following conditions where applicable;

1. The proposed use complies with the provisions of the Town Planning Scheme.
2. A transportable dwelling is to have the appearance of a dwelling.
3. A bond where applicable of a minimum of $7,500 is imposed to ensure that any condition on the approval is observed.
4. Chief Executive Officer is authorised to make progressive refunds of the bond as the required works are completed.
5. A transported building is to be modified to give the appearance of being a dwelling. ie roof line, verandahs etc.
6. A caravan is to be used for temporary accommodation for a maximum period of three months, or for such time as the Council deems appropriate (reviewed annually), where approval by the Department of Local Government has been granted in accordance with Part 2, section 11(1)(2) of the Caravan Parks and Camping Grounds Regulations 1997.
7. An outbuilding used as a dwelling must comply with the Building Codes of Australia and the provisions of the Health Act.

Definitions

1. Transportable Dwelling (relocated) is a building that was originally designed, constructed and occupied as a dwelling and is able to be relocated onto another site.

2. Transportable dwelling (new) is a new building that is designed & constructed, and has the appearance of a dwelling and is able to be transported onto another site.

3. Transportable Building (previously used) is a building that does not have the appearance of a dwelling, however is capable of being converted into a dwelling that will satisfy the requirements of the Health Act.

4. Transportable Building (new) is a building that does not have the appearance of a dwelling, however is capable of being converted into a dwelling that will satisfy the requirements of the Health Act.

5. Caravan means a vehicle as defined under the Road Traffic Act 1974-82 maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for a dwelling or sleeping purposes.

6,7. Outbuilding is a structure, designed as a shed, garage or the like. An outbuilding that is to be used as a dwelling is required to contain the facilities of a dwelling to satisfy the requirements of the Health Act.

ADOPTED: **17 July 1997**
REVIEWED: **20 July 2000**
AMENDED: **15 October 1998**
REVIEWED: **20 July 2004**
AMENDED: **16 November 2004**

TABLE 1

TYPE OF STRUCTURE / ZONES	INDUSTRIAL	SERVICE INDUSTRIAL/ COMMERCIAL	RESIDENTIAL	RURAL/ RESIDENTIAL	RURAL
1. Transportable Dwelling Relocated Dwelling	NO	NO	YES Conditions & Bond	YES Conditions & Bond	YES Conditions & Bond
2. Transportable Dwelling New Dwelling	NO	NO	YES	YES	YES
3. Transportable Building converted into a dwelling Donga etc (previously used)	YES	YES	NO	YES Conditions & Bond	YES Conditions & Bond
4. Transportable Building converted into a dwelling Donga etc (new)	YES	YES	NO	YES Conditions	YES Conditions
5. Caravan Used as dwelling	Temporary	Temporary	NO	Temporary	Temporary
6. Outbuilding a portion used as dwelling	YES	YES	NO	YES ⌖ Conditions	YES ⌖ Conditions
7. Outbuilding Converted into Dwelling	YES	YES	NO	YES ⌖ Conditions	YES ⌖ Conditions
8. Caretakers Accommodation	NO	YES	NO	NO	YES

⌖ Conditions may be applied to any Development Approval if and as required.

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POLICY No:	**DC12**
DIVISION	**Development Control**
SUBJECT:	**Temporary Accommodation**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	**Building Codes of Australia**

OBJECTIVE:

To provide temporary accommodation to Bona-Fide on site builders and residents wishing to accommodate friends and relatives holidaying in the area.

POLICY:

1. Temporary Accommodation During Dwelling Construction:

Council will allow temporary accommodation during the construction of a dwelling on that land provided the following conditions are complied with:-

That the temporary accommodation is inspected and prior to occupation and that such accommodation is to be used only by persons directly involved in the building of the dwelling on the subject land.

That the temporary accommodation is valid for three months.

Any facilities installed in association with the temporary accommodation must be removed at the expiry of the approval unless otherwise approved by Council.

2. Temporary Accommodation - Visiting friends and relatives.

Accommodation may be provided in a caravan or outbuilding, provided no cooking or ablution takes place. All ablutions and cooking to be undertaken in main house.

The accommodation is not to be rented, must be in accordance with any condition set by Council's Health Officers and for a period not exceeding three months.

ADOPTED: 17/07/1997
REVIEWED:
AMENDED: 15/10/1998
AMENDED:

POLICY No:	**DC13**
DIVISION	**Development Control**
SUBJECT:	**Town Planning Scheme - Rezoning**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	

OBJECTIVE:

To provide uniform approach to rezoning applications.

POLICY:

Applications for the "Spot" rezoning of land will be considered.

An approach to rezone land in the form of general correspondence will be considered by Council, however Council will not formally adopt or approve of a rezoning proposal until Town Planning Scheme Amendment documents as prescribed in the Town Planning and Development Act Regulations are submitted.

ADOPTED: 17/07/1997
REVIEWED:
AMENDED:

POLICY No:	**DC14**
DIVISION	**Development Control**
SUBJECT:	**Itinerant Food Vendors**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	**Shire of Wyndham-East Kimberley Health By-Laws 1995**

OBJECTIVE:

To allow for the operation of Itinerant Food Vendors to cater for Community convenience without adverse disruption to public amenity and existing economic trade.

POLICY:

Council may allow the issue of Itinerant Food Vendors licences to operators who comply with the following conditions;

1. No trade is to occur within the Town Centre or Residential zones with the exception of Ice-Cream vans.

2. Trade by an Itinerant Food Vendor on Council Reserves is only to occur during special functions or events and the organisation responsible for that event has given their prior authorisation.

3. Trade in Aboriginal Communities is only to occur after written consent has been obtained from the Chairperson of the particular Community and a copy of that consent is forwarded to the Council.

An Itinerant Food Vendors licence may be immediately cancelled if any deficiencies in relation to the Food Hygiene Regulations are identified.

ADOPTED: 21/08/1997
REVIEWED:
AMENDED:

POLICY No:	**DC15**
DIVISION	**Development Control**
SUBJECT:	**Outdoor Advertising on Council Property** **Bus Shelter Advertising Hoardings**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	

OBJECTIVE:

To enable revenue to be raised through commercial advertising on Council property within defined parameters.

POLICY:

1. BUS SHELTER

- The external end walls of bus shelters may have an advertising hoarding fitted not exceeding 600mm wide by 900mm high.
- Businesses or products advertised on the hoardings shall be approved by the Council.
- An annual licence fee for the hoarding shall be paid to the Council based upon a fee determined by the Council having regard to the location of the bus shelter.
- The annual licence fee shall be payable annually in advance and the licence period shall be renewable.
- The licence shall be responsible for the installation and upkeep of the hoarding. If not maintained to the satisfaction of the Council it may be removed and the licence cancelled.

ADOPTED: 21/08/1997
REVIEWED:
ADOPTED:

POLICY No:	**DC16**
DIVISION	**Development Control**
SUBJECT:	**Special Licences**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	**N/A**

OBJECTIVE:

To issue Special Licences for structures of a temporary nature.

POLICY:

The Council will permit the construction and erection of temporary structures when considered appropriate subject to the following conditions

1. The proposed use complies with the provisions of the Town Planning Scheme.
2. A Special Licence pursuance to the Building Regulations is to be issued.
3. A Special Licence is valid for a maximum period of 12 months.
4. A Special Licence may be reviewed and re-issued at the completion of the twelve (12) month period.

ADOPTED: 20/11/1997
REVIEWED:
AMENDED:

POLICY No:	**DC18**
DIVISION	**Development Control**
SUBJECT:	**Stallholders Licences**
REPORTING OFFICER	**Director Development Services**
ENABLING LEGISLATION	**Local Government Act**

OBJECTIVE:

To allow for the sale of goods and merchandise from stalls whilst protecting the existing amenity and economy of the local community.

POLICY:

The Council may grant a Stallholders Licence to the following;

1. Fundraising organisations such as local sporting and charity groups.
2. Commercial operators where no such other avenue exists to reasonably obtain the goods or merchandise within the district.
3. Commercial operators trading in conjunction with an established one off market day, fair, side-show or similar event, unless the market day, fair, side-show or similar event has a blanket licence.
4. Food Stall (temporary food premises) -; Licences that are granted must be in accordance with Councils guidelines.

ADOPTED: 21/01/1999
REVEIWED:
AMENDED: 20/07/2000
AMENDED:

Development Control Policy 2.2 - Residential Subdivision

August 2013

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GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

3.4 Single Residential Lots

3.4.1 Single residential lots should be rectangular in shape to accommodate project housing, with preferably a greater depth than width to maximise private space, privacy and amenity together with an economy of street frontage. Frontage to depth ratios of between 1:1.5 and 1:2 have been common in practice and have proved effective.

3.4.2 With lots of less than 260m^2 in area the shape of the lot becomes more critical, since the proportion covered by a building tends to increase with reductions in area. Accordingly, the WAPC will pay closer attention to this aspect of subdivisional proposals and, where irregularly shaped lots are proposed, may seek illustration of the manner in which such lots can effectively be developed in accordance with R-Code requirements before making a decision on any particular application.

3.5 Small Residential Lots

3.5.1 Proposals to subdivide land to create two or more lots of less than 260m^2 should be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development on the land to enable the relationship between the subdivision and the development to be assessed.

3.5.2 Where proposed lots less than 260m^2 are narrow, irregularly shaped, present vehicular access difficulties or involve the development to proceed with party walls, the WAPC may require, having regard to the views of the local government, that deposited plans of survey or vacant/survey-strata plans not be endorsed until the buildings are constructed to plate height unless there is a detailed area plan/local development plan adopted under an operative local planning scheme.

3.6 Battleaxe Subdivision

3.6.1 For the purpose of this section, a battleaxe lot means a lot to which access is provided by a distinct access leg, of sufficient width to accommodate a driveway and the necessary public utility services, which is attached to and forms part of the lot. Effective lot area means that part of the battleaxe lot which is capable of development, and excludes the access leg and associated truncations.

3.6.2 Extensive use of the battleaxe configuration in the subdivision of new broadacre areas is not favoured. Exceptions may be permitted where:

- Battleaxe legs can be used to provide an alternative access for lots fronting major roads with access controls, or public open space.
- Full advantage can be taken of the views out of the site or where vegetation can be protected through reduced road construction requirements.

3.6.3 In existing areas, the WAPC recognises that battle-axe subdivisions can provide housing choice and make effective use of land where no other access is practicable. The WAPC, however, considers that where opportunities are provided by dedicating existing laneways and rights of way as public roads both as a means of providing alternative access and a street aspect, this is a preferred outcome to the provision of battleaxe lots.

3.6.4 Where local governments consider that battleaxe subdivisions are likely to seriously threaten the character of an established residential area which ought to be protected (e.g. heritage precincts or special design control areas) density controls and other provisions may be included in local planning schemes to limit or otherwise ensure that battleaxe

subdivisions are in keeping with their surroundings. Provisions should take into account the character and built form outcome of the particular area.

3.6.5 In areas which are subject to the R-Codes, the minimum lot area will be as set out in Clause 5.1.1 and Column 4 of Table 1 of the R-Codes. The WAPC will not permit reductions in the minimum or average lot sizes set by the R-Codes in respect of battleaxe subdivisions.

3.6.6 In areas which are not subject to the provisions of the R-Codes, the WAPC will normally require residential battleaxe lots to have an effective lot area of at least 850m^2 in order to overcome the sense of confinement resulting from lack of street frontage. In areas characterised by small lots, the WAPC may, with the advice of the relevant local government, reduce that basic requirement when it is satisfied that the lot is capable of development without undue effect on adjacent properties. In this regard, it may wish to view development plans before making its decision.

3.6.7 Access legs to battleaxe lots should be a minimum of 4m in width to allow for a constructed driveway and the necessary public utility services. Where the lot is to be created for grouped or multiple dwelling development, the WAPC may require the width of the leg to be increased. Driveways are required to be constructed and drained as a condition of subdivision approval in accordance with the specification of the local government.

3.6.8 In rural, rural-residential and low-density subdivisions requiring long battleaxe legs, and locations where there are particular physical or topographical constraints, the WAPC on the advice of the local government, may require a battleaxe leg wider than 4m.

3.6.9 In cases where access legs to battleaxe lots are adjoining, the WAPC is prepared to accept a reduced width of 3m for each leg subject to the subdivider entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battleaxe legs. The reciprocal rights should also extend into the effective lot areas to allow for a shared turning area.

3.6.10 Battleaxe arrangements involving more than two access legs will not normally be accepted unless there are exceptional circumstances to justify such an arrangement. Where more than two adjoining battleaxe legs are proposed, access should be provided by way of a constructed road.

3.6.11 The WAPC will not normally accept undersized battleaxe legs as a means of obtaining alternative road frontage and to avoid the costs of extending a water main or sewer in accordance with normal requirements.

3.6.12 A 4.24m truncation may be required to be provided at the point where the access leg joins the effective area of the lot, to allow for improved vehicular access into the lot. In addition, a further truncation, generally 1.5m x 1.5m, may be required at the point where the access leg meets the road reserve in order to improve visibility for vehicles entering or leaving the lot. The WAPC will have particular regard to the advice of the local government in respect of these requirements.

3.6.13 The WAPC will normally require proposals for the creation of battleaxe lots for residential purposes to comply with the design standards set out in this policy. The WAPC may permit variations to the policy in particular circumstances upon the advice of the relevant local government, public bodies and government departments, and where it

is satisfied that such variations would be consistent with orderly and proper planning.

3.7 Access to Residential Lots

3.7.1 The creation of lots having road access to both front and rear boundaries is not generally favoured, although exceptions may be made if the proposed lot is specifically designed for multiple or grouped dwellings and the proposal is consistent with the operational and safety requirements of the abutting streets and relevant R-Codes provisions.

3.7.2 For lots without street frontage, vehicular access should be provided in accordance with the following:

- Battleaxe lots (including survey-stratas with no common property) to be provided with an access leg of 4m in width, with a reduced width of 3m for each access leg when they adjoin.
- In accordance with the R-Codes, strata lots (including survey-stratas with access via common property) to be provided with driveways of 4m width, or 3m width where necessary to retain an existing dwelling. Driveways should be designed to allow vehicles to pass in opposite directions at one or more points where six or more dwellings are served by the driveway.
- Where it is proposed to retain an existing dwelling, the WAPC in considering any strata subdivision will generally require, where access is not by common property that:
  - there should be no eaves overhangs or other protrusions into the driveway space and no major opening in the wall adjacent to the driveway; and
  - there will be adequate space for the car parking required by the R-Codes, and sufficient space for safe vehicle manoeuvring.

3.8 Provision of Screen Fencing

3.8.1 Where lots are being created with rear or side boundaries which abut public reserves, particularly major roads to which the lots have no access, the amenity and safety of those reserves is often best protected by the provision of uniform fencing along the common boundary. Arrangements for such fencing should be made at the time of subdivision. Accordingly, a condition of subdivision may require the subdivider to reach agreement with the local government with respect to fencing, to include such matters as specification, complementary landscaping and the timing of its provision.

3.8.2 The suitability of fences for given locations will depend on function and setting, but the fences shall be:

- Substantially of solid construction and of sufficient height (normally between 1.8m and 2.4m) to provide privacy and screening.
- Of materials or finished treatment to give a long-lasting, aesthetically pleasing appearance, preferably with a low maintenance factor and complemented where appropriate with landscaping.
- Of uniform height, design and materials with adjacent lots and of compatible design and/or materials where changes in design or height are justified due to the requirements of topography or to relieve monotony.
- Of sufficient height and strength and of appropriate design where it is necessary to produce a barrier in the interests of safety.



Department of Planning
GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

Model Subdivision Conditions Schedule

October 2012

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New code	Transport, roads and access condition	Related code	Summary	Situation	Policy link
T4	Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of full earthworks, one carriageway, shared path(s), drainage facilities and grade separated pedestrian crossing(s) required for the portion of [INSERT VALUE] within/abutting [DELETE AS APPLICABLE] the application area. (Local Government)	Ta3	Road – distributor and arterial road construction arrangements. (Local Government)	Consistent with Western Australian Planning Commission policy or developer contribution Local planning Scheme provisions.	*SPP 3.6 Developement Contributions for Infrastructure* *DC 1.1 Subdivision of Land – General Principles* *DC1.7 General Road Planning*
T5	Satisfactory arrangements being made with the local government for the full/partial [INSERT VALUE HERE] cost of upgrading and/or construction of [INSERT VALUE ROAD(S)] in the locations as shown on the plan dated [INSERT] (attached) to a standard of [INSERT VALUE]. (Local Government)	-	Road upgrading and construction.	Where an existing road is required to be upgraded and/or constructed as a result of the proposal. Outline the specific upgrading requirements for example by reference to the road type in the Liveable Neighbourhoods policy road hierarchy.	*SPP 3.6 Developement Contributions for Infrastructure* *DC 1.1 Subdivision of Land – General Principles* *DC 1.7 General Road Planning* *Liveable Neighbourhoods* Element 2
T6	The [INSERT VALUE] reserve being set out on a separate diagram or plan of survey (deposited plan) and transferred free of cost to the Commissioner for Main Roads WA for road purposes and without any payment of compensation. (Main Roads WA)	-	Road – widening and transfer.	MRWA Widening needed, but not shown on plan and subdivision justifies ceding free of cost in accordance with WAPC policy.	
T7	The land required for the widening of [INSERT] as shown on the plan dated [INSERT] (attached) for [INSERT] is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot(s) for the purpose of providing [vehicular access] [DELETE IF ALTERNATIVE ACCESS POSSIBLE], right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission)	Ta1	Road widening – land to be a separate lot with easement.	Generally applied where land is reserved in a Region Scheme or Local Planning Scheme and where there is a high degree of certainty of acquisition in the short to medium term.	*DC 1.1 Subdivision of Land – General Principles* *DC 1.7 General Road Planning* *Liveable Neighbourhoods* Element 2 *SPP 3.6 Developement Contributions for Infrastructure*
T8	An agreement for the acquisition of the land within the subdivision required for the road widening shown on the approved plan (attached) between the landowner and the [local government/ Main Roads WA] [DELETE AS APPROPRIATE] is to be executed. The land required for road widening is to be shown as 'Road Widening' on the agreement for the acquisition and the diagram or plan of survey (deposited plan). (Local Government) (Main Roads WA) [DELETE AS APPLICABLE]	-	Road – widening and agreement for acquisition.	Note – where required, local government can be replaced with Main Roads should an agreement to acquire be requested by Main Roads.	*DC 1.1 Subdivision of Land – General Principles* *DC 1.7 General Road Planning* *Liveable Neighbourhoods* Element 2
T9	[INSERT VALUE] being widened in accordance with the approved plan of subdivision/plan dated [INSERT VALUE/DELETE AS APPLICABLE] (attached) by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening [INSERT VALUE].	-	Existing or proposed road(s) – widening and transfer as per attached plan.	Existing or proposed road(s) - widening required in accordance with plan of subdivision or plan attached to approval. Need and extent to be consistent with WAPC policy.	*DC 1.1 Subdivision of Land – General Principles* *DC 1.7 General Road Planning* *Liveable Neighbourhoods* Element 2
T10	The section of [INSERT VALUE] widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government)	-	Existing or proposed road(s) – construction of widening.	With R4 if required. Construction requirement to be consistent with WAPC policy.	*DC 1.1 Subdivision of Land – General Principles* *DC 1.7 General Road Planning* *Liveable Neighbourhoods* Element 2

13.3.3 Endorsement of Draft Policy CP/PMG-3781 - Leasing of Council Managed/Owned Land – Commercial

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.11.2
ASSESSMENT NO:	NA
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to adopt the new policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial.

BACKGROUND

CP/PMG-3780 Leasing of Council Managed Reserve Land was adopted in May 2012. This policy informed the processes for the issuing of all Shire leases, both community and commercial (although was primarily directed at Community), as well as the content of these leases.

Through this review process it was identified that as the objectives and processes of community and commercial leases are very different from each other, separate policies would be drafted for community and commercial leases. The reviewed community leasing policy was endorsed for advertising by Council at the April 2015 Ordinary Council Meeting (OCM), subsequently advertised for public comment, and adopted at the Ordinary Council Meeting held on 23 June 2015 (CP/PMG – 3780 – Leasing of Council Managed Reserve Land – Community).

In the interim a new draft policy for commercial leases was prepared to complement the community leasing policy, and was presented to the June 2015 Ordinary Council Meeting for endorsement to seek public comment. At this meeting Council endorsed the draft policy, subject to amendments, to be advertised.

The draft policy was advertised on the Shire's website and Facebook page, and public notices placed at the Shire Administration Offices in Kununurra and Wyndham from 9 July 2015, and in SWEK News in the Kimberley Echo edition of 16 July 2015.

A copy of the draft policy CP_PMG-3781 Leasing of Council Managed/Owned Land – Commercial, as advertised, is provided at Attachment 1.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.58. Disposing of property

(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 local public notice of the proposed disposition —
(i) describing the property concerned; and
(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; and
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition —
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —
(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
(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.

POLICY IMPLICATIONS

This item seeks to provide a new policy to specifically guide Council in relation to leasing land for commercial enterprises and to complement the CP/PMG-3780 Leasing of Council Managed Reserve Land - Community

FINANCIAL IMPLICATIONS

A key objective of the draft commercial leasing policy is that the Shire does not incur any costs in the development and management of Commercial Leases. Accordingly the draft policy outlines that:

1. The cost of the lease preparation (including advertising costs, valuations, legal fees), stamping and registration are to be met by the lessee, regardless of whether a final lease is agreed to or not; and

2. Rent will be based on a valuation of fair market rent, and subject to CPI review annually.

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 ENGAGEMENT

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

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and has included:
Public advertisement of the draft CP_PMG-3781 Leasing of Council Managed/Owned Land – Commercial for a period of 28 days, and no submissions were received.

COMMENT

The Shire has a variety of different types of commercial leases including:

- Foreshore leases in conjunction with adjoining caravan parks
- Foreshore leases for commercial tourist operators
- Café Lease at the airport
- Leases for car hire company booths (and licences for car hire parking) at the airport
- AirBP Lease.

Given the variety of commercial leases, there is still a requirement for individual leases to be negotiated on a case by case basis; however the draft policy aims to outline and adopt core principles and standard provisions to provide clarity and consistency, and inform decision making in relation to commercial leases.

Although no submissions were received during the advertising period, an internal review of the draft policy was also undertaken, with a number of minor grammatical changes recommended, as shown highlighted yellow on the amended draft policy provided at Attachment 2.

ATTACHMENTS

Attachment 1 - Draft Policy CP_PMG-3781 Leasing of Council Managed/Owned Land – Commercial (as advertised)
Attachment 2 - Draft Policy CP_PMG-3781 Leasing of Council Managed/Owned Land – Commercial (amended)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial, as amended.

MOTION

Cr D Spackman moves that Council defer the item to a briefing session.

COUNCIL DECISION

Minute No. 11074

Moved: Cr D Spackman
Seconded: Cr G Taylor

That Council defers the item (13.3.3 Endorsement of Draft Policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial) to a briefing session.

Carried Unanimously 8/0

Reason for the decision differing to the Officer's Recommendation: Council require further information to make a decision.

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	CP/PMG-3781	
POLICY	Leasing of Council Managed/Owned Land - Commercial	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Senior Planning Officer	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996* *Land Administration Act 1997* *Commercial Tenancy (Retails Shops) Agreement Act 1985*	
RELATED POLICIES	CP/PMG-3780 – Leasing of Council Managed Land - Community	
RELATED ORGANISATIONAL DIRECTIVES		

PURPOSE:

This policy applies to all leases between the Shire of Wyndham East Kimberley (Shire) and a private individual or enterprise where the property will be used for commercial activity.

A commercial lease is an agreement between the Shire and an external organisation, business or individual to manage a property or reserve where the property will be used for commercial gain.

The objectives of this policy are to:

- Ensure an open and transparent process when negotiating commercial leases.
- Ensure consistency across the Shire's commercial leases both in the negotiation process and terms of leases.
- Ensure commercial leases provide no commercial advantage, nor disadvantage to the lessee.
- Ensure the Shire does not incur any costs in the development and management of commercial leases.
- Minimise risk to the Shire, financial or litigious, resulting from commercial leases
- Ensure the environmental impact of commercial leases is considered.

DEFINITIONS:

Lease is a grant of interest in land.

Licence is a deed of agreement allowing for occupation of a parcel of land on a non - exclusive use basis. A licence is not an interest in land. As a matter of law, it simply

authorises what would otherwise be a trespass. Licences do not provide the security of tenure offered under a lease agreement and can be cancelled without notice on provision of suitable grounds to do so.

POLICY STATEMENTS:

This policy provides the opportunity for the lessee to provide service(s) to the community and visitors to the Shire of Wyndham East Kimberley. In some cases these services may not otherwise be provided or viable without proximity or access to Shire managed or owned assets, such as portions of the Lake Kununurra Foreshore and East Kimberley Regional Airport.

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

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

Standard terms of Shire of Wyndham East Kimberley Commercial Leases are:

1. Permitted Use

Permitted use of a lease should be consistent with the purpose of (and management order for) the reserve land and the zoning of the land.

2. Lease Term

Terms for commercial enterprises are to be negotiated in accordance with current market conditions with a minimum 5 year term in accordance with the Commercial Tenancy (Retail Shops) Agreements Act 1985.

The maximum lease term will be 21 years.

3. Lease Rent

Rent will be based on a valuation of fair market rent.

A CPI rent review will be conducted every year.

4. Development

Authorisation for any proposed development on leased land should be sought from the Shire prior to the submission of formal planning and building permit applications. The prior approval of the Minister for Land will also be required for development on Crown land.

At the conclusion of a lease, any buildings or infrastructure not removed from the lease site will be forfeited and become the property of the Shire, for the disposal or retention at the Shire's discretion and associated costs may be recovered from the Lessee.

5. Maintenance Requirements

The Lessee will be responsible for all maintenance for buildings, infrastructure or fixtures on the lease site unless otherwise negotiated according to the existing condition of the property and the term of the lease.

The Shire will not be responsible for any maintenance for buildings belonging to the Lessee on land only leases. Responsibility for maintenance of buildings owned by the Lessee rests with that owner.

The Shire will be responsible for major structural maintenance or replacement of buildings belonging to the Shire on the proviso that the repairs, maintenance or replacements are not required as a result of any inappropriate actions, or inactions, of the Lessee.

The Shire reserves the right to instruct the Lessee to carry out improvements to any aspect of their leased premises, either with or without buildings, should there arise an issue which may impact negatively upon members of the public, the Lessee or the Shire's management of the leased premises.

6. Risk Management and Insurance

The Shire will ensure that all leases and licences contain appropriate risk management measures including an obligation on the Lessee to:

- Release and indemnify the Shire of Wyndham East Kimberley from all claims resulting from any damage, loss, death or injury in connection with the Shire's property, unless such claims arise out of the Shire's negligence;

- Effect and maintain adequate public liability insurance, noting the interest of the Shire and the Policy must contain a cross liability clause. A minimum cover of $20 million must be provided, with regular increases in line with normal industry practice.

The Shire will insure all buildings and infrastructure that are the property of the Shire. Costs of insurance premiums may be recovered from the Lessee.

The Shire will not insure buildings or infrastructure built or belonging to the Lessee. Buildings belonging to the Lessee must be covered by comprehensive building insurance with a reputable insurance company.

The Lessee is required to ensure all insurances are in place and will be required to provide to the Shire on request, copies of all insurance policies required under the lease.

7. Kununurra Foreshore

All leases located on the Lake Kununurra Foreshore will consider the recommendations of the Lake Kununurra Foreshore and Aquatic Use Plan Updated 2011 or subsequent document.

This includes the requirement for all foreshore leases to have a 10m buffer zone. In such cases it may be appropriate for the Shire to issue a licence allowing use of this buffer zone without excluding access to others.

8. General

8.1. The Lessee will be responsible for all rates, utility charges, taxes and charges against the land.

8.2. Cost of the lease preparation (including advertising costs, valuations, legal fees), stamping and registration are to be met by the Lessee, regardless of whether a final lease is agreed to or not.

8.3. Lessees are required to comply with all laws and statutory requirements which are imposed throughout the term of the lease.

8.4. Leases will only be granted over areas required for exclusive use.

8.5 The Lessee will take out and maintain contents insurance for all fixtures, fittings and chattels contained within the leased premises

8.6. The Lessee will hold public liability insurance to a minimum of $20 million indemnifying the Shire of Wyndham East Kimberley from any loss resulting from the Lessees activities conducted within the leased premises.

8.7. Sub-leasing in principal is not supported, however will require the prior permission of the Shire, as well as the Minister for Lands in relation to Crown land.

8.8. Final Ministerial Approval will be required for all Crown land leases.

8.9. Lessees must have business insurance, public liability and workers compensation insurances as a minimum.

8.10. All commercial leases are required to be registered.

8.11. The Lessee is to advise the Shire in writing at least six months prior to the expiry of the lease whether or not a new Lease is requested.

8.12. At the expiry of the lease, the Lessee may be approved by the Shire to remain in possession of the leased premises. The Lessee will be deemed to be a tenant at will on a month to month basis, up to a maximum of 12 months. Any tenancy at will arrangement in excess of 12 months is subject to Council approval.

8.13. Where there is a period between the expiry of a lease and the signing of a new lease, the commencement date of the subsequent lease will be back dated to the date of the expiry of the previous lease.

8.14. The commencement date for all new commercial leases will be the date that Council has agreed to enter into lease negotiations, or specifically determined at that time, and must be prior to, or as of, the date of access to or occupation of the premise.

EXPLANATORY NOTES:

This policy outlines standard lease provisions for commercial leases on Shire managed and owned land.

This Policy should be read in conjunction with:

- Local Government Act 1995 and Local Government (Functions and General) Regulations 1996
- Land Administration Act 1997
- Lake Kununurra Foreshore and Aquatic Use Plan
- Shire of Wyndham East Kimberley Property and Public Places Local Law
- Town Planning Scheme No. 6 – Wyndham Townsite
- Town Planning Scheme No. 7 – Kununurra and Environs
- Commercial Tenancy (Retails Shops) Agreement Act 1985

All commercial leasing arrangements will be required to comply with the Local Government Act 1995, Section 3.58 Disposing of property.

Commercial leases on Crown Land require Preliminary Approval from the Minister for Land prior to agreement to lease.

Under the Land Administration Act 1997, the Shire has been granted the care, control and management of numerous parcels of Reserve land which is set aside for various recreational and community purposes, along with the power to lease. The Shire also owns property in freehold and has the power to lease this property.

In some cases properties provide benefits to the wider community when leased to a commercial enterprise, as an example, where the business activity supports tourism. It is also the case that some businesses rely on property that is not available in freehold, for example requiring access to the Lake Kununurra Foreshore.

As well as the community benefit of such businesses operating within the Shire, the income received from the leases provides a funding base for maintenance of services. The commercial value of the leases provides the Shire with revenue that offsets the cost of provision of services to the property as well as nearby public areas. For example all revenue collected from foreshore leases is to be used to maintain the public foreshore and its associated facilities.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	CP/PMG-3781	
POLICY	Leasing of Council Managed/Owned Land - Commercial	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Senior Planning Officer	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996* *Land Administration Act 1997* *Commercial Tenancy (Retails Shops) Agreement Act 1985*	
RELATED POLICIES	CP/PMG-3780 – Leasing of Council Managed Land - Community	
RELATED ORGANISATIONAL DIRECTIVES		

PURPOSE:

This policy applies to all leases between the Shire of Wyndham East Kimberley (Shire) and a private individual or enterprise where the property will be used for commercial activity.

A commercial lease is an agreement between the Shire and an external organisation, business or individual to manage a property or reserve where the property will be used for commercial gain.

The objectives of this policy are to:

- Ensure an open and transparent process when negotiating commercial leases.
- Ensure consistency across the Shire's commercial leases both in the negotiation process and terms of leases.
- Ensure commercial leases provide no commercial advantage, nor disadvantage to the lessee.
- Ensure the Shire does not incur any costs in the development and management of commercial leases.
- Minimise risk to the Shire, financial or litigious, resulting from commercial leases.
- Ensure the environmental impact of commercial leases is considered.

DEFINITIONS:

Lease is a grant of interest in land.

Licence is a deed of agreement allowing for occupation of a parcel of land on a non - exclusive use basis. A licence is not an interest in land. As a matter of law, it simply

authorises what would otherwise be a trespass. Licences do not provide the security of tenure offered under a lease agreement and can be cancelled without notice on provision of suitable grounds to do so.

POLICY STATEMENTS:

This policy provides the opportunity for the lessee to provide service(s) to the community and visitors to the Shire of Wyndham East Kimberley. In some cases these services may not otherwise be provided or viable without proximity or access to Shire managed or owned assets, such as portions of the Lake Kununurra Foreshore and East Kimberley Regional Airport.

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

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

Standard terms of Shire of Wyndham East Kimberley Commercial Leases are:

1. Permitted Use

Permitted use of a lease should be consistent with the purpose of (and management order for) the reserve land and the zoning of the land.

2. Lease Term

Terms for commercial enterprises are to be negotiated in accordance with current market conditions with a minimum 5 year term in accordance with the Commercial Tenancy (Retail Shops) Agreements Act 1985.

The maximum lease term will be 21 years.

3. Lease Rent

Rent will be based on a valuation of fair market rent.

A CPI rent review will be conducted every year.

4. Development

Authorisation for any proposed development on leased land should be sought from the Shire prior to the submission of formal planning and building permit applications. The prior approval of the Minister for Land will also be required for development on Crown land.

At the conclusion of a lease, any buildings or infrastructure not removed from the lease site will be forfeited and become the property of the Shire, for the disposal or retention at the Shire's discretion and associated costs may be recovered from the Lessee.

5. Maintenance Requirements

The Lessee will be responsible for maintenance of all buildings, infrastructure or fixtures on the lease site unless otherwise negotiated according to the existing condition of the property and the term of the lease.

The Shire will not be responsible for any maintenance of buildings belonging to the Lessee on land only leases. Responsibility for maintenance of buildings owned by the Lessee rests with that owner.

The Shire will be responsible for major structural maintenance or replacement of buildings belonging to the Shire on the proviso that the repairs, maintenance or replacements are not required as a result of any inappropriate actions, or inactions, of the Lessee.

The Shire reserves the right to instruct the Lessee to carry out improvements to any aspect of their leased premises, either with or without buildings, should an issue arise which may impact negatively upon members of the public, the Lessee or the Shire's management of the leased premises.

6. Risk Management and Insurance

The Shire will ensure that all leases and licences contain appropriate risk management measures including an obligation on the Lessee to:

- Release and indemnify the Shire of Wyndham East Kimberley from all claims resulting from any damage, loss, death or injury in connection with the Shire's property, unless such claims arise out of the Shire's negligence;

- Effect and maintain adequate public liability insurance, noting the interest of the Shire and the Policy must contain a cross liability clause. A minimum cover of $20 million must be provided, with regular increases in line with normal industry practice.

The Shire will insure all buildings and infrastructure that are the property of the Shire. Costs of insurance premiums may be recovered from the Lessee.

The Shire will not insure buildings or infrastructure built or belonging to the Lessee. Buildings belonging to the Lessee must be covered by comprehensive building insurance with a reputable insurance company.

The Lessee is required to ensure all insurances are in place and will be required to provide to the Shire on request, copies of all insurance policies required under the lease.

7. Kununurra Foreshore

All leases located on the Lake Kununurra Foreshore will consider the recommendations of the Lake Kununurra Foreshore and Aquatic Use Plan Updated 2011 or subsequent document.

This includes the requirement for all foreshore leases to have a 10m buffer zone. In such cases it may be appropriate for the Shire to issue a licence allowing use of this buffer zone without excluding access to others.

8. General

8.1. The Lessee will be responsible for all rates, utility charges, taxes and charges against the land.

8.2. Cost of the lease preparation (including advertising costs, valuations, legal fees), stamping and registration are to be met by the Lessee, regardless of whether a final lease is agreed to or not.

8.3. Lessees are required to comply with all laws and statutory requirements which are imposed throughout the term of the lease.

8.4. Leases will only be granted over areas required for exclusive use.

8.5 The Lessee will take out and maintain contents insurance for all fixtures, fittings and chattels contained within the leased premises.

8.6. The Lessee will hold public liability insurance to a minimum of $20 million indemnifying the Shire of Wyndham East Kimberley from any loss resulting from the Lessees activities conducted within the leased premises.

8.7. Sub-leasing in principal is not supported, however will require the prior permission of the Shire, as well as the Minister for Lands in relation to Crown land.

8.8. Final Ministerial Approval will be required for all Crown land leases.

8.9. Lessees must have business insurance, public liability and workers compensation insurances as a minimum.

8.10. All commercial leases are required to be registered.

8.11. The Lessee is to advise the Shire in writing no less than six months prior to the expiry of the lease whether a new Lease is requested.

8.12. At the expiry of the lease, the Lessee may be approved by the Shire to remain in possession of the leased premises. The Lessee will be deemed to be a tenant at will on a month to month basis, up to a maximum of 12 months. Any tenancy at will arrangement in excess of 12 months is subject to Council approval.

8.13. Where there is a period between the expiry of a lease and the signing of a new lease, the commencement date of the subsequent lease will be back dated to the date of the expiry of the previous lease.

8.14. The commencement date for all new commercial leases will be the date that Council has agreed to enter into lease negotiations, or specifically determined at that time, and must be prior to, or as of, the date of access to or occupation of the premise.

EXPLANATORY NOTES:

This policy outlines standard lease provisions for commercial leases on Shire managed and owned land.

This Policy should be read in conjunction with:

- Local Government Act 1995 and Local Government (Functions and General) Regulations 1996
- Land Administration Act 1997
- Lake Kununurra Foreshore and Aquatic Use Plan
- Shire of Wyndham East Kimberley Property and Public Places Local Law
- Town Planning Scheme No. 6 – Wyndham Townsite
- Town Planning Scheme No. 7 – Kununurra and Environs
- Commercial Tenancy (Retails Shops) Agreement Act 1985

All commercial leasing arrangements will be required to comply with the Local Government Act 1995, Section 3.58 Disposing of property.

Commercial leases on Crown Land require Preliminary Approval from the Minister for Land prior to agreement to lease.

Under the Land Administration Act 1997, the Shire has been granted the care, control and management of numerous parcels of Reserve land which is set aside for various recreational and community purposes, along with the power to lease. The Shire also owns property in freehold and has the power to lease this property.

In some cases properties provide benefits to the wider community when leased to a commercial enterprise, as an example, where the business activity supports tourism. It is also the case that some businesses rely on property that is not available in freehold, for example requiring access to the Lake Kununurra Foreshore.

In addition to the community benefit of such businesses operating within the Shire, the income received from the leases provides a funding base for maintenance of services. The commercial value of the leases provides the Shire with revenue that offsets the cost of provision of services to the property as well as nearby public areas. For example all revenue collected from foreshore leases is used to maintain the public foreshore and its associated facilities.

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

13.3.4 Lease over Reserve 51637 – Lakeside Resort

DATE:	25/08/2015
PROPONENT:	Ingle Pty Ltd
LOCATION:	Reserve 51637, Lot 506 on Deposited Plan 401069
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A2860P
ASSESSMENT NO:	A2860
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider the commencement rent for the proposed lease of the foreshore area adjacent to Lakeside Resort to Ingle Pty Ltd

BACKGROUND

At the Ordinary Council Meeting of June 2015 Council considered the proposed lease of the foreshore adjacent to Lakeside Resort to Ingle Pty Ltd, in particular the commencement date, and the lease in accordance with the recently prepared draft commercial leasing policy, and made the five following resolutions:

Minute No.10993

Moved: Cr B Robinson
Seconded: Cr G Taylor

That Council revokes Minute No. 10071 of the Ordinary Council Meeting held on 28 May 2013.

"That Council:

1. ***Offers Ingle Pty a 21 year lease, for portion of Reserve 41812, part Lot 502 on Deposited Plan 64834, adjoining Lakeside Resort, Casuarina Way Kununurra, and the annual rental amount be set at $25,750 to be reviewed every two years;***

2. ***Advertises its intention to enter into a lease over portion of Reserve 41812 to Ingle Pty Ltd for 14 days in accordance with section 3.58 of the Local Government Act 1995;***

3. ***Delegates the power to sign the lease to the CEO and Shire President, subject to receiving no objections during the advertising period."***

Carried Unanimously 9/0

Minute No.10994

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council requests the Chief Executive Officer to obtain a market valuation as at the 1 July 2015 for the proposed lease of Reserve 51637, being Lot 506 on Deposited

Plan 401069, at the cost of Ingle Pty Ltd.

Carried Unanimously 9/0

Minute No.10997

Moved: Cr B Robinson
Seconded: Cr D Learbuch

That Council offers Ingle Pty Ltd a Lease over Reserve 51637, Lot 506 on Deposited Plan 401069, subject to the following:

a) Lease term to be 21 years;
b) Commencement date to be 1 July 2015;
c) Lease rent to be set at the Market Net Rental Value as of 1 July 2015 as determined by a licenced valuer, plus GST;
d) Rent to be reviewed by CPI annually;
e) Minister of Lands approval.

Carried 6/3

Minute No.10998

Moved: Cr S Cooke
Seconded: Cr B Robinson

That Council delegates the power to sign the lease to the Chief Executive Officer and Shire President, subject to receiving no objections during the advertising period.

Carried Unanimously 9/0

Minute No.10999

Moved: Cr S Cooke
Seconded: Cr D Learbuch

That Council requests the Chief Executive Officer to give one month's notice to Ingle Pty Ltd terminating the existing tenant at will arrangement if the Lease over Reserve 51637, Lot 506 on Deposited Plan 401069 to Ingle Pty Ltd is not executed within 3 months of this resolution, being on or before the 23 September 2015.

Carried Unanimously 9/0

In accordance with Minute No. 10994 a market valuation for the land was obtained as at 1 July 2015, which has been determined to be $18,000 per annum, exclusive of GST. A copy of this valuation report, which includes a copy of the lease in accordance with Council's above resolutions (as an appendix), is provided at Attachment 1.

Laurie McKenzie, Director of Ingle Pty Ltd has been provided with a copy of the valuation and has written to both the Shire and the valuer, advising that he disagrees with the market evidence and valuation methodology used. Copies of email correspondence received from Mr McKenzie are provided at Attachment 2.

Shire Officers' responded to Mr McKenzie's email to advice of the required process for the proposed disposition (lease) of land in accordance with the Local Government Act 1995, which requires local public notice to be given for a period of 14 days, following which any submissions received are to be considered by Council. Mr McKenzie was advised that a

public notice would be advertised from 30 July 2015 to 14 August 2015, and that his email correspondence would be included as a submission for consideration by Council. A copy of this email correspondence is provided at Attachment 3.

The valuer, Ben Farquhar of Opteon Property Group, has responded to the letter received by email from Mr McKenzie, and a copy of this letter is provided at Attachment 4.

STATUTORY IMPLICATIONS

Local Government Act 1995

Under *section 3.58(3) of the Local Government Act (LGA) 1995* the local government can dispose of property other than via a public auction or public tender if it gives local public notice of the proposed disposition describing the property concerned, giving details of the proposed disposition and inviting submissions for at least 2 weeks after the date of the notice.

The details of the required local public notice as outlined in section *3.58(4) of the LGA*, include:

1) the names of all parties concerned; and
2) the consideration to be received by the local government and the market value of the disposition; and
3) the market value of the disposition –
    a. as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    b. as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

Draft CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial

At the June OCM, Council adopted the draft policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial, with modifications, for advertising purposes, and the policy has been advertised for public comment until 7 August 2015.

This draft policy aims to ensure consistency across the Shire's commercial leases both in the negotiation process and terms of leases, and in relation to lease rent the draft Policy outlines that rent will be based on a valuation of fair market rent, and a CPI rent review will be conducted every year.

FINANCIAL IMPLICATIONS

Ingle Pty Ltd are currently charged an annual rent of $1089 (inclusive of GST) for the lease of the land. A valuation has been obtained for the purposes of determining a new lease amount.

Lake Kununurra Foreshore and Aquatic Use Plan outlines the requirement for money raised from foreshore leases to be spent on management and maintenance of the foreshore land and associated facilities.

The lease document also includes the standard clause that states that the Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with the negotiation, preparation, execution, settlement and stamping of the Lease.

To date, the following costs have been associated with preparation and negotiation of the lease:

Legal Costs	$3183.65
Valuation	$3500.00
TOTAL	**$6383.65**

These costs however do not account for Shire Officer's time throughout the preparation and negotiation of the lease.

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 2.2: 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

COMMUNITY ENGAGEMENT

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

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and has included:
A local public notice, in accordance with *Section 3.58 of the Local Government Act 1995*, advertising Council's intent to dispose of land (lease) to Ingle Pty Ltd in the Kimberley Echo issue of 30 July 2015, with submissions to be received by 14 August 2015. This notice was also included on the Shire's website and Facebook page.

Although no submissions were received during the advertising period, the correspondence received from Ingle Pty Ltd prior to the advertising period is being treated as a submission.

COMMENT

Mr McKenzie has advised that in his estimation a percentage of turnover method should be used, for which he would accept a market rental value of $9,960 per annum, based on 4% turnover. Mr McKenzie has also recommended that this amount should be reviewed every three years based on market trading.

The correspondence from Opteon Property Group outlines why the valuation has primarily relied on a rate per hectare, secondly on a rate per site and with some regard to trade performance, and subsequently that the adopted value reflects a rate per hectare and rate

per site toward the lower end of the market. For these reasons, Opteon Property group remain of the opinion that the market rental of the property is $18,000 per annum.

The *Local Government Act 1995* stipulates that the local public notice is required to include details of the proposed disposition of land including the market value of the disposition.

In line with Council's draft policy and criteria (c) of Minute No. 10997, Shire officers have accepted that the consideration to be received for the proposed lease will be the fair market value as determined by the valuer, and accordingly included the details as such in the local public notice.

Also in line with Council's draft policy and criteria (c) of Minute No. 10997, it is considered that the market value of the disposition, as ascertained by the valuation provided by Opteon Property be adopted as the commencing lease rent for the proposed lease.

It is noted that additional correspondence has now been received from Mr McKenzie, requesting that a number of points be noted that he had wished to discuss with the Chief Executive Officer and the Shire President. This correspondence is provided as Attachment 5.

ATTACHMENTS

Attachment 1 - Valuation Report
Attachment 2 - Correspondence from Ingle Pty Ltd
Attachment 3 - SWEK Response to Ingle Pty Ltd
Attachment 4 - Opteon Property Group response to Ingle Pty Ltd
Attachment 5 – Additional correspondence from Ingle Pty Ltd

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes the submission received from Mr. Laurie McKenzie of Ingle Pty Ltd; and

2. In accordance with Minute No. 10997 set the commencing Lease Rent as $18,000 per annum, plus GST and Variable Outgoings, for the Lease over Reserve 51637, Lot 506 on Deposited Plan 401069 to Ingle Pty Ltd.

MOTION

Cr K Wright moves:

1. That Council set the rental of the land lease area (Reserve 51637, Lot 506 on Deposited Plan 401069) at $9960.00 plus GST (This being 10% of divulged Gross Profit as per criteria set in valuation document prepared by Opteon Property Group)

2. That escalation of this set rental value be by way of business review, conducted by an independent accounting firm at the expense of Ingle Pty Ltd, but based on the 4.61% being the average of the Gross Profit as outlined and utilised in the valuation

document prepared by the Opteon Property Group (see evidence summary and conclusion in that document).

3. That this independent review be conducted each 3 years during the term of lease.

Cr K Wright's motion lapses for want of a seconder.

AMENDMENT

Cr B Robinson makes an amendment to the Officer's Recommendation to add a new point (point 3):

- That a market review be conducted by an independent body every 3-years for the period of the lease at the cost of the lessee

COUNCIL DECISION

Minute No. 11075

Moved: Cr D Spackman
Seconded: Cr B Robinson

That Council:

1. Notes the submission received from Mr. Laurie McKenzie of Ingle Pty Ltd; and

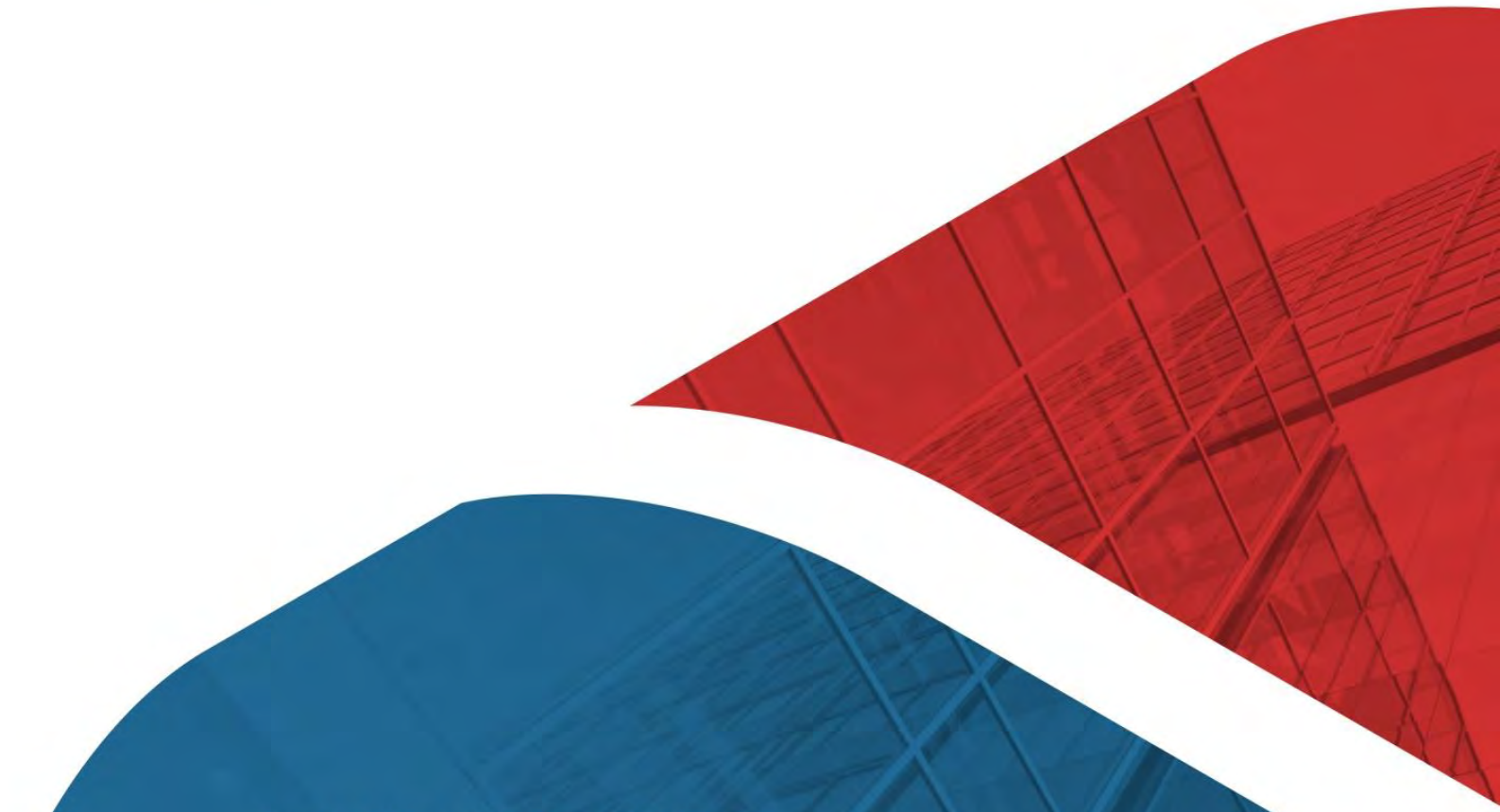
2. In accordance with Minute No. 10997 set the commencing Lease Rent as $18,000 per annum, plus GST and Variable Outgoings, for the Lease over Reserve 51637, Lot 506 on Deposited Plan 401069 to Ingle Pty Ltd.

3. That a market review be conducted by an independent body every 3-years for the period of the lease at the cost of the lessee.

Carried 5/3

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

OPTEON PROPERTY GROUP



VALUE MADE VISIBLE

www.opg.net

Valuation Report

Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way

Kununurra, Western Australia 6743

VALUATION REPORT



Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way Kununurra, Western Australia 6743

Prepared For	Shire of Wyndham East Kimberley
Report Purpose	Rental purposes
Valuation Date	1st July, 2015
Our Reference	6245373
Client Reference	SWEK / Jennifer Ninyette

Opteon Property Group

Opteon (North West WA)
ABN 26 088 064 724
PO Box 514 Kununurra WA 6743

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VALUE MADE VISIBLE

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- Quotation
- Instructions
- Lease Plan
- Proposed Lease

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1.0 Executive Summary

1.1 Instructions

Instructing Party	Jennifer Ninyette, Shire of Wyndham East Kimberley
Client / Authorised Party	Shire of Wyndham East Kimberley
Client Reference	SWEK / Jennifer Ninyette
Valuation Purpose	Rental purposes

1.2 Property Details

Property Address	Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way, Kununurra, Western Australia 6743
Property Description	Comprises a ground lease of 1.5830 Ha plus adjacent foreshore land licence of 0.6766 Ha. Improvements are predominantly Lessee owned and are not subject to rental under this lease.
Demised Premises	As above.

Title Reference	Tenure	Title Area
Lot 506 on Deposited Plan 401069 contained in Certificate of Title Volume LR 3165 Folio 305 and being part of Reserve 51637	Leasehold	1.5830 ha
Part Lot 505 on Deposited Plan 401069 and being portion of Reserve 51637	License	0.6766 ha
Total Site Area		**2.2596 ha**

Total Site Area	Effectively 1.5830 ha

Assumptions & Recommendations:

Key Assumptions	• The instructions and subsequent information supplied contain a full disclosure of all information that is relevant

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1.3 Valuation Details

Key Valuation Outputs:

Rental Rate per Hectare (sqm)	$11,371ha of lease area; $7,966ha of lease and licence area
Rental Rate per Site (incl. proposed Sites)	$333 per site on leasehold land.
Rental % of Turnover	7.2%, 7.0% of unaccounted 2015; 7.9% of 2014 turnover - pro rata by sites on leasehold land.

1.4 Valuation

Market Rent

Market Rent:	**$18,000 pa**

This valuation is exclusive of GST and outgoings

Date of Inspection	9 July 2015
Date of Valuation	1st July 2015
Date Issued	13 July 2015
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
Signatories	**Ben Farquhar** Director AAPI Certified Practising Valuer 44320 Inspecting Valuer

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Important	*This Executive Summary must be read in conjunction with the remainder of this report. The Executive Summary is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.*
Third Party Disclaimer	*This report has been prepared for the private and confidential use of our client, Shire of Wyndham East Kimberley for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (North West WA) or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.*
Digital Copies of Reports	*Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.*
Reliance on Whole Report	*This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.*

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2.0 Instructions

Instructions have been received to undertake a valuation of the property as per the details below.

Instructing Party	Jennifer Ninyette, Shire of Wyndham East Kimberley
Property Address	Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way, Kununurra, Western Australia 6743
Date of Instructions	24 June 2015
Client / Authorised Party	Shire of Wyndham East Kimberley
Valuation Purpose	Rental purposes
Specific Instructions	Assessment of the Market Rental Value of the property as at the Date of Valuation.
Pecuniary Interest	We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.
Documentation Provided	Information we have been provided with and relied upon in undertaking our valuation includes: • Proposed Lease (unsigned); • Lease/Licence plan; • Turnover figures 2014 and 2015; • Proposed additional sites plan
Scope of Work	The scope of work undertaken by the valuer in completing the valuation has included: • Collation of information from relevant parties regarding the subject property; • Undertaking our own research regarding the subject property; • An inspection of the property; • Undertaking market research in terms of values and/or costs of similar properties; • Preparation of valuation calculations; and • Preparation of this report.
Compliance	Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes and relevant Court/Tribunal Jurisdictional Rules.

A copy of our instructions is attached to this report.

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3.0 Basis of Valuation & Definitions

This valuation has been prepared in accordance with definitions and Valuation Applications of the International Valuation Standards Council (IVSC) and endorsed by the Australian Property Institute.

Market Rental Value	"The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."
Face Rent	"*The rent shown on a lease document which may include incentives.*"
Effective Rent	"*The actual liability for rent after adjustments for any incentives and costs to the face rent are taken into account.*"

4.0 Date of Valuation

Valuation Date	1st July 2015
Date of Inspection	9 July 2015
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

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5.0 Location

5.1 Region

The subject property is located in the far northern town of Kununurra, approximately 3,250 kms from Perth and 825 kms from Darwin. Kununurra has a population of approximately 7,100 people. Main industries supporting the town include irrigated agriculture, tourism, mining and pastoral. The town has a wide range of amenities including a shopping precinct, schools, hospital and airport.

Location Map



Sourced from Google Maps; www.google.com

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5.2 Specific Location

Specific Location	More specifically the subject is located in a residential neighbourhood locally known as 'Lakeside'. The property fronts the main local road of Casuarina Way. The leasehold land essentially follows the foreshore around the property with the license area being an approximate 10m strip of land between the high water mark and the lease area. Accordingly the development has an extensive frontage to a portion of Lake Kununurra known as Lily Lagoon. The remainder of the residential area known as 'Lakeside' comprises medium to low density residential housing.
Access	The subject is located on the southern side of the road, having good sealed road access with constructed kerbs/gutters and foot paths.

Specific Location Map



Sourced from Landgate (WA Government); www.landgate.wa.gov.au

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6.0 Tenure

6.1 Title Particulars:

Title Reference	Tenure	Title Area
Lot 506 on Deposited Plan 401069 contained in Certificate of Title Volume LR 3165 Folio 305 and being part of Reserve 51637	Leasehold	1.5830 ha
Part Lot 505 on Deposited Plan 401069 and being portion of Reserve 51637	License	0.6766 ha
Total Site Area		**2.2596 ha**

7.0 Planning

Local Government Area	Shire of Wyndham East Kimberley
Planning Scheme	Town Planning Scheme No. 7
Current Zoning	Tourist
Overlays	Subject to Reserve 51637
Existing Use	Caravan Park & ancillary uses
Permitted Uses	As defined by the reserve and reiterated in lease (refer to Section 11)
Zoning Effect	Existing use conforms

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8.0 Site

8.1 Site Details

Site Description	The site comprises an irregular shaped allotment. The land has a gentle slope falling to the rear boundary (foreshore). The property has panoramic water views. The property has waterfrontage to Lily Lagoon (Lake Kununurra). The property has a small road frontage to Casuarina Way. The property can be seen from the Highway across Lily Creek Lagoon.
Dimensions	The shape and dimensions of the property are shown on the Lease/Licence plan appended to the rear of this report.
Source of Site Area	Lease/License Plan (attached)
Site Area	Leasehold area of 1.5830 ha plus license area of 6,766sqm totalling 2.2596 ha. However given the limited utility of the Licence area we have only used the leasehold area for our calculations.
Encroachment Assumption	The valuation is made on the basis that there are no encroachments (unless otherwise noted) by or upon the property.

8.2 Services

Services	Services are provided by Lessee.

9.0 Description of Premises

Comprises a ground lease of 1.5830 Ha plus adjacent foreshore land licence of 0.6766 Ha. Improvements are predominantly Lessee owned and are therefore excluded.

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10.0 Photography



Lily Creek Lease/Licence Boundary



Lily Creek Views



View to Entry



Unlicensed Sites



Foreshore Lease Licence - No Accommodation



Freehold Sites and Improvements

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11.0 Occupancy and Lease Details

Occupancy Status	Proposed Lease and Licence

11.1 Lease Summary

Lessee	Ingle Pty Ltd
Demised Premises	Lot 506 on Deposited Plan 401069
Commencement Date	1 July 2015
Initial Term	21 yrs
Options	Nil
Expiry Date	30 June 2036
Commencing Rent	TBA
Rent Reviews	Annually throughout the term by CPI (Perth All Groups)
Net or Gross	Net
Outgoings	Lessee liable for all outgoings and preparation expenses. Lessee must maintain $20,000,000 public liability insurance.
Permitted Use	Caravan park and camping ground, boat launching and mooring and other ancillary uses associated with the operation of a holiday park and consistent with the designated purpose for which the Land is reserved under section 41 of the Land Administration Act 1997
Special Conditions	• Clause 32 – Upon termination of the lease, the (Lessee's) improvements on site may be retained and vested with the Lessor, or by order of the Lessor, the Lessee must remove the Lessee's improvements; • Schedule 2 – Development (permanent structures) on the Premises must only be for: a) caravan and camping; b) services; c) a jetty or jetties; d) boat ramp; e) traffic areas; and f) general landscaping.

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11.2 Foreshore License

Comment	Runs concurrently with the lease defined above however is non-exclusive use, public access must be maintained and may not be used for caravan sites.
Permitted Use	Mooring and boat launching only

12.0 General Comments

The Lessee operates a motel and caravan park known as Lakeside Resort and Caravan Park which has a freehold component of 1.6903 Ha on which the reception, motel, restaurant/bar, pool and ablutions facilities are located along with some 16 of the licensed sites comprising the caravan park. The remaining 54 sites are located on the proposed leasehold portion. The property is licensed for 70 sites including 10 overflow sites. The owner advise they plan to further develop the site with an additional 22 sites thus reaching a total of 92 sites. Approval is pending completion of development conditions and granting of this lease. It appears that at least 92 sites are currently being used. For the purpose of our calculations we have assumed that there are 92 sites of which 76 (83%) are on the leasehold land subject of this report.

The proposed lease comprises an area of 1.5830ha being an irregular shape best illustrated in the plan attached to the rear of the report and illustrated by aerial photograph in Section 5.2. It would appear that not all of the land is developed or used for caravan park/camping. We note the proposed lease also includes a foreshore license of 6,766 sqm and being an approximate 10m strip of land between the proposed lease (Lot 506) and Lily Creek Lagoon's (Lake Kununurra/Ord River) waters edge. Given the limited permitted uses and non exclusive use of the Licence area we have not provided a rent on this area but rather included any benefit from this land in the rent calculated on the leasehold portion of land. Benefits are limited to boat launching and mooring, aesthetic appeal and quiet tranquil attraction for guests.

Typically unimproved leases are valued by direct comparison on a rate per area basis as this excludes any influence, benefit or detriment caused by a) the Lessee's improvements/development or b) the management of the operation. However, as discussed with both the proposed Lessee and Lessor, we have had some consideration to the business performance as it takes into account to some extent the location performance of the asset and specific market dynamics.

This being the case, the owner has advised turnover of the caravan park and camping revenue lines of approximately $275,000 for the financial year ending 2014 and approximately $310,000 for the financial year ending 2015. We note that some of this income is derived from the freehold portion of the land. Furthermore, the guests are likely to have contributed to other revenue lines (shop, tours, bar, meals etc) which are excluded from revenues provided. For the purpose of our calculations we have adopted a sustainable turnover of $300,000 per annum which we understand is supported by both 3 and 5 year averages. We have pro-ratad the income applicable to the leasehold by the number of sites compared to total possible sites (83%) equating to approximately $249,000

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13.0 Market Commentary

The rental market for this specified use is directly linked to the caravan park and tourism market. Kununurra is a popular caravanning and camping destination due to its adventure tourism lifestyle, waterfront caravan parks and isolated position on the National Highway Route A1. There are approximately 5 other caravan parks in Kununurra with 2 of these also occupying waterfront localities.

We have not been able to find any reliable trend statistics for the Kununurra market however available information together with discussions with Caravan Park owners has found a strong reduction in occupancy levels over 2013 and 2014 following a buoyant period between 2009 and 2012 which was stimulated by an accommodation shortage caused by demand from contractors on various government projects in and around Kununurra.

A report prepared for the Caravan Industry Association WA by Haeberlin Consulting found an average occupancy rate of 52% for the 2013 year. Tourism Research Australia reported 66,400 accommodation nights in commercial caravan and camping parks in the Shire of Wyndham East Kimberley. The following has been extracted from a Tourism WA report:

KUNUNURRA VISITOR SUMMARY

	YE Dec 2011/12/13 Average Annual Visitors	YE Dec 2011/12/13 %
Estimated Visitors		
Domestic	69,700	83%
International	14,300	17%
Total	**84,000**	**100%**
Estimated Visitor Nights		
Domestic	389,000	N/A
International	N/A	N/A
Total	**N/A**	**N/A**
Average Length of Stay (Estimated Nights)		
Domestic	5.6	-
International	N/A	-
Total	**N/A**	-

Sourced from Tourism WA; *Kununurra Overnight Visitor Fact Sheet, Years Ending December 2011/12/13.*

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TOP THREE VISITOR ACCOMMODATION

Please note:

- *Accommodation* is a multiple response question. Totals may not add up to 100%

	YE Dec 2011/12/13 Average Annual Visitors	YE Dec 2011/12/13 %
Estimated Domestic Visitors		
Hotel, resort, motel or motor Inn	28,300	41%
Caravan park or commercial camping ground	15,000	22%
Caravan or camping near road or on private property	11,000	16%
Estimated International Visitors		
Caravan or camping	9,000	63%
Hotel, resort, motel, motor Inn	2,200	16%
Backpacker / hostel	2,000	14%

Sourced from Tourism WA; *Kununurra Overnight Visitor Fact Sheet, Years Ending December 2011/12/13.*

Although the local, state, and international economies have been experiencing some poor conditions, there have been two positive economic factors for the tourism industry over the past 12 months. Firstly and more broadly the Australian dollar has lowered against the US dollar (and most other currencies). Secondly and more directly affecting the caravan and camping market are the lowering of global fuel costs.

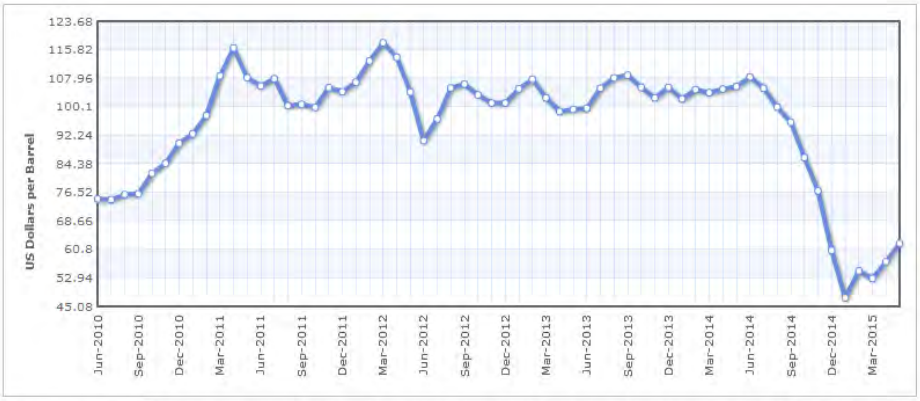
The weaker Australian Dollar may lead to a greater number of Australian residents looking to travel domestically within the country as overseas options become more expensive and alternatively may lead to a greater number of international visitors coming to our shores as it becomes a cheaper holiday/travel destination. The Australian dollar has dropped approximately 20% against the US dollar since September 2014 as illustrated below.



Sourced from XE.com; www.xe.com

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Similarly, world fuel prices are likely to sustain reduced prices going forward which may make travel more affordable, particularly for high fuel consumptive travel such as towing a van/trailer.



Description: Crude Oil (petroleum), simple average of three spot prices; Dated Brent, West Texas Intermediate, and the Dubai Fateh, US Dollars per Barrel

Sourced from Index Mundi: www.indexmundi.com

More specifically, the subject has data provided by the client has indicated an increase in revenue of almost 13% year on year for the financial year ending 2015. This ends 2 consecutive years of revenue decline from this part of the business.

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14.0 Market Evidence

14.1 Rental Evidence

Market Rents:

In forming our opinion of the Market Rental Value of the subject property, we have had regard to various lease transactions a selection of which are detailed below:

Property	**Emu Beach Holiday Park, 19 Cunningham Street, Emu Point, WA**
Lease Rental	$69,995 pa Net (since reviewed by CPI)
Date Rent Set	Mar 2014 (Market)
Tenancy Area	42,382 sqm
Tenancy Use	Caravan Park – ground lease only
Lease Term & Options	30 yrs
Rent Review Method	Annually to CPI and market reviews every 5 years – the next in March 2019.
Rental Analysis	Rent equates to $16,515/hectare, $405/site, approximately 4.3% of 12/13 Gross Profit and 8% of estimated 12/13 net operating profit.
Comparability	Larger park that Lessee has developed with superior improvements, accordingly has higher trade. Likely to achieve a higher rate per hectare
Comments	A well located 4.5 star RAC rated 129-site (plus accommodation) caravan park situated on a 4.2382 hectare leasehold parcel of land within close proximity to Middleton Beach and Oyster Harbour. Albany is approximately 417 kilometres south east of the Perth Central Business District. The park has been significantly upgraded since its purchase by the vendors over the past 12 years with the addition of new accommodation types and several renovations. Accommodation and facilities within the park includes: 173 sites (including 14 cabins; 8 chalets; 2 villas; 8 motel units; 12 studio apartments; and 129 caravan/camping sites {comprising: 96 powered sites; 16 unpowered sites; 11 permanent sites; 6 semi-permanent sites}); shop/residence; camper's kitchen; barbecue gazebos and pavilion; conference room/games area; ablutions and laundry; and playground with mini golf course. The average site area is 245sqm though extensive other improvements on site. The leasehold land is subject to a 30 year ground lease commencing on 18 March 2009 with no option period. The commencement net rent was $63,600 net per annum and had escalated to $69,995 per annum via annual CPI reviews. Market review in March 2014 left rent unchanged.

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Property	**Rose Gardens Beachside Caravan Park, 41-51 Mermaid Avenue, Emu Point, WA**
Lease Rental	$71,820 pa Net
Date Rent Set	Aug 2014 (CPI)
Tenancy Area	48,449 sqm
Tenancy Use	Caravan Park
Lease Term & Options	50 yrs 30 yrs
Rent Review Method	Annually to CPI except for a rent review set at 25% of the Gross Rental Value every 5 years from 25/08/1992. Last reviewed using the second method 25/08/2012 ($68,250).
Rental Analysis	$15,835 ha, $327 site, 6.6% FYE13 gross profit and 10.4% FYE13 estimated net operating profit (before rent) though has been reviewed to CPI twice since and is now estimated at circa $71,820 per annum ($16,664 ha, $344 site).
Comparability	Larger park with superior tenure in a larger regional centre. Different review method and dependent upon the calculation of GRV.
Comments	A well located 209-site leasehold caravan park situated opposite the coast with quality views overlooking Middleton Bay in Emu Point, some 7 kilometres north east of Albany. Albany is approximately 417 kilometres south east of the Perth Central Business District. Land area 4.8449Ha. The lease is unimproved. Accommodation and facilities within the park includes: 15 chalets/cottages; villa; 7 cabins/dongas; 172 caravan sites; 37 camping sites; 15 manager's residence/reception and shop; assistant manager's dwelling; campers kitchen; recreation building; workshop; laundry; and ablutions.

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Property	**Margaret River Tourist Park & Country Cottages, 44 Station Road, Margaret River, WA**
Lease Rental	$52,000 pa Net
Date Rent Set	Oct 2014 (Fixed increase, increments set in 2010)
Tenancy Area	14,870 sqm
Tenancy Use	Caravan/Tourist Park
Lease Term & Options	25 yrs 10+10 yrs
Rent Review Method	Fixed rent of $30,000 from commencement to 30th September 2012, Oct '12 to Sept'13 rent is fixed at $37,000, Oct '13 to Sept'14 rent is fixed at $44,000, Oct '14 to Sept'15 rent is fixed at $52,000. Then reviewed to market 1st Oct 2015 and every 3 years thereafter by Minister in consultation with Valuer General as referred to in the Valuation of Land Act 1978.
Incentives	Staged rental increase from commencement. Assuming $52,000 is fully escalated or market rent, value of incentive is approximately $83,500 gross or at least 6.5% over initial term.
Rental Analysis	$34,970ha or $612 per site. Difficult to analyse as a percentage of trade due to combination of freehold/leasehold development however if applied as a percentage of sites on leasehold to overall sites against NOP for 2010 (when fixed rents were set) Fully escalated rent ($52,000 in 2014) equates to approximately 15.4% of FYE 2010 NOP. Turnover for 2010 unknown, FYE 2012 turnover indicates a fully escalated rent at 6.5% of pro rata'd turnover.
Comparability	A far larger and more popular tourist location with likely fewer direct caravan park competition. Some similarities in that the park is part freehold and part leasehold. However is likely to achieve a higher rent due to the superior market it operates in.
Comments	A 171 site 4-star tourist park situated approximately 800 metres south west of the Margaret River township. Margaret River is approximately 268 kilometres south west of the Perth Central Business District. Accommodation and facilities within the park includes: 33 1-bed and 2-bed cottages; a 3-bed cottage; 27 cabins; 26 vans; 37 powered sites (11 with ensuites); 11 powered tent sites; 30 unpowered tent sites; 6 permanent sites; office/reception; managers residence; assistant managers residence; 2 ablution facilities; camp kitchen; laundry; TV room; and sheds/workshop. The park comprises a total of 2.7640 hectares of which 1.4870 hectares (53.8%) is leasehold (unimproved). Similarly, the leasehold portion holds 85 (49.7%) of the total 171 sites.

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Property	**Ningaloo Caravan And Holiday Resort, Lot 112 Lefroy Street, Exmouth, WA**
Lease Rental	$140,000 pa Net
Date Rent Set	January 2015 (left unchanged since 2014)
Tenancy Area	93,345 sqm
Tenancy Use	Caravan Park
Lease Term & Options	40 yrs
Rent Review Frequency	Annually although not reviewed since market review in 2007.
Rent Review Method	CPI annually with market reviews every 3 years.
Incentives	Unknown
Rental Analysis	$15,000ha or $532 site. The rent is understood to reflect 7.3% of FYE 2013 turnover and 21% of NOP
Comparability	Far larger park within a more popular travel destination.
Comments	A caravan park located in the Exmouth townsite, adjacent to foreshore public recreation facilities, approximately 1,268 kilometres north west of the Perth Central Business District. Accommodation and facilities within the park includes: chalets; park homes; camping sites; caravan sites; backpacker's lodge; below ground swimming pool; restaurant; and recreation room. Subject to a 40 year ground lease, with CPI reviews annually and market reviews every 3 years. The rent was reviewed to market in 2007 at $140,000 per annum net. Subsequent CPI and triennial market reviews have not been undertaken and the above rent remains current (Oct. 2014).

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Property	**Sunset Beach Caravan Park, 4 Bosley Street, Sunset Beach, WA**
Lease Rental	$79,500 pa Net
Date Rent Set	Dec 2012 (market review)
Tenancy Area	64,084 sqm
Tenancy Use	Caravan Park
Lease Term & Options	32 years and no options
Rent Review Method	3-yearly market rent reviews.
Incentives	None that we are aware of
Rental Analysis	The combined rent equates to $12,405/ha on site area, $14,300/ha of improved land area, $465/site and approximately 4.8% of FY 2012 gross profit.
Comparability	Far larger park with some similarities with additional surplus land rent for land with low utility though some benefit to the site.
Comments	An oceanfront caravan park that has a 4 star AAA rating and is a member of the Big 4 Group, situated approximately 5 kilometres north of the Geraldton City Centre. Geraldton is approximately 433 kilometres north west of the Perth Central Business District. Accommodation and facilities within the park include:18 cabins/chalets; 8 motel units; 6 bus sites; 10 park vans; 39 long term resident sites; 11 ensuite sites; 75 caravan sites; 6 tent sites; kiosk; 2 barbeque areas; 2 fully enclosed camper's kitchens; TV and games room; 2 ablutions block; family/disabled bathroom facilities; and fully equipped laundry. The lessor is the City of Greater Geraldton. The leasehold land is subject to a 32 year ground lease commencing on 1 December 2009 with no option period. The rent was reviewed by market in December 2012. The lease is made up of two parts paid in aggregate, the first is the existing caravan park operation on 4.7084ha assessed at $1.43sqm or $395 per existing site (171) equating to $67,500pa net (4% GP) and the second is surplus land 1.7000ha assessed at $0.75sqm or $200 per potential/allowable site (61) to equate to $12,500 per annum.

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Property	**Horrocks Beach Caravan Park, 1 North Court, Horrocks, WA**
Lease Rental	$19,091 pa Net
Date Rent Set	Circa Apr. 2014 (new lease)
Tenancy Area	19,315 sqm
Tenancy Use	Caravan Park
Lease Term & Options	Unknown
Rent Review Method	Annual CPI reviews with market reviews every 5 years.
Incentives	Nil
Rental Analysis	New ground rent reflects approximately 3.7% of forecast annualised 2014 gross profit and 8.1% of forecast annualised 2014 net operating profit. Rent further reflects $9,884ha and $178 per site.
Comparability	Larger lease in a smaller coastal town with proximity to beach.
Comments	The subject property is a leasehold beachfront caravan park positioned within the coastal township of Horrocks which lies approximately 80 kilometres to the north of Geraldton. The caravan park comprises a total of 107 bays being a mixture of cabins, vans, powered and unpowered camp sites. In addition there is a manager's residence/reception and shop and communal facilities to include 2 ablution blocks, camper's kitchen, barbeque area, laundries and fish cleaning area. Subject to a ground lease from Shire of Northampton, new lease provided to give leasehold purchaser improved bank security. Shire advised new rent at time of sale (circa April 2014) was $21,000 p.a. including GST ($19,091 ex GST).

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Property	**Middleton Beach Holiday Park, 28 Flinders Parade, Middleton Beach, WA**
Lease Rental	$37,015 pa net
Date Rent Set	Jun 2014 (market review)
Tenancy Area	20,560 sqm
Tenancy Use	Caravan Park
Lease Term & Options	21 yrs
Rent Review Frequency	Annual
Rent Review Method	CPI annually with market triennially
Incentives	None known
Rental Analysis	$18,000ha, $386 site, 1.4% of estimated annualised 2013 Gross Profit and 3.43% of estimated annualised 2013 net operating profit.
Comparability	Comparable number of sites though slightly larger land area.
Comments	Comprises an established caravan park along Albany's Middleton Beach and fronting the beach. The land is leased by the City of Albany to the lessee excluding improvements. The premise is licensed for 96 sites excluding overflow sites. Reviewed by market review in June 2014 to $37,015 per annum excluding GST.

Property	**Denmark Rivermouth Caravan Park, Inlet Drive, Denmark, WA**
Lease Rental	$50,151 pa Net (since reviewed by CPI – now $51,800pa)
Date Rent Set	Apr 2014 – market (CPI in April 2015)
Tenancy Area	35,822 sqm
Tenancy Use	Caravan Park
Lease Term & Options	21 years and no options.
Rent Review Frequency	Annually
Rent Review Method	Market
Incentives	None known
Rental Analysis	Market review to $14,000ha and $386 site. 2012 rent reflects approximately 4.97% of 2011 gross profit and 12.34% of adjusted net profit before rent.
Comparability	A larger park with more sites in a smaller though more accessible town.
Comments	Comprises a prominent location with frontage to both Denmark River and Wilson Inlet. Comprises an established caravan park though lease is on ground component only. Land area is 3.5822Ha. Licensed for a total of approximately 130 sites excluding 20 overflow sites. Rent reviewed to market in April 2014 at $50,151.

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Property	**Peaceful Bay Holiday Park, 10 East Road, Peaceful Bay, WA**
Lease Rental	$35,541 pa Net
Date Rent Set	May 1992
Tenancy Area	71,082 sqm
Tenancy Use	Caravan Park and store
Lease Term & Options	36 years Nil
Rent Review Frequency	Every three years
Rent Review Method	Market
Rental Analysis	$5,000 per hectare and $299 per site.
Comparability	A far larger site in a more remote location, trade unknown.
Comments	The property has an irregular shape and is divided into two sections comprising a western section which encompasses the store Lease and residence of 2,403 square metres with the eastern section comprising the caravan park area which covers some 6.8679 hectares. The total land area is 7.1082 hectares. Property is located adjacent to the beach. The land is gently undulating and has a drain extending through the property in a south to north direction. Soils over the site are of a sandy coastal nature. A remote location with seasonal trade. Appears to have a spread out development. The subject is leased including improvements for a 36 year term. Rent is based upon unimproved land value and lease provisions in place for sale of improvements back to Lessor at termination of lease. No trade information available.

14.2 Evidence Summary and Conclusions

Park/Location	Effective Date	Rent	Rate $/Ha	$/Site	% GP
Rose Gardens - Albany	Aug-12	$68,250 pa	$15,835 ha	$327 site	6.6%
Emu Beach - Albany	Mar-14	$69,995 pa	$16,515 ha	$405 site	4.3%
Middleton Beach Holiday Park - Albany	Jun-14	$37,015 pa	$18,003 ha	$386 site	1.4%
Denmark Rivermouth Caravan Park	Apr-14	$50,151 pa	$14,000 ha	$386 site	5.0%
Margaret River Tourist Park	Oct-14	$52,000 pa	$34,970 ha	$612 site	6.5%
Sunset Beach - Geraldton	Dec-12	$79,500 pa	$12,406 ha	$465 site	4.8%
Horrocks Beach Caravan Park	Apr-14	$19,091 pa	$9,884 ha	$178 site	3.7%
Ningaloo	Jul-14	$140,000 pa	$14,679 ha	$532 site	7.3%
Peaceful Bay Holiday Park - Denmark	May-15	$35,541 pa	$5,000 ha	$299 site	N/A
Lakeside Resort and Caravan Park		**$18,000 pa**	***$11,371 ha**	**$333 site**	**7.2%**

*Reflects $7,965 ha including licence area

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Market Rent Conclusions:

By comparison, the subject appears to have greater competition than the majority of evidence. The summary table indicates some volatility of the different points of comparison ($ site, $ Ha and % of turnover). Excluding outliers, the evidence reflects the following ranges:

$19,091 per annum to $79,500 per annum;
$300 per site to $530 per site;
$10,000 hectare to $18,000 hectare;
3.7% to 6.5% of gross profit.

Note some limitations on the latter with most rents established without reference to business performance given the unimproved nature of the lease. Also where figures are provided these may not be applicable for the current years' rent, however we appropriate we have analysed trade with the rent at the time.

15.0 Valuation Methodology

15.1 Adopted Valuation Method

As previously mentioned in the General Comments Section, given the unimproved nature of the leasehold the most appropriate method of valuation is by direct comparison on a rate per area basis as this is not influenced by scale of development nor management basis. However we have also had some consideration to the direct comparison on a rate per site basis and the rent as a % of turnover.

15.2 Valuation Calculations

Our valuation calculations are summarised as follows:

On a rate per hectare basis, we note the majority of the evidence ranges between $10,000 and $18,000 per hectare. While the subject faces increased competition compared to many of the parks, it is also smaller and has some benefit of adjoining licence. We have adopted a rent below the midpoint of the above mentioned range.

Direct Comparison Valuation Method (rate pha land area)			
			Market Value
Land Area:	1.5830 Ha	@ $10,500 pha	$16,622
	1.5830 Ha	@ $12,000 pha	$18,996
	1.5830 Ha	@ $13,500 pha	$21,371
Adopt, Total Market Value:	*Rounding factor*	*$250*	**$19,000**

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On a rate per site basis, we note the majority of the evidence ranges between $180 and $465 per site. We have again adopted lower than average rates per site on account of increased competition of the subject and small average lot size. Having said this, there is room for further sites if needed.

Direct Comparison Valuation Method (rate per licensed site)			
			Market Value
Licensed Sites on Leasehold	76 sites @ $250 per site		$19,000
	76 sites @ $300 per site		$22,800
	76 sites @ $350 per site		$26,600
Adopt, Total Market Value:	*Rounding factor*	*$250*	**$22,750**

As a % of turnover, we note that once again there is a relatively wide variance though the vast majority are between 4.0% and 6.5%. We note that in most of the evidence the percentage is an equation of gross profit compared to the subject which is limited to site accommodation income only and excludes other associated income lines. For the purpose of this calculation we have adopted the whole of the wide range of percentages for comparison though note that the subject should have the rent at the higher end of the range on account of the excluded additional gross profits that may be applicable.

Percentage of Turnover Method			
			Market Value
Sustainable Turnover	$249,000 @ 4.00%		$9,960
	$249,000 @ 5.25%		$13,073
	$249,000 @ 6.50%		$16,185
Adopt, Total Market Value:	*Rounding factor*	*$250*	**$13,000**

15.3 Conclusion

As we can see there are a wide range of values derived from the calculations ranging from approximately $10,000 per annum to approximately $26,500 per annum. Having regard to the above calculations, and after taking into account both the positive and negative attributes of the property, from an objective and unbiased, yet balanced point of view, we are of the opinion that the Market Rental Value of the property is $18,000 per annum.

16.0 Goods & Services Tax

Treatment of GST	All amounts and values expressed in this report are exclusive of GST unless otherwise specified.
Recommendation	If there is any uncertainty as to the treatment of GST then we recommend you seek advice from a qualified accountant regarding the nature of any potential transaction or services supplied, the GST status of the parties involved, and confirmation of any potential GST liability.

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17.0 Rental Value

17.1 Market Rental Value - Vacant Possession

We are of the opinion that the Market Net Rental Value of the property with vacant possession, as at 1st July 2015 subject to the comments in this report, is:

$18,000 pa

Date of Inspection	9 July 2015
Date of Valuation	1 July 2015
Date Issued	13 July 2015
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
Signatories	**Ben Farquhar** Director AAPI Certified Practising Valuer 44320 Inspecting Valuer

Important	*This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.*

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18.0 Assumptions, Conditions & Limitations

Area Disclaimer	*In the event actual surveyed areas of the property are different to the areas adopted in this valuation the survey should be referred to the valuer for comment on any valuation implications. We reserve the right to amend our valuation in the event that a formal survey of areas differs from those detailed in this report.*
Asbestos Disclaimer	*We are not experts in the identification of Asbestos and therefore, in the absence of an environmental consultant's report concerning the presence of any asbestos fibre within the subject property, this valuation is made on the assumption that there is no: asbestos material present; health risk from asbestos within the property; or there is any material expense relating to the repair, management or replacement of asbestos materials in the foreseeable future. Should an expert's report establish that there is an asbestos related health risk or a requirement to undertake asbestos remediation works then we reserve the right to review this valuation.*
Building Services Disclaimer	*No documentation or certification has been sighted to verify the condition of building services, and we have assumed that all building services are: adequate in specification; in good operational condition; and satisfactorily maintained.*
Environmental Disclaimer	*This report is not an environmental audit and no advice is given in any way relating to environmental or pollution matters. Any comments given as to environmental or pollution factors in relation to the property are not given in the capacity as an expert. This assessment of value is on basis that the property is free of contamination or environmental issues affecting the property not made known to the valuer. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have an impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist.*
Full Disclosure Disclaimer	*Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith, is not in any way misleading or deceptive, contains a full disclosure of all information that is relevant, there are no undisclosed agreements in place that affect the property and the sale price includes GST. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.*
Geotechnical	*We have not sighted a geotechnical engineers' survey of the property. We are not experts in the field of civil or geotechnical engineering and we are therefore unable to comment as to the geotechnical integrity of the ground and soil conditions. It is specifically assumed that there are no adverse geotechnical conditions that compromise the utility of the property for the current or highest and best use. In the event there is found to be adverse ground conditions we recommend the matter be referred to this Company for comment.*
Leases and Rents	*This valuation is based on the lease terms and conditions summarised within this report sourced from a review of the available lease documentation and tenancy schedules made available. This valuation is made on the basis that the tenants are paying rent in accordance with the lease agreements and there are no undisclosed rental subsidies, rent free periods or other incentives that have been provided by the lessor. Our valuation assumes there are no material breaches of the essential terms of existing Leases by the existing Lessees and no material rental arrears at the date of Valuation.*

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Market Change	*This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property or factors that the Valuer could not have reasonably become aware as at the date of the Report). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.*
Market Evidence Information Availability	*In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the market evidence information and any other information provided to be accurate, not all details can and have been formally verified. Due to privacy laws, confidentiality agreements and other circumstances beyond our control, the valuer may not have had access to:* • *Personal details of parties involved in transactions (including the relationship of the parties);* • *Information on recent transactions that are yet to become public knowledge; and* • *Copies of leases or contracts to confirm rents or prices and to ascertain whether or not rents or prices are inclusive or exclusive of GST.*
Planning Disclaimer	*Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.*
Professional Standards	*Our valuation has been assessed in accordance with applicable International Valuation Applications and Technical Information Papers of the International Valuation Standards Committee and the Australian Property Institute Practice Standards and Guidance Notes.*
Publication of Report	*The publication of the valuation or report in whole or any part, or any reference thereto, or the names and professional affiliations of the valuers is prohibited without the prior written approval of the valuer as to the form and context in which it is to appear.*
Site Survey Disclaimer	*This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of the Certificate of Title plans. Should the addressee require absolute certainty in relation to the site area, dimensions or possible encroachments we recommend that a surveyor be engaged to provide appropriate advice and a survey of the property if considered necessary. In the event there are any fundamental inconsistencies between any site survey undertaken and site detail adopted in this valuation, the survey should be referred to the valuer for comment on any valuation implications (including amendment of our valuation if considered necessary).*
Structural Disclaimer	*This report is not a structural survey and no advice is given in any way relating to structural matters. Any opinion given as to the condition of the improvements on the property is not given in the capacity as an expert. A structural report on the building and/or its plant and equipment has not been sighted, and nor have we inspected unexposed or inaccessible portions of the premises. Therefore we cannot comment on the structural integrity, any defects, rot or pest infestation (or damage from pest infestation) of the improvements, any use of asbestos or other materials now considered hazardous or areas of non-compliance with the Building Code of Australia, other than matters which are obvious and which are noted within this report. This valuation assumes the building is structurally sound; that building services are adequate and appropriately maintained; the building complies with applicable Council, building, health, safety and fire regulations, laws, bylaws, rules, licences, permits and directives; and is free of asbestos or other defects, unless specified otherwise. Should an expert's report establish that there is any damage of the varieties noted above then we reserve the right to review this valuation.*

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Third Party Disclaimer	*This report has been prepared for the private and confidential use of our client, Shire of Wyndham East Kimberley for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (North West WA) or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.*

APPENDIX 1

QUOTATION

Thank you for considering Opteon

13 July 2015

Thank you for the opportunity to provide you with a fee proposal for independent property advice.

If you wish to proceed, please confirm by return email to kimberley.quotes@opg.net, stating that you wish to proceed as per the details noted below. Please note we will not action the job until we receive all necessary information (including correct address, inspection contact details, or documentation such as sale contract, lease(s), plans etc).

Below is our understanding of your requirements:

Our Reference:	6245373
Your Reference:	SWEK
Our Client(s):	Shire of Wyndham East Kimberley
Client Email:	Jennifer Ninyette , Jennifer.Ninyette@swek.wa.gov.au
Purpose/Scope:	To assess market rental of proposed foreshore lease and license (Lot 506 and Portion Lot 505) Casuarina Way, Kununurra for a new lease purpose and should not be relied upon for any other purpose.
Borrower/Matter:	Caravan Park Lease
Property:	Lakeside Resort & Caravan Park, (Lot 506 and Portion Lot 505), Casuarina Way, Kununurra, Western Australia
Type of Property:	Reserve
Estimated Value:	N/A
Contact for Access:	Laurie McKenzie – Ph: 0418 921 065
Report Delivery:	Email
Required Information:	If you have any information about the property or information which is relevant to the purpose of this advice please supply this information to us, preferably by email. In order to complete our advice we envisage the following information may be required: 1. Proposed Lease/Licence; 2. Caravan Park Turnover and Occupancy Statistics.
Address Invoice to:	Shire of Wyndham East Kimberley, PO Box 614, KUNUNURRA WA 6743, Email: Jennifer.Ninyette@swek.wa.gov.au

Opteon Property Group

Opteon (North West WA)
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P (08) 9169 2268 **E** kimberley.info@opg.net
F (08) 9168 3325 **W** www.opg.net

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Professional Fees:	$2,200.00 inclusive of GST. *Please note that the cost of all necessary Landgate searches (ie Certificate/s of Title, Caveats, Transfers, Strata Plans, etc) will be charged as a disbursement in addition to the above fee(s).
Payment of Fees:	Post-Delivery. We require payment of our professional fees within the terms as shown on the invoice.
Special Instructions:	N/A
Date of Completion:	At this stage we envisage completing the valuation in 15 business days, however this may be dependent upon workloads. If we are unable to meet this timeframe or experience delays in completing the valuation we will contact you.
Terms of Engagement:	Our advice and report will be provided subject to Opteon's Standard Terms and Conditions which are enclosed.

If you have any queries or changes regarding this job, please contact us and quote the following reference number **6245373**.

Thank you again for your business and we look forward to being of service to you.

Opteon (North West WA)
T (08) 9192 3930
F (08) 9192 3931
E kimberley.quotes@opg.net

Opteon - Standard Terms and Conditions

Explanation	*The following terms are the standard terms and conditions that apply to valuation or consultancy assignments and services for which Opteon is engaged. These terms form part of the appointment of Opteon by the Client to provide the services unless other specific terms and conditions are agreed in writing between Opteon and the Client.*
Exclusion on Use and Liability	*Advice or any report prepared by Opteon will be for and will be confidential to the Client for the specific purpose outlined in writing in the engagement. Only the Client, or any other party to whom the advice or report is specifically addressed, may rely upon the advice or report. Should any other party seek to rely upon the advice or report, the consent of Opteon must be obtained in writing. Opteon accept no liability for negligence and/or any other cause of action for any loss or damage suffered by a third party to whom the advice or report was not addressed nor assigned.* *The Client agrees that neither the whole nor any part of any advice or report or the substance thereof will be communicated to any other person without first obtaining the written consent of Opteon. The Client further agrees that if it does communicate to any other person, the whole or any part of the report, or the substance of it in accordance with these terms and conditions the Client will also communicate the terms of the engagement to that other person and will fully indemnify Opteon in the event of any failure to do so.* *Neither the advice of Opteon nor any of the services provided pursuant to the engagement of Opteon are intended, either expressly or by implication, to confer any benefit on any third party (other than a third party who is nominated to Opteon in writing as part of the engagement) and the liability of Opteon to any third party is expressly disclaimed.* *The Client acknowledges that the valuation is current as at the date of valuation only. Opteon does not accept any responsibility for losses caused by changes in market value after the date of valuation. Without limiting this qualification, Opteon accepts no responsibility for any reliance placed on a report any later than 90 days after the valuation date.*
Period of Quote	*Any quotes for Opteon's fees are valid for a period of 30 days from the date of issue unless otherwise stipulated in the quote. Opteon reserves the right to amend the quotation after this period and/or reject an offer to purchase the services at the previously quoted price if outside of this time frame.*
Performance of the Services	*Opteon shall exercise all reasonable skill and care in providing the services and shall inform the Client if it becomes apparent that the scope of the engagement for the services need to be varied. Opteon shall confirm with the Client any agreement reached resulting in a variation of the scope of engagement.* *Valuation reports will be prepared in accordance with applicable Australian Property Institute (API) Professional Practice Standards and Guidance Notes and will be subject to disclaimers and qualifications where those are noted in the report.*

Information Provided by Client	*The Client shall provide to Opteon all information necessary or reasonably required to enable Opteon to properly perform the Services. The instructions should be provided in writing and must include a statement as to the purpose for which the Client intends to use the report.* *The Client accepts that Opteon is entitled to rely on the accuracy, sufficiency and consistency of any and all information supplied by the Client. Opteon accepts no liability for any inaccuracies contained in information disclosed by the Client, whether prepared by the Client or by a third party and whether or not supplied directly to Opteon by that third party.* *Except where required by law or by any proper authority, all confidential information provided by the Client shall, except with the prior written consent of the Client, be kept confidential by Opteon.* *All confidential information provided by the Client will be returned, destroyed or erased upon the Client's request, save that Opteon reserves the right to retain one copy of the confidential information for purposes only of compliance with any professional, legal or regulatory requirements or obligations (subject always to its continuing duty to treat such information as confidential).*
Information Provided by Opteon	*Intellectual Property in all material of whatever nature prepared by Opteon and provided to the Client or otherwise generated in the course of carrying out the Services shall remain the property of Opteon. No part of any report, document or publication may be reproduced or transmitted or disclosed in any form or by any means, or stored in any database or retrieval system of any nature, without prior written permission of Opteon.* *All information and advice made available by Opteon to the Client is for the sole use of the Client for the sole purpose for which it was prepared.*
Third Party Liability	*The Client acknowledges that, save in respect of Opteon's own sub-contractors, Opteon does not warrant the performance, work or the products of third parties. The Client shall not hold Opteon responsible for the inspection or supervision of the execution of such performance, work or products.*
Delays	*Opteon shall not be responsible for any delay in the performance of the Services, where matters beyond Opteon's control cause such delay.*
Payment of Fees, Expenses and Disbursements	*Payment of the fees for the Services shall be calculated, charged and made as agreed in writing between the Client and Opteon. The Client shall pay reasonable expenses and reimburse the disbursements incurred on its behalf by Opteon as agreed in writing. All references to fees, expenses and disbursements are exclusive of any applicable government taxes. Any such taxes chargeable on Opteon's fees expenses and disbursements shall be paid by the Client.* *Where for any reason Opteon provides only part of the services for which it is engaged, Opteon shall be entitled to charge fees proportionate to the agreed fees, based on our estimate of the percentage of completion of the services.* *In the event that invoices are not settled on the terms agreed prior to acceptance of the engagement by Opteon, Opteon will be entitled to charge interest on the fees from the date of invoice and also reserves the right to withdraw responsibility for work performed.*

Environmental Issues	*The Client acknowledges that Opteon is not an expert in environmental issues and that it will not rely on any environmental matters raised by Opteon. Opteon is not to be considered by the Client to have the expertise to be able to prepare an environmental audit report and any report prepared by Opteon will not in any way constitute an environment audit.* *Opteon does not carry out investigations on site or by enquiry to ascertain whether any building was constructed or altered using deleterious materials (eg. asbestos). Unless we are otherwise informed, our reports are on the basis that no such materials have been used. The Client should engage structural experts to advise it on the existence and state of any such materials.*
Town Planning and Other Statutory Regulations	*Information on Town Planning is usually obtained verbally by Opteon from the Local Government Authority or via the LGA's website. We recommend that the Client obtains verification of this from the relevant authority in writing that confirms:* *the position is correctly stated in Opteon's report;* *the property is not adversely affected by any other decisions made, or conditions prescribed by public authorities;* *that there are no outstanding statutory notices.* *Should the information provided to Opteon prove to be incorrect, we reserve the right to amend our report. Opteon reports are prepared on the basis that the premises (and any works thereto) comply with all relevant statutory regulations, including ordinances relating to fire regulations. The correctness of these assumptions should be checked by the Client.*
Structural Surveys	*Opteon does not carry out structural surveys nor do we test building services (e.g. fire, electrical, air conditioning, etc.) Whilst any defects or items of disrepair which we note during the course of the inspection may be noted in our report, Opteon is not able to give any assurance that a property is free from defect. The Client should engage appropriate professionals to advise on structural soundness and the suitability and state of services.*
Site Conditions	*Opteon does not carry out investigations on site in order to determine the suitability of ground conditions and services for any new development. Unless otherwise informed, our reports are on the basis that these aspects are satisfactory and that where development is proposed, no extraordinary expenses or delays will be incurred during the construction period.*
Properties as Trading Businesses	*Special use properties, where the physical existence of the real estate is necessary to the conduct of the business, are valued as fully operational businesses either as a "going concern" with vacant possession or subject to an occupational lease or an operating agreement as appropriate. Our reports assume the subject property has the benefit of all-necessary licences and fire certificates, unless stated to the contrary. It is further assumed that a prospective purchaser will normally engage the existing staff and management and would expect to take over the benefit of future bookings.* *We do not take an inventory or separately assess the pricing of furniture, fittings and equipment but can arrange for such service to be provided. Opteon presumes all these items are owned by the proprietor of the business unless otherwise informed. Those items hired or leased are presumed to be sufficiently secured by appropriate documentation and able to be transferred without penalty. No allowance is made for any contingent tax liabilities to staff.*

Lease and Title Searches	*Opteon does not normally inspect all dealings or leases registered on title. Where a client is considering the purchase of a property we recommend that a lawyer be engaged to provide advice on legal matters. Opteon assumes, unless informed to the contrary, that all documentation is satisfactorily drawn and that there are no encumbrances, restrictions, easements or other issues of an onerous nature which would affect the value of the interest under consideration.* *Enquiries as to the financial standing of actual lessees or prospective tenants are not normally made unless specifically requested. Where properties are assessed with the benefit of lettings, it is therefore assumed that the tenants are capable of meeting their obligations under the lease and that there are no arrears of rent or undisclosed breaches of covenants.*
Land Boundaries	*The report is made on the basis that there are no encroachments upon or by the subject property, however, should confirmation of this be required, the services of a consulting surveyor should be engaged.*
Termination	*In the event that either party is in material or persistent breach of any of the terms of the engagement , the other party may terminate the engagement if, upon the expiration of 14 days after serving notice on the party in default, steps have not been taken by such party to remedy the breach.* *On termination of the engagement, Opteon shall be entitled to, and shall be paid, fees for all Services provided to that time, to the satisfaction of the Client, in accordance with the above clause relating to payment of fees.*

APPENDIX 2

INSTRUCTIONS - QUOTE ACCEPTANCE

From: Jennifer.Ninyette@swek.wa.gov.au
Sent: Wednesday, 24 June 2015 10:50:36 AM
To: kimberley.quotes@opg.net
Subject: RE: Quote: (Client Ref: SWEK) Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way Kununurra.
Requested by: Jennifer Ninyette

Good morning,

The Shire would like to proceed with the valuation of the abovementioned property.

Please find attached copy of the lease document, and lease/licence plan and certificate of Crown Land Title.
In relation to the valuation, please be advised that rent will only be charged on the Lease Area but not for the area to be licenced.

If you require any further information please feel free to contact me.

Regards

Jennifer Ninyette
Senior Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

20 Coolibah Drive, PO Box 614 Kununurra WA 6743 | T: (08) 9168 4176 | F: (08) 9168 1798 | M: 0407 489 419 | www.swek.wa.gov.au

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C Please consider the environment before printing this e-mail

From: kimberley.quotes@opg.net [mailto:kimberley.quotes@opg.net]
Sent: Thursday, 11 June 2015 2:04 PM
To: Jennifer Ninyette
Subject: Quote: (Client Ref: SWEK) Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way Kununurra.
Requested by: Jennifer Ninyette

OPTEON PROPERTY GROUP

RE: QUOTE FOR PROPERTY ADVICE

Our Reference: 6245373
Address: Lakeside Resort & Caravan Park, (Lot 506 & Portion Lot 505), Casuarina Way, Kununurra, WA 6743
Quoted Fee: $2,200.00 + disbursements

Dear Jennifer,

Thank you for your enquiry concerning the above property.

Please find attached our quote and our standard terms and conditions to undertake this work for you.

If you wish to proceed, please confirm by return email to kimberley.quotes@opg.net, stating that you wish to proceed as per the

details in the quote supplied. Please note that we will not action the job until we receive your confirmation email and all necessary information (including instructions to proceed, correct address, inspection contact details, or documentation such as sale contract, lease(s), plans etc).

An inspection appointment will be booked thereafter.

Please do not hesitate to contact us if you require any further information on this matter, and we look forward to being of service to you.

Kind regards,

Nicole Smyth
Administration

OPTEON PROPERTY GROUP
VALUE MADE VISIBLE

D (08) 9169 2268
P (08) 9192 3930
W www.opg.net

Opteon (North West WA)
8 Cocus Way Kununurra WA 6743

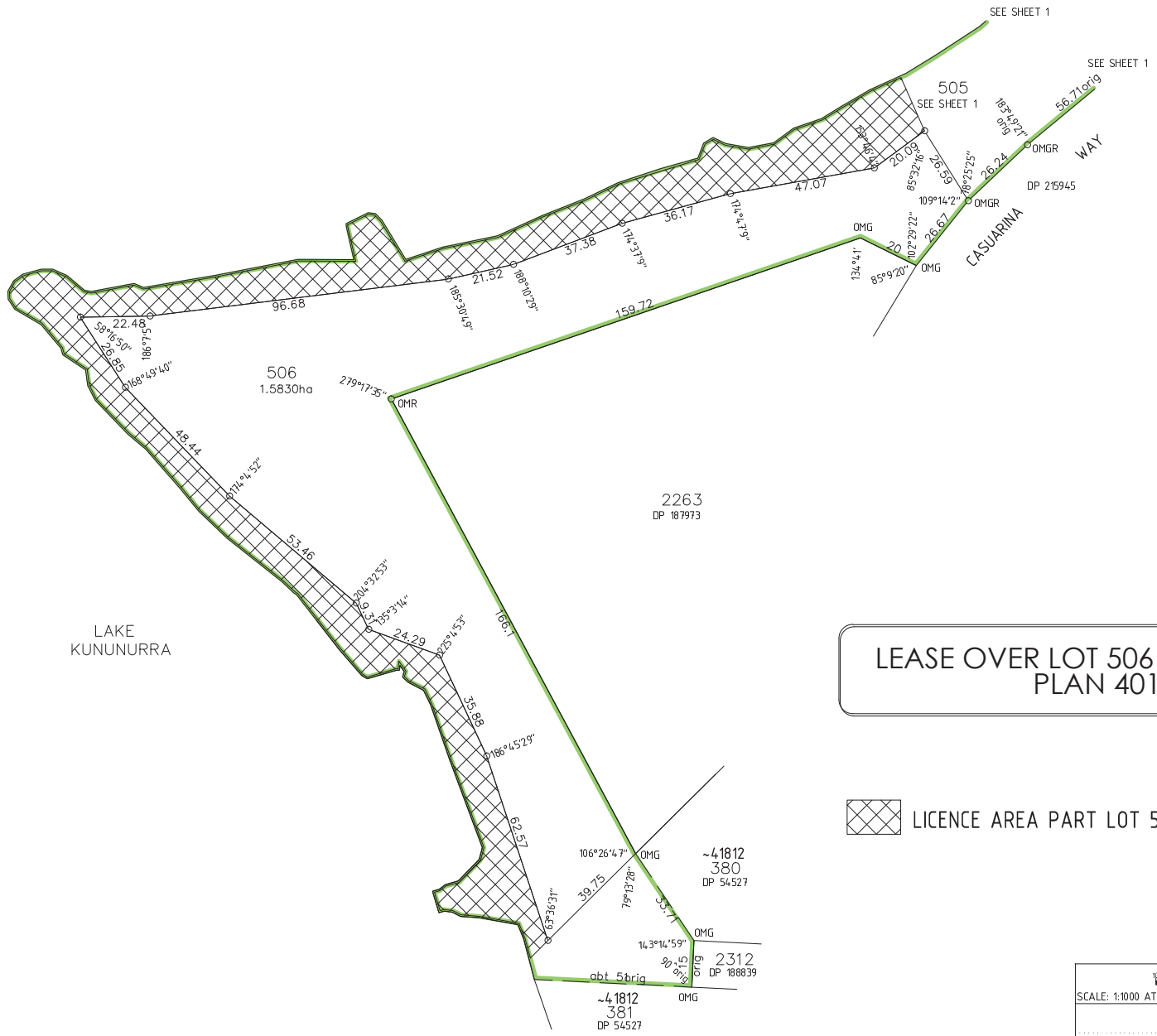
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APPENDIX 3

LEASE / LICENCE PLAN

FOR HEADING SEE SHEET 1



LEASE OVER LOT 506 ON DEPOSITED PLAN 401069

LICENCE AREA PART LOT 505 = 0.6766 ha

WATERLINES SHOWN HEREON DO NOT NECESSARILY DEPICT AN EXACT CADASTRAL BOUNDARY AND WERE DERIVED FROM THE SCDB AS OF FEBRUARY 2014.

SCALE: 1:1000 AT A2 SIZE

ALL DISTANCES ARE IN METRES

Licensed Surveyor Date

whelans

WHELANS AUSTRALIA PTY. LTD.
(08) 6241 3333 www.whelans.com.au
16818dp1sht2l.dgn
FP-16818-001-VER 1.0

Landgate
Western Australian Land Information Authority

DEPOSITED PLAN 401069

SHEET 2 OF 2

VERSION 1

APPENDIX 4

PROPOSED LEASE (2015)

Ref: GPM/XLD/103482

LEASE
LOT 506 LAKE KUNUNURRA

SHIRE OF WYNDHAM EAST KIMBERLEY
("Lessor")

AND

INGLE PTY LTD (ACN 009 251 567)
("Lessee")

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THIS DEED is made day of 2015

BETWEEN

SHIRE OF WYNDHAM EAST KIMBERLEY of PO Box 614, Kununurra, Western Australia 6743 ("Lessor")

and

INGLE PTY LTD (ACN 009 251 567) of PO Box 1129, Kununurra WA 6743 ("Lessee")

RECITALS

A. The Land is Reserve 51637 and is reserved for the purpose of "Caravan Park and Camping Ground, Boat Launching, Mooring and ancillary uses". 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 TWENTY ONE (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:

Aboriginal Heritage Claim means a claim made under any law relating to aboriginal heritage including, but not limited to, the *Aboriginal Heritage Act 1972* (WA) from and including the Commencement Date;

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;

Authorised use means the authorised use specified in Item 12 of Schedule 1;

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 1;

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;

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 28;

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 3;

Further Term means each further term specified in Item 5 of Schedule 1;

Holding Over means holding over by the Lessee under clause 38;

Improvements means all of the development, construction and improvements on the Premises including (but not limited to) caravan and camping bays, Services, a jetty or jetties, boat ramps, traffic areas, and general landscaping of the Premises;

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 Lease;

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 1;

Land means the land described in Item 2 of Schedule 1;

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 TWELVE (12) months nominated by the Lessor, and includes, where appropriate, the First Period and the Final Period;

Lessee's Covenants means the covenants, agreements and obligations contained or implied in this Lease 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 Premises;

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 Lease 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 Authorised Use;

Lessor's Covenants means the covenants, agreements and obligations contained or implied in this Lease or imposed by law to be observed and performed by the Lessor;

Lessor's Fixtures means the fixtures specified in Item 9 of Schedule 1;

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 Lease or granted by law;

Managing Agent means the firm specified in Item 11 of Schedule 1 or any person, firm or corporation as the Lessor by notice to the Lessee nominates;

Minister means the Minister for Lands, a body corporate under section 7(1) of the *Land Administration Act 1997*;

Money Payable means the Rent and any other money payable by the Lessee under this Lease;

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 1;

Previous CPI means the Consumer Price Index number last published before the date which is TWENTY FOUR (24) 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 1 as varied from time to time under this Lease;

Rent Review Date means each date specified in Item 7 of Schedule 1 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 Lease;

Service means electricity, gas, oil, fuel, water or other like facility or service;

Term means the term specified in Item 4 of Schedule 1 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 Lease 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) by one annual instalment in advance commencing on the Commencement Date 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 X CCPI) 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 x 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 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 TWENTY FOUR (24) 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.

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 Lease 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 TEN (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 TEN (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 Lease;

(b) any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Lease, 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 Lease;

(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 FOURTEEN (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 PREMISES AND IMPROVEMENTS

The Lessee must:

(a) maintain the Premises in a good condition and state of repair, except in respect of:

(i) fair wear and tear; and

(ii) damage which is or will be reinstated from the proceeds of insurance;

(b) promptly repair any damage to the Premises or Improvements for which the Lessee is responsible to the satisfaction of the Lessor;

(c) keep the Premises clean and free from rubbish and keep all rubbish in suitable receptacles;

(d) maintain the Lessor's Chattels, the Lessor's Fixtures, the Lessee's Fixtures and the Improvements in good condition and where necessary, replace that Lessor's Chattel, Lessor's Fixture, Lessee's Fixture or the Improvements to the satisfaction of the Lessor except in respect of:

(i) fair wear and tear; and

(ii) damage which is or will be reinstated from the proceeds of an insurance policy;

(e) not do or omit to do anything which might cause the Premises, the Lessor's Chattels, the Lessor's Fixtures, the Lessee's Fixtures or the Facilities to deteriorate or become impaired except for fair wear and tear, to be obstructed, or to be in a condition other than a good and sanitary condition;

(f) maintain the Lessor's Chattels, the Lessor's Fixtures, the Lessee's Fixtures and the Facilities in clean and good condition;

(g) promptly replace any broken glass in the Premises, the Lessor's Fixtures or the Lessee's Fixtures;

(h) not without the Lessor's prior consent, install any electrical equipment on the Premises which might overload the cables, switchboards or sub-boards through which electricity is connected to the Leased Premises or any fixtures (including any Improvement);

(i) 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;

(ii) not without the Lessor's prior consent, erect or place on or in the Premises any radio or television aerial or antenna;

(j) keep all drains and other pipes in or connected to the Premises or any fixtures (including any Improvement) properly cleaned and free-flowing;

(k) maintain the garden, lawns, edges, hedges, shrubs and trees, to water and fertilise them regularly and adequately, to keep the flower beds and lawns free of weeds, and to not remove or cut down any plants, trees or shrubs;

(l) maintain all paved areas and keep them clean and tidy; and

(m) maintain all roads, driveways and access ways on the Leased Premises and keep them free of rubbish and debris and ensure that they are not obstructed.

12. 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.

13. USE OF THE PREMISES

The Lessee Covenants with the Lessor as follows:

13.1 **Generally**

Not to use or permit the Premises to be used for any purpose other than for the purpose specified in Item 12 in Schedule 1.

13.2 **Maintenance**

To maintain, rehabilitate and stabilise the Foreshore Area and the Premises as may be necessary to permit continuous access by the public to infrastructure and to approved structures upon the Land.

13.3 **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.

13.4 **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.

13.5 **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 (if required);

(ii) exotic species considered to be pest or weed 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 or native species in order to minimise soil erosion and run-off.

13.6 **Water Use Conservation**

The Lessee must conduct all reticulation and irrigation activities on the Premises in accordance with best practice water conservation principles.

13.7 **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*.)

14. 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 any thing 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.

15. 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.

16. 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.

17. 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 Lease; 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.

18. EASEMENTS

18.1 Subject to clause 18.2, 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.

18.2 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.

19. 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 THREE (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.

20. PLANT AND EQUIPMENT AND FIXTURES

20.1 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) not do anything which might interfere with or impair the efficient operation of the Plant and Equipment; and

(d) 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.

20.2 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.

21. 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 1 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 SEVEN (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.

22. LESSEE'S INDEMNITIES

22.1 The Lessee indemnifies and keeps indemnified the Lessor and the Minister 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.

22.2 The Lessor and the Minister are 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 the Minister or any employee or agent of the Lessor or the Minister.

22.3 The Lessee's obligation to indemnify the Lessor and Minister under this Lease or by law is unaffected by the obligation of the Lessee to effect insurance and the obligation of the Lessee to indemnify is paramount.

22.4 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 Lease.

22.5 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.

22.6 The Lessee's obligation under clause 22.1 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.

22.7 Unless this Lease provides otherwise, whenever the Lessee is obliged or required by this Lease 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.

22.8 Subject to clause 22.6, and without limiting the generality of clauses 22.1 and 22.5, the Lessee indemnifies and keeps indemnified the Lessor and the Minister against each claim, demand, loss, damage or Costs and Expenses for which the Lessor or the Minister become 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.

23. LIMIT OF LESSORS LIABILITY

23.1 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.

23.2 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.

23.3 Each Lessor is only liable for breaches of the Lessor's Covenants occurring while that person is the registered proprietor of the Land.

24. REPORT TO LESSOR

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) any notice or order received from any court relating to the Premises or Improvements;

(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.

25. CAVEATS

25.1 The Lessee must not lodge an absolute caveat over the Premises to protect the interest of the Lessee under this Lease.

25.2 The Lessee must surrender any registered lease and withdraw any caveat lodged by or on behalf of the Lessee over the Premises on Termination.

25.3 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 Landgate, a surrender of lease or withdrawal of any caveat lodged by or on behalf of the Lessee and not surrendered or 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.

25.4 The Lessee hereby indemnifies, and shall keep indemnified, the Lessor against all loss or damage suffered by the Lessor as a result of the Lessee's failure to comply with this clause 25 on or before Termination.

26. NOT TO IMPEDE EXERCISE OF LESSOR'S RIGHTS

The Lessee must not impede the exercise of the Lessor's Rights.

27. 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.

28. DEFAULT BY LESSEE

An Event of Default occurs if:

(a) any Rent or other Money Payable remains unpaid for SEVEN (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 FOURTEEN (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 35;

(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;

(n) an investigation is commenced under section 13 of the *Australian Securities and Investments Commission Ac*t to investigate the affairs of the Lessee;

(o) the Lessee is in breach of an instrument other than this Lease giving the Lessee a right to occupy any part of the Premises or the Improvements;

(p) distress is levied or a judgement, order, security or encumbrance is enforced against any property of the Lessee; or

(q) a receiver or receiver and manager or controller as defined in the Corporations Act is appointed in respect of any part of the Lessee's property.

29. LESSOR MAY RETAKE POSSESSION

29.1 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.

29.2 The costs of re-entry or repossession by the Lessor are to be borne by the Lessee.

30. EXERCISE OF LESSOR'S RIGHTS

30.1 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.

30.2 If the Lessee fails to pay any Money Payable or does or fails to do any thing, 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.

30.3 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 Lease, 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.

31. BREACH OF ESSENTIAL TERMS

31.1 Each of the Lessee's Covenants specified in clauses 5, 8, 11, 12, 13, 14, 21, 27 and 31 are essential terms of this Lease, except that this clause must not be construed to mean that there are no other essential terms in this Lease.

31.2 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.

31.3 If the Term is determined:

(a) for a breach of an essential term by the Lessor accepting a repudiation of this Lease 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.

31.4 A certificate given to the Lessee by the Lessor of the amount of the Rent and Variable Outgoings under clause 31.3 will be conclusive as between the Parties except in the case of manifest error.

31.5 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 Lease; and

(d) the parties' conduct constituting a surrender of the Term by operation of law.

31.6 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.

32. THE IMPROVEMENTS ON TERMINATION

32.1 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.

32.2 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 TWO (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.

33. YIELD UP AND SURRENDER KEYS

33.1 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, if required by the Lessor, construct and/or reinstate a fence along the boundary of the Premises and the Lessee's adjoining property (at the Lessee's cost).

34. REMOVAL OF LESSEE'S FIXTURES

34.1 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.

34.2 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.

34.3 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.

34.4 In respect of any period until either the Lessor exercises an option under clause 34.3 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.

35. ASSIGNMENT

35.1 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 the Minister and except under this clause.

35.2 Sections 80 and 82 of the *Property Law Act 1969* are excluded.

35.3 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 Lease.

35.4 The Lessor may not unreasonably withhold its consent to an assignment of the leasehold estate created by this Lease 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.

35.5 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.

35.6 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.

36. DESTRUCTION OR DAMAGE TO PREMISES

36.1 Definitions

In this clause 36:

(a) "**Reinstatement Notice**" means a notice given by the Lessor to the Lessee that the Lessor's requires the Lessee to diligently proceed within a reasonable time to carry out the Reinstatement Works; and

(b) "**Reinstatement Works**" means the work necessary to:

(i) reinstate the Premises and the Improvements; or

(ii) make the Premises and the Improvements fit for occupation and use or accessible by the Lessee.

36.2 Abatement

(a) If the Premises and the Improvements are damaged or destroyed so as to render any part of the Premises and the Improvements wholly or substantially:

(i) unfit for occupation and use by the Lessee and the general public; or

(ii) inaccessible having regard to the nature and location of the Premises and the Improvements and the normal means of access to them;

AND in either case

(iii) the Lessee's insurance moneys are rendered irrecoverable as a consequence of an act, omission or default by the Lessor, its servants, agents or contractors;

then from the date that the Lessee notifies the Lessor of the damage or destruction ("**Damage Notice**"):

(iv) the Rent;

(v) any other money payable by the Lessee under this Lease; and

(vi) the covenant to repair and maintain;

will abate according to the nature and extent of the damage or destruction sustained.

(b) If clause 36.2(a) applies, the remedies for:

(i) recovery of the Rent and any other money or a proportionate part falling due after the damage or destruction; or

(ii) enforcement of the covenant to repair and maintain;

will be suspended (or partially suspended as the circumstances require) from the date of the Damage Notice until the Premises and the Improvements are:

(iii) restored;

(iv) made fit for the Lessee's occupation and use; and

(v) made accessible.

36.3 **Either Party May Terminate**

If clause 36.2(a) applies, either party may terminate this Lease by notice to the other unless the Lessor within NINETY (90) calendar days of receiving the Damage Notice, gives the Lessee a Reinstatement Notice;

36.4 **Lessee May Terminate**

If the Lessee considers the damage to the Premises and the Improvements renders it impractical or undesirable to carry out the Reinstatement Works, the Lessee may terminate this Lease by giving not less than THIRTY (30) calendar days' notice to the Lessor and, at the expiration of that notice, this Lease will terminate.

36.5 Exceptions

Clauses 36.2, 36.3 and 36.4 will not apply where:

(a) the damage or destruction was contributed to, or also caused by or arises from any wilful act of the Lessee or an Authorised Person; or

(b) an insurer under any policy effected under this Lease refuses indemnity or reduces the sum payable under the policy because of any act or default of the Lessee or an Authorised Person.

36.6 Lessor may Terminate

If the Lessor gives a Reinstatement Notice to the Lessee and the Lessee fails to commence the Reinstatement Works within a reasonable time, the Lessor may terminate this Lease by giving not less than THIRTY (30) calendar days' notice to the Lessee and, at the expiration of that period, this Lease will terminate.

36.7 Antecedent Breaches

No liability will attach to either party because of termination of this Lease under this clause 36 but that termination will be without prejudice to the rights of either party for any antecedent breach or non-observance of any provision of this Lease.

36.8 Dispute Resolution

Any dispute arising out of the provisions of this clause 36 shall be determined by a single arbitrator under the provisions of the *Commercial Arbitration Act* 1985 (WA), and the parties may each be represented by a legal practitioner of their choice.

36.9 Lessor Not Obliged to Reinstate

Nothing in this Lease obliges the Lessor to reinstate the Premises and the Improvements or the means of access to them.

36.10 Proceeds of Insurance

If the Premises and the Improvements are damaged or destroyed and the Lease is terminated under this clause 36, the insurance proceeds if any will be paid out to the party whose interest in the property was insured, and where the interest was jointly insured then apportioned according to the value of the insured property owned by the respective Parties.

36.11 Resumption of Premises

If the Premises or any part of the Premises is resumed by any authority so as to render the Premises inaccessible or substantially unfit for the occupation of the Lessee, this Lease may be terminated without compensation or other liability by either the Lessor or the Lessee by THIRTY (30) calendar days' notice to the other but without affecting the rights of either party against the other in respect of any previous breaches of the provisions of this Lease.

37. OPTION OF RENEWAL

Deleted – Not Applicable

38. 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 ONE (1) months' notice of termination.

39. CONSENTS

The Lessor may, unless this Lease otherwise provides, withhold consent to any matter requiring consent without specifying any reasons.

40. ACT BY AGENTS

40.1 All acts and things which the Lessor is required or empowered to do under this Lease may be done by the Lessor or the solicitor, agent, contractor or employee of the Lessor.

40.2 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 Lease, and the Lessor's direction will prevail over the Managing Agent's to the extent of any inconsistency.

41. 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 Lease.

42. NOTICE

A notice, demand or consent given or made to any person under this Lease:

(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 Lease;

(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.

43. PROPER LAW

This Lease 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.

44. SEVERANCE

If any part of this Lease is, or becomes void or unenforceable, that part is or will be, severed from this Lease 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.

45. WAIVERS

45.1 Failure to exercise or delay in exercising any right, power or privilege in this Lease by a party does not operate as a waiver of that right, power or privilege.

45.2 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.

46. VARIATION

This Lease may be varied only by deed executed by the parties.

47. EFFECTIVE EXECUTION

This Lease 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 Lease.

48. 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 Lease.

49. COUNTERPARTS

This Lease may be executed in any number of counterparts each of which is an original and all of which constitute one and the same instrument.

50. SURVIVAL OF WARRANTIES

A warranty given by a party in this Lease will not merge on the completion of the matters referred to, or contemplated by, this Lease, but will survive that completion even if any party has waived any right under this Lease, or failed to take proceedings for any breach.

51. ENTIRE AGREEMENT

This Lease 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 Lease.

52. 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.

53. 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 Lease does not apply to limit or affect the terms of this Lease.

54. GOODS AND SERVICES TAX

54.1 Words or expressions used in this clause 54 which are defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) have the same meaning in this clause.

54.2 Any consideration to be paid or provided for a supply made under or in connection with this Lease unless specifically described in this Lease as "GST inclusive", does not include an amount on account of GST.

54.3 Despite any other provision in this Lease if a party ("**Supplier**") makes a supply under or in connection with this Lease on which GST is imposed (not being a supply the consideration for which is specifically described in this Lease as "GST inclusive"):

(a) the consideration payable or to be provided for that supply under this Lease 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.

54.4 If a payment to a party under this Lease 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.

54.5 The Recipient need not make a payment for a taxable supply made under or in connection with this Lease until the Supplier has given the Recipient a tax invoice for the supply to which the payment relates.

54.6 If an adjustment event occurs in relation to a taxable supply made under or in connection with this Lease 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 54.6 will be made within FIVE (5) 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.

55. SPECIAL CLAUSES

The special clauses set out in Schedule 2 and Schedule 3 ("**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.

SCHEDULE ONE

1. **PREMISES**

Lot 506 on Deposited Plan 401069 being the whole of the land comprised in Certificate of Title Volume LR 3165 Folio 305

2. **LAND**

Lot 506 on Deposited Plan 401069 being the whole of the land comprised in Certificate of Title Volume LR 3165 Folio 305

3. **COMMENCEMENT DATE**

1 July 2015

4. **TERM**

TWENTY ONE (21) years.

5. **FURTHER TERM**

Not Applicable.

6. **RENT**

Until varied, the Rent is TBC ($TBC) plus GST and Variable Outgoings per annum, payable in advance from and including 1 July 2015 and thereafter on each anniversary of that date.

7. **CPI RENT REVIEW DATES**

The Rent shall be reviewed annually on the anniversary of the Commencement Date.

8. **INTEREST**

ELEVEN PERCENT (11%) 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 Lease, the Lessor is the owner, and any replacement of any item mentioned in this Item.

10. **AMOUNT OF PUBLIC RISK INSURANCE**

TWENTY MILLION DOLLARS ($20,000,000.00)

11. **MANAGING AGENT**

Not applicable

12. **AUTHORISED USE**

Caravan park and camping ground, boat launching and mooring and other ancillary uses associated with the operation of a holiday park and consistent with the designated purpose for which the Land is reserved under section 41 of the *Land Administration Act 1997*.

SCHEDULE TWO

Special Clauses

1. **Interpretation**

(a) These are the Special Clauses referred to in clause 55 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 lawned, landscaped and serviced land used for camping and access to the water in conjunction with the tourist facility in adjoining Lot 2663 on Deposited Plan 187973.

(b) The Lessee wishes to continue to use the Premises as an extension of a licensed caravan park and camping ground, and to provide for access to the water.

(c) The Lessee has not been granted formal development approval and a building licence to carry out any development.

2.2 Acknowledgements

The Lessor acknowledges and accepts the Services previously installed by the Lessee on the Premises prior to the Commencement Date.

2.4 Lessee's Development Covenants

The Lessee must:

(a) not construct or erect any permanent structures or fixtures (including the Developments) 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; and

(iii) the prior written approval of the Lessor to a foreshore/rehabilitation management plan;

(b) any development on the Premises must be for the following purposes only:

(i) caravan and camping facilities;

(ii) services;
(iii) a jetty or jetties;
(iv) boat ramps;
(v) traffic areas; and
(vi) general landscaping,

(hereinafter referred to as "**Development**");

(c) carry out and execute the construction, erection and/or installation of the Developments:

(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; and

B. any direction, requirement order or requisition of any Relevant Authority in relation to the Developments.

(v) by a qualified and competent contractor engaged by the Lessee (who has a public liability policy of not less than TWENTY MILLION DOLLARS ($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);

(d) ensure that the Lessee and all its employees, agents, contractors and workmen employed in executing the construction, erection and/or installation of the Developments:

(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;

(e) if required by the Lessor, erect and maintain a fence around the Premises during the erection and completion of the Developments 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;

(f) clean up the Premises progressively during the construction and installation of the Developments and promptly remove from the Premises all rubbish and waste arising from such works; and

(g) pay on demand to the Lessor:

(i) all the reasonable costs of the Lessor in connection with the Developments 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 Developments 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 an approved foreshore/rehabilitation management plan.

2.5 Low Impact

The Lessee acknowledges and agrees that all structures (including the Developments) which are erected, constructed, installed, brought or made by the Lessee on the Land must be low impact, low key and consistent with the maintenance of water quality and bank stabilisation of the Land, and must not restrict or impede the use, accessibility and enjoyment by patrons and the general public of the Land, or adversely affect the amenity of the Land.

2.6 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.

2.7 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 and the Lessor; and

(ii) any conditions precedent have been satisfied.

(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 Developments or whether the Lessee can use the Premises in accordance with the Authorised Use.

(c) Notwithstanding clause 2.7(a), should the Lessee commence construction, erection and/or installation of the Developments 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.

2.8 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 Developments, 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.

2.9 Lessee's Insurance

(a) Prior to the commencement of any development on the Premises, the Lessee must have:

(i) procured the insurance policies referred to in item 10 of Schedule 1; and

(ii) otherwise complied with the terms of clause 21 of the Lease in respect of those insurance policies.

(b) For the avoidance of doubt and notwithstanding or limiting clause 21 or item 10 of Schedule 1 of the Lease, the Lessee must, prior to the commencement of any development on the Premises:

(i) insure against and ensure that all of its contractors engaged in carrying out the Lessee's Works, throughout the Lessee's Works Period insure against any liability, loss, claim or proceeding whatsoever arising by virtue of any Laws relating to workers' compensation or employer's liability, by any person employed in or about the execution of the Lessee's Works 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; and

(ii) insure the Developments 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

(iii) apply all insurance moneys received in reinstating, rebuilding and repairing any damage incurred or suffered to the Developments;

(c) For the avoidance of doubt:

(i) the insurance policies referred to in this clause 2.9 are in addition to the insurance policies the Lessee is required to hold and maintain pursuant to clause 21 and Item 10 of Schedule 1 of the Lease; and

(ii) the Lessee shall otherwise comply with the obligations in clause 21 of the Lease with respect to the insurance policies referred to in this clause 2.9, including but not limited to, supplying to the Lessor current details of all insurance effected in accordance with this clause 2.9.

2.10 Assumption of Risk by Lessee

The Parties expressly acknowledge and agree that:

(a) the construction, erection and/or installation of all of the Developments (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 Developments;

(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 Developments, 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 Developments and from any loss of profits resulting from such loss or damage.

2.12 Property in Works

Despite any rule of law or equity to the contrary, title to and ownership of the Developments shall vest in the Lessee unless and until a direction is made by the Lessor pursuant to clause 32 of the Lease.

2.13 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 ("**Development Default**").

(b) Without prejudice to any other rights or remedies available to the Lessor, If the Lessor terminates this Lease pursuant to clause 29 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 32 of the lease, within FOURTEEN (14) days from the date upon which the Lessor terminates the Lease remove from the Premises the Developments 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 2.13.

(c) Should the Lessee not comply with its obligation under clause 2.13(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.

2.14 Indemnity

Without limiting the generality of clause 22 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 Developments or the construction, erection and/or installation of the Developments (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).

2.15 Definitions

For the purpose of this clause 2:

(a) "**Developments Works Period**" means the period from which the constructions, erection and/or installation of the Developments commence until to the date they have been completed;

(b) "**Laws**" means statutes, rules, regulations, proclamations, ordnances 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 Developments 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 Developments but which will not form part of the Developments;

(e) "**Relevant Authority**" means any government, statutory, public or other authority or body having jurisdiction over the Premises or the Developments or any matter or thing relating to the Premises or the Developments;

(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 Authorised Use;

(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 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 (6) 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 22 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, clean up, 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**

4.1 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**"); and

(b) approval of the Minister pursuant to the Management Order and the *Land Administration Act 1997* (**"Minister Approval Condition**").

4.2 The Parties covenant and agree that:

Best endeavours

(i) where relevant, the Parties will each use their best endeavours to satisfy the above conditions precedent;

Local Government Condition

(ii) the Lessor will bear all costs associated with satisfying the Local Government Condition; and

Minister Approval Condition

(iii) the Lessee will bear all costs associated with satisfying the Minister Approval Condition

5. **Compliance with Acts**

The Lessor and the Lessee acknowledge that if in granting its consent to:

(a) any assignment or sublease the Lessor has to first comply with or satisfy any obligations or requirements under any law, including section 18 of the *Land Administration Act 1997* and 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; and

(b) the development, construction, erection or installation of any structures or Developments on the Land, the Lessor has to first comply with or satisfy any obligations or requirements under any law, including the *Aboriginal Heritage Act 1972* (WA), then the Lessor's consent is made expressly conditional upon and subject to satisfaction of the provisions of the *Aboriginal Heritage Act 1972* (WA); and

(c) the Lessee will bear the risk of any Aboriginal Heritage Claim in respect of or relating to the Premises and arising from and include the Commencement Date and will not make any claim against the Lessor in relation to any of those risks.

6. **Registration of Lease**

The Lessee must register this Lease (at its cost) with the Registrar of Titles to formally identify and register its interest on the Crown Land Title in accordance with the provisions of the *Transfer of Land Act 1893* (WA).

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 strip of land as depicted and cross-hatched on the plan attached as Annexure A being part of Lot 505 on Deposited Plan 401069.

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:

(i) a non-exclusive right to use the Foreshore Area for mooring and boat launching only; and

(ii) a right to erect a fence and gate the side boundary of the Premises and Foreshore Area subject to gates being open to allow public access 10 metres landward from the high water mark between the hours of 5:00am and 7:00pm,

for the Term commencing on the Commencement Date and on the terms and conditions of this Licence.

(b) The Lessee must at all reasonable times allow general public access to the Premises and Foreshore Area and accordingly may not permit any caravan sites or install any fence, gate or barricade within or around the Premises or Foreshore Area.

(c) The Lessee must ensure that signage (approved by the Lessor and the Department of Lands) regarding public access is placed on the gate specified in clause 2(a)(ii) above

(d) This Licence continues for so long as the Lessee remains the Lessee under the Lease.

(e) This Licence does not confer upon the Lessee any estate or proprietary interest in any part of the Foreshore Area.

(f) 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 Premises and Improvements

(b) Clause 12 Maintenance of Lessor's fixtures

(c) Clause 13 Use of the Premises

(d) Clause 14 Miscellaneous Restrictions on Use

(e) Clause 15 Inflammable Substances

(f) Clause 16 Advertisements or Notices

(g) Clause 18 Easements

(h) Clause 20 Plant and Equipment Fixtures

(i) Clause 21 Insurance

(j) Clause 22 Lessee's Indemnities

(k) Clause 24 Report to Lessee

(l) Clause 26 Not to impede Exercise of Lessor's Rights

(m) Clause 27 Compliance with Statutes

(n) Clause 32 The Improvements on Termination

(o) Clause 34 Removal of Lessee's Fixtures

(p) Clause 39 Consents

(q) Clause 40 Act by Agents

(r) Clause 41 Lessee Liable for Authorised Persons

(s) Clause 42 Notice

(t) Clause 54 Goods and Services Tax

(u) 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	Chief Executive Officer
Print Name:	Print Name:

EXECUTED for and on behalf of)
INGLE PTY LTD (ACN 009 251 567))
by authority of its directors in)
accordance with section 127 of the)
Corporations Act 2001 (Cth))

_____	_____
Signature of Director	Signature of Director/Secretary
_____	_____
Director – Print Name	Director/Secretary - Print Name

THE MINISTER FOR LANDS hereby consents to the within Lease pursuant to section 18 of the *Land Administration Act 1997* (WA).

Dated this day of 2015

ANNEXURE A
Plan

Jennifer Ninyette

From: Laurie McKenzie <laurie@lakeside.com.au>
Sent: Saturday, 25 July 2015 2:39 PM
To: Cr Beau Robinson; Cr Darren Spackman; Cr Don Learbuch; Cr Gary King; Jennifer Ninyette; Cr John Moulden; Cr Keith Wright; Cr Raymond Dessert; Cr Sophie Cooke; Jennifer Ninyette; Louise Gee
Subject: No Subject

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer Ninyette, Louise Gee 25 July 2015<?xml:namespace prefix = "o" ns = "urn:schemas-microsoft-com:office:office" />
Shire Wyndham East Kimberley councillors

Re: Valuation Report - Lakeside Resort & Caravan Park (Lot 506 & portion Lot 505)

Dear Jennifer,
Thank you for a copy of the report, received today, reference: 6245373, undertaken by Opteon Property group.

The purpose of the valuation undertaken by Opteon Property group was to "establish a rental value for the portion of foreshore land adjoining our site for use as a Caravan Park" - Kununurra Lakeside resort and Caravan Park.

Having read thru the document we make the following comments:

- *Market Evidence - 14.0*
  We disagree with the majority of the Market Evidence as most of the selections of lease comparisons presented (lease transactions) encompass infrastructure directly associated with the operation of each particular Caravan Park.

- *Valuation Methodology - 15.0*
  i. Direct comparison valuation method - (rate per hectare land area). This method does not take into account the lower occupancy rate for the East Kimberley Region, that being twenty seven per cent (27.0%), and it is therefore unfair to compare that rate to sites in other Regions throughout Western Australia that enjoy a higher occupancy rate of up to fifty four per cent (54.0%).

  ii Direct comparison valuation method - (rate per licensed site). This method also does not compare favourably against sites that enjoy higher occupancy levels.

iii. Percentage of turnover method. It is our considered opinion that this method is the only one worth considering taking into account the regional trading difficulties experienced every year in the East Kimberley. This method is comparable to our preferred method as presented previously.

We would therefore accept a market rental value of *Nine Thousand Nine Hundred and Sixty dollars ($9,960.00)* per annum, based on a turnover percentage of four (4.0%). Accepting that this amount is at the bottom end of the examples provided, we believe that this would assist in offsetting the higher cost of operating in the Kimberley region, and the lower net operating profit (NOP) experienced.
This amount would be reviewed, based on market trading, every three (3) years. This would correct any imbalance in the interim.

Yours Faithfully,

Laurie McKenzie

Laurie McKenzie

Director

Lakeside Resort "Kununurra With a View"

ph 08 91 69 1092 mob 041 892 1065

www.lakeside.com.au

Mr Ben Farquhar
Opteon Property Group
P O Box 514
Kununurra WA 6473

30 July 2015

Your Reference: #6245373

Re: Valuation Report Lakeside Resort & Caravan Park
Lot #506 & Portion Lot # 505 Casuarina Way Kununurra

Dear Ben,
We have read your valuation, dated 13 July 2015, with intense interest and advise that it is of the utmost importance that all of the scenarios surrounding the valuation, methodology and percentages utilised therein are fully analysed, as they are critical to the future operations of the Lakeside Resort & Caravan Park.

It is imperative that ALL of the decisions and recommendations made by you in your valuation are based on firm and clearly understood precedence. This is essential to ensure the viability of the park now and in the future.

We have conducted an analysis on this report as it relates to Section 14.0 (Market Evidence) and Section 15.0 (Valuation Methodology), specifically, and note that this analysis has produced a mixed result, however each result is well below the value placed on our property by your valuation.

We therefore submit to you our assessment and outcomes in an effort to establish a fair and comparable result.

Clause 32 of the Lease document vests ownership of any improvements to the lessor. We assume therefore that other leases contain the same clause and it follows that most examples of market evidence *consider the lease as land only.* Even though improvements are in place in most instances, they are of enormous value to a prospective lease holder and would be analysed accordingly. This has the potential to distort the value of the lease being analysed when the percentage of lease payment encompasses the use of buildings and infrastructure, NOT just the use of bare land, as highlighted in Sunset Beach Caravan Park example of bare land lease of additional 61 bays at $200.00 per bay that would still have access to facilities.

If the improvements are NOT dealt with separately, and the percentage of lease payments (based on net operating profit) is treated as bare land, this would provide credence to the enormous swings in values of these leases.

To establish a "level playing field" in all of this, much of the market evidence presented should be discarded. Another factor that distorts the market evidence is that the Australian Bureau of Statistics produce occupancy figures for Regional Australia, most of which identify occupancy levels in excess of fifty percent (50%). This figure provides a disturbing effect on values placed on a "rate per licence site" and "rate per hectare of land" assessment when compared to actual occupancy figure at Lakeside Resort of twenty seven percent (27%).

The only reliable equation for valuation that should apply is percentage of turnover.

We provide our own evaluation on your relevant market evidence, based on the requirement to calculate gross profit in relation to turnover.

- Denmark River Caravan Park.

- Based on 2012 percentage of gross profit is quoted as 4.97 % or 12.34 % of net operating profit.
- Rent is stated at $51,151.00 per annum

Our calculation of $51,151.00 on a turnover of $1,009,074.00 represents 4.97%. Using the accepted industry standard of forty percent (40%) of turn over equates to gross profit of $403,629.00, of which 12.34% provides a rental (lease) amount of $49,807.00 adjusted to actual rent of $50,151.00 per annum.

Lakeside Resort Caravan Park - Comparison

- *Stated turnover of $249,000.00 applied to the accepted industry standard of forty percent (40%) equates to a gross profit of $99,600.00, of which 12.34% provides a rental (lease) amount of $12,290.00 per annum.*

****

- Horrocks Beach Caravan Park - new lease.

- Rent is stated at $21,000.00 per annum exclusive of GST, equates to $19,091.00 net.
- Calculations produce a turnover of $515,972.00 per annum.

Using the accepted industry standard of forty percent (40%) equates to a gross profit amount of $206,389.00 per annum of which 8.1% provides a rental (lease) amount of $16,717.00.

Lakeside Resort Caravan Park - Comparison

- *Stated turnover of $249,000.00 applied to the accepted industry standard of forty percent (40%) to a gross profit of $99,600.00, of which 8.1% provides a rental (lease) amount of $8,067.00 per annum.*

**********.

Note: We stand by our calculation and offer of $9,960.00 per annum - the amount of our suggested rental (lease) figure per annum as proposed.

In conclusion, the business review to be undertaken would not only correct any imbalances due to the Consumer Price Index (CPI), but would also correct any growth in occupancy levels that may occur.

Yours Sincerely,

Laurie McKenzie
Director

Copy to: - Shire Wyndham East Kimberley Councillors
- Planning SWEK

Mr C. Askew 30 July 2015
CEO
Shire Wyndham East Kimberley

Via email.

Re: Lakeside Resort & Caravan Park - Lot # 506 & Portion Lot # 505 Casuarina Way Kununurra

Dear Carl,
For some considerable period of time there has been ongoing discussion between your staff and Lakeside Resort & Caravan Park in an attempt to determine the terms and amount of lease payments to be made by Lakeside Resort & Caravan Park. Part of this process has included a valuation report undertaken by Opteon Property Group and commissioned by your office, on land adjoining our property.

With respect it is our view there are some circumstances in relation to this matter that appear not to be understood by either your staff or Opteon Property Group.

Our offer to lease this portion of land is: Nine Thousand Nine Hundred and Sixty dollars ($9,960.00)

Permit me to explain the logic from our perspective:

- The bare land.

Approximately 1.58 ha of land currently is being utilised, with approvals, as a Caravan Park attached to our property. This land has NO services attached: There is no Power, no water, and no sewage, no ablution block, informal roads to some and no roads to other sites. All of these utilities are provided including a rising main to the Ministers sewage point which is located approximately 300 metres from the point to be serviced. These services are currently provided by Lakeside Resort from within the Lakeside Resort freehold title.

- Market Evidence (14.0)

Opteon Property group has conducted its valuation, which includes Market Evidence, predominately by comparing properties that have fully connected services, and with built facilities equal to or similar to those found in Big Four properties.
There are only two (2) comparable property examples in section 14.1 (Rental Evidence / Market Rents) of the valuation that are relevant.

1. *Sunset Beach Caravan Park Big 4*.
   This park has 1.7 ha of surplus land assessed at $0.75 per square metre that equates to $200.00 per potential / allowable site. This relates to an amount of $12,500.00 per annum.

2. *Horrocks Beach Caravan Park - new lease*.
   This park has an allocation of one hundred & seven (107) bays, all fully serviced inclusive of power, water and sewage. The rate per site nominated for this park is $178.00 per site which equates to a per annum rental of $19,046.00.

   Lakeside Resort & Caravan Park.
   Our offer of Nine Thousand Nine Hundred & Sixty dollars ($9,960.00) is equivalent to fifty four (54) sites at One Hundred and Eighty Five dollars ($185.00) per site.

We believe this offer to be fair and reasonable as the only other example put to us in the valuation is that of - percentage of gross profit. We have calculated our Caravan Park (above accepted Industry Standards of 8% of gross profit), we have calculated at 10% of gross profit, and further, are based on an occupancy rate of 27%. All of the examples provided in the valuation by Opteon Property Group in Market Evidence are quoted as trading in excess of 50%.
Our assessment is based on a tri-annual business review to correct any discrepancies on Consumer Price Index (CPI) or occupancy variances that occur from time to time.

Your Planning Department does not see this as a fair and reasonable offer. They have advised us that our property will be advertised seeking expressions of interest from 30 July 2015 for a fourteen (14) day period.

The importance of this matter cannot be underestimated. The livelihood of myself, my directors and my staff are at stake here. Kununurra Lakeside Resort and Caravan Park has been operating in excess of twenty (20) years and we are all dedicated and committed to Kununurra and our property.

We would therefore appreciate a meeting with yourself and the Shire President to enable all parties to clarify issues that the Shire may have.

As Director, I advise that I will be back in Kununurra from 3 August and would appreciate a meeting to be set up as soon as possible after that date.

I look forward to hearing from you.

Yours Sincerely

Laurie McKenzie
Director.

Copy to: John Mouldon - Shire President Shire Wyndham East Kimberley

Jennifer Ninyette

From: Louise Gee
Sent: Monday, 27 July 2015 11:42 AM
To: 'Laurie McKenzie'
Cc: SWEK Councillors; Jennifer Ninyette; Carl Askew
Subject: RE: Lease - Lakeside Resort

Good morning Laurie,

Reference is made to your email below and your submission in regard to the rental value applied to the proposed disposition of land (lease) in accordance with *Section 3.58 of the Local Government Act 1995.* Local public notice of the proposed disposition will be given from Thursday 30 July to Friday 14 August 2015, following which Council will be required to consider any submissions. Therefore in accordance with Section 3.58 3(b) your submission will be considered by Council following the closure of the public notice period.

For your information I have provided a copy of section 3.58 with relevant parts highlighted in yellow below:-

3.58 Disposing of property

(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 local public notice of the proposed disposition –

(i) Describing the property concerned; and
(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 the proposed disposition required by subsection (3)(a)(ii) include –

(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition;

and

(c) the market value of the dispositions –

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as decided by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

As you are aware Council resolved at its June Ordinary Council Meeting as follows:

"That Council offers Ingle Pty Ltd a Lease over Reserve 51637, Lot 506 on Deposited Plan 401069, subject to the following:
a) Lease term to be 21 years;
b) Commencement date to be 1 July 2015;
c) Lease rent to be set at the Market Net Rental Value as of 1 July 2015 as determined by a licenced valuer, plus GST;
d) Rent to be reviewed by CPI annually;
e) Minister of Lands approval.

and

That Council delegates the power to sign the lease to the Chief Executive Officer and Shire President, subject to receiving no objections during the advertising period.

and

That Council requests the Chief Executive Officer to give one month's notice to Ingle Pty Ltd terminating the existing tenant at will arrangement if the Lease over Reserve 51637, Lot 506 on Deposited Plan 401069 to Ingle Pty Ltd is not executed within 3 months of this resolution, being on or before the 23 September 2015."

To ensure that these deadlines are adhered to it is proposed that all submissions received during the public notice period will be reported to the August 2015 Ordinary Council Meeting.

Regards

Louise Gee
Director Community Development

SHIRE of WYNDHAM | EAST KIMBERLEY
20 Coolibah Drive, PO BOX 614 Kununurra WA 6743 | T: (08) 9168 4100 | M: 0408261882 | F: (08) 9168 1798 | www.swek.wa.gov.au

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Please consider the environment before printing this email.

From: Laurie McKenzie [mailto:laurie@lakeside.com.au]
Sent: Saturday, 25 July 2015 2:39 PM
To: Cr Beau Robinson; Cr Darren Spackman; Cr Don Learbuch; Cr Gary King; Jennifer Ninyette; Cr John Moulden; Cr Keith Wright; Cr Raymond Dessert; Cr Sophie Cooke; Jennifer Ninyette; Louise Gee
Subject: No Subject

Jennifer Ninyette, Louise Gee 25 July 2015<?xml:namespace prefix = "o" ns = "urn:schemas-microsoft-com:office:office" />
Shire Wyndham East Kimberley councillors

Re: Valuation Report - Lakeside Resort & Caravan Park (Lot 506 & portion Lot 505)

Dear Jennifer,
Thank you for a copy of the report, received today, reference: 6245373, undertaken by Opteon Property group.

The purpose of the valuation undertaken by Opteon Property group was to "establish a rental value for the portion of foreshore land adjoining our site for use as a Caravan Park" - Kununurra Lakeside resort and Caravan Park.

Having read thru the document we make the following comments:

- *Market Evidence - 14.0*
  We disagree with the majority of the Market Evidence as most of the selections of lease comparisons presented (lease transactions) encompass infrastructure directly associated with the operation of each particular Caravan Park.

- *Valuation Methodology - 15.0*
  i. Direct comparison valuation method - (rate per hectare land area). This method does not take into account the lower occupancy rate for the East Kimberley Region, that being twenty seven per cent (27.0%), and it is therefore unfair to compare that rate to sites in other Regions throughout Western Australia that enjoy a higher occupancy rate of up to fifty four per cent (54.0%).

  ii Direct comparison valuation method - (rate per licensed site). This method also does not compare favourably against sites that enjoy higher occupancy levels.

  iii. Percentage of turnover method. It is our considered opinion that this method is the only one worth considering taking into account the regional trading difficulties experienced every year in the East Kimberley. This method is comparable to our preferred method as presented previously.

  We would therefore accept a market rental value of *Nine Thousand Nine Hundred and Sixty dollars ($9,960.00)* per annum, based on a turnover percentage of four (4.0%). Accepting that this amount is at the bottom end of the examples provided, we believe that this would assist in offsetting the higher cost of operating in the Kimberley region, and the lower net operating profit (NOP) experienced.
  This amount would be reviewed, based on market trading, every three (3) years. This would correct any imbalance in the interim.

Yours Faithfully,

Laurie McKenzie

Laurie McKenzie

Director

Lakeside Resort "Kununurra With a View"

ph 08 91 69 1092 mob 041 892 1065

www.lakeside.com.au

Our reference: 6245373-1

29 July 2015

Jennifer Ninyette
Senior Planning Officer
Shire of Wyndham East Kimberley
Email: Jennifer.Ninyette@swek.wa.gov.au

CC:

Laurie McKenzie
Managing Director/Owner
Lakeside Resort & Caravan Park
Email: Laurie@lakeside.com.au

Dear Messrs,

Re: Rental Valuation 6245373

I write in response to the letter received by email from Laurie McKenzie dated 27th July 2015 concerning our recent rental valuation and the objections raised in a separate email to the Shire and Councilors dated 25th July 2015.

Firstly, I have gone to great lengths to establish that the evidence I have used is for the land component of the respective properties only. I have spoken verbally to either the lessor, lessee or a valuer who has acted on the property in each instance to ascertain whether improvements are included. I have additional evidence of improved leases which typically shows far higher rates per hectare, per site and % of turnover or net operating profit. So the notion that the leases contain improvements is to the best of my knowledge and research, incorrect. With specific regard to the Sunset Beach Caravan Park lease, I have reviewed the lease and confirm it is a ground rent only. I cannot confirm the methodology of the rent calculation as I do not know the valuer however it appears as though a concessional rent was applied to the portion of land that the Lessee is not using, i.e. surplus to requirements, but as I say, this is speculation only.

Secondly, I consider that there is some merit in linking rent to business performance as this takes into account fluctuations within the locality and market segment. We note rent is often linked to performance for some other going concern property types such as service stations, hotels and to a lesser extent supermarkets. However, these are in almost all situations improved properties and there are also some limitations to this theory as well as in this particular case. I have outlined below:

Opteon Property Group

Opteon (North West WA)
PO Box 514 Kununurra WA 6743

P (08) 9169 2268 **E** kimberley.info@opg.net
F (08) 9168 3325 **W** www.opg.net

VALUE MADE VISIBLE

Liability limited by a scheme approved under Professional Standards Legislation

a) For a ground lease (unimproved) the rent is dependent upon the extent of Lessee's improvements, i.e. Lessee may develop 2 sites or 200; powered or unpowered and rent would vary dramatically. To this end we note that there appears to be some room for expansion along the south of the leased land. Further it may fluctuate depending on Lessee's management.
b) There is little evidence of caravan park ground rentals being tied to performance, therefore our analysis of rent as a % of trade is circumstantial and not the primary method of assessment in any of those instances.
c) Further to the above, there is no rule of thumb rent % on this basis. Figures provided by Mr McKenzie are for site sales which are no doubt the vast majority of revenues on site however additional potential or actual revenue lines may also apply in the form of shop sales, tour sales, boat hire etc. Whether these items exist, and if they do, the extent to which they do in evidence is difficult to analyse and draw a uniform comparison.
d) Given the entirety of the caravan park is on both a leasehold/freehold tenure and part of a larger accommodation complex, there may be issues regarding availability of independently audited data applicable to the subject land.
e) Using broad rules of thumb such as a particular profit margins or occupancy statistics to particular cases can be misleading. As noted in Mr McKenzie's occupancy example, these statistics are highly variable.

For the above reasons (and in particular point a) we have primarily relied on more conventional approaches such as the rate per hectare foremost, rate per site secondly and with some regard to the trade performance as mentioned.

We consider that, due to our regard of the % of trade, we have adopted a lower rent than otherwise would have been adopted and that this reflects the low occupancy rates of the subject. We once again point out that our adopted value reflects a rate per hectare and rate per site toward or at the low end of market evidence. For this reason, we remain of the opinion that the market rental of the property is $18,000 per annum (which is less than any other caravan park).

We trust this meets your current requirements. Please circulate to councilors if considered necessary.

Kind regards,



Ben Farquhar

Director

AAPI Certified Practising Valuer

44320

E ben.farquhar@opg.net

Jennifer Ninyette

From: Laurie McKenzie <laurie@lakeside.com.au>
Sent: Monday, 17 August 2015 12:18 PM
To: Louise Gee; Carl Askew; Cr John Moulden; Cr Beau Robinson; spike dessert
Subject: RE: No Subject

Good morning Louise

In the preparation of the report to Council please note my reasons as scheduled, that I had wished to discuss with Carl Askew and the Shire President.

Valuation P27 cl.14.2 Evidence Summary and Conclusions are all based on GP except two, Peaceful Bay where GRV was used, Lakeside Resort where the turnover has been substituted for GP and used in the GP column to produce the $18000.00 proposed rent figure.

In all of section 14 Market Evidence P20 to P27 ABS figures provide for occupancy levels at 50% to 54% our region and experience has 27% occupancy.

Our offer of 10% of GP is excessive and should be used only until the market catches up, to where the schedule indicates 5%, this should be used until 5% equates to $9960 pa.

Setting the rent based on turnover in place of GP is too inhibiting for future purchasers of the property, who would rejected this as non commercial.

Our offer is subject to a business review at least every 3 years, more frequently would be acceptable, this would correct any turnover increase, due to more capital expenditure on powered sites, ablution blocks and marketing in your favour.

Regards Laurie McKenzie

Laurie McKenzie

Director

Lakeside Resort "Kununurra With a View"

ph 08 91 69 1092 mob 041 892 1065

www.lakeside.com.au">www.lakeside.com.au

----- Original Message -----
From:
"Louise Gee" <Louise.Gee@swek.wa.gov.au>

To:
"Laurie McKenzie" <laurie@lakeside.com.au>
Cc:
"Jennifer Ninyette" <Jennifer.Ninyette@swek.wa.gov.au>
Sent:
Mon, 17 Aug 2015 09:46:32 +0800
Subject:
RE: No Subject

WordSection1">

Good morning Laurie,

font-size: 11pt;">A report is being prepared for the August Ordinary Council Meeting for Council to consider the commencement rent for the proposed lease of the foreshore following the review of submissions received during the public notice period. As previously advised your email, outlining your concerns regarding the valuation and proposed lease rental will be considered as a submission; to-date no other submissions have been received.

Regards

Louise Gee
Director Community Development

S H I R E of W Y N D H A M | E A S T K I M B E R L E Y
20 Coolibah Drive, PO BOX 614 Kununurra WA 6743 | T: (08) 9168 4100 | M: 0408261882 | F: (08) 9168 1798 | www.swek.wa.gov.au

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From: Laurie McKenzie [mailto:laurie@lakeside.com.au]
Sent: Monday, 17 August 2015 7:53 AM
To: Louise Gee
Subject: No Subject

Hello Louise

Please advise me of the outcome of the advertising period, for the deposition of land foreshore Lakeside Resort.

Laurie McKenzie

Director

Lakeside Resort "Kununurra With a View"

ph 08 91 69 1092 mob 041 892 1065

www.lakeside.com.au">www.lakeside.comau

13.3.5 Development Application for Shade Structure

DATE:	25/08/2015
PROPONENT:	Wyndham Historical Society
LOCATION:	Lot 381 MacPhee Street, Wyndham
AUTHOR:	Roy Adam, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A1814P
ASSESSMENT NO:	A1814P
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a development application for a Shade Structure at Lot 381 MacPhee Street, Wyndham.

BACKGROUND

An application for planning approval was lodged on 24 July 2015 by Wyndham Historical Society for the erection of a shade structure on Lot 381 MacPhee Street, Wyndham.

The property is located at the intersection with Gambier Street and has an area of 2051m^2. The land is zoned Town Centre under *Town Planning Scheme No. 6 – Wyndham Townsite (TPS 6)* and is the site of the Wyndham Historical Society Museum.

The subject site is within the 'Schedule of Places of Heritage Value' of the Scheme. It is listed as 'Multiple Port Town Centre Precinct - O'Donnell Street'.



Location of Subject Site

Proposal
To erect a shade structure of 18m^2 in area and 3.2 metres in height. The materials and finishes have been chosen to match the existing building and shade structure on the site (**Attachment 1**).

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6 – Wyndham Townsite
The land at Lot 381 MacPhee Street is zoned Town Centre under TPS6.

The objectives of this zone are:

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

In general the erection of an outbuilding less than 60m^2 is exempt from the requirement for planning consent. However the subject site is identified in 'Schedule of Places of Heritage Value' of the Scheme (within Appendix 9). Given this listing no development may be commenced without planning consent (per clause 9.4).

This application is required to be considered by Council as TPS6 does not contain a head of delegation for Council to give decision-making authority to officers.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicant has paid a planning fee of $147.

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 3.3: Towns are safe and inviting for locals and tourists

Strategy 2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

COMMUNITY ENGAGEMENT

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

No community engagement is required

COMMENT

Maintaining the heritage values of the existing building (a former courthouse) and the streetscape of O'Donnell Street are the main considerations for development assessment on the lot. The building is described in the Municipal Heritage Inventory (**Attachment 2**). A number of heritage sites exist in the vicinity of Wyndham Port.

The heritage inventory description of the building notes primary construction materials of corrugated iron, fibro and asbestos, and concrete.

The proposed structure is relatively basic in form. However it is considered to be responsive to the existing building on the site in regards to materials selection, form (including roof pitch) and location. It is also located 12.0 metres from the O'Donnell street frontage and 4.5 metres from Gambier Street which is in keeping with the prevailing setback of buildings in the vicinity. Access to the site will not be impeded by the proposed siting of the structure.

ATTACHMENTS

Attachment 1 - Plans and submission
Attachment 2 – Municipal Heritage Inventory extract

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the planning application for a Shade Structure at Lot 381 MacPhee Street, Wyndham, 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 Shire.

2. The shed is to be clad in compatible materials and colours to the existing buildings on site.

COUNCIL DECISION

Minute No. 11076

Moved: Cr G Taylor
Seconded: Cr G King

That Council approves the planning application for a Shade Structure at Lot 381 MacPhee Street, Wyndham, 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 Shire.**

2. **The shed is to be clad in compatible materials and colours to the existing buildings on site.**

Carried Unanimously 8/0

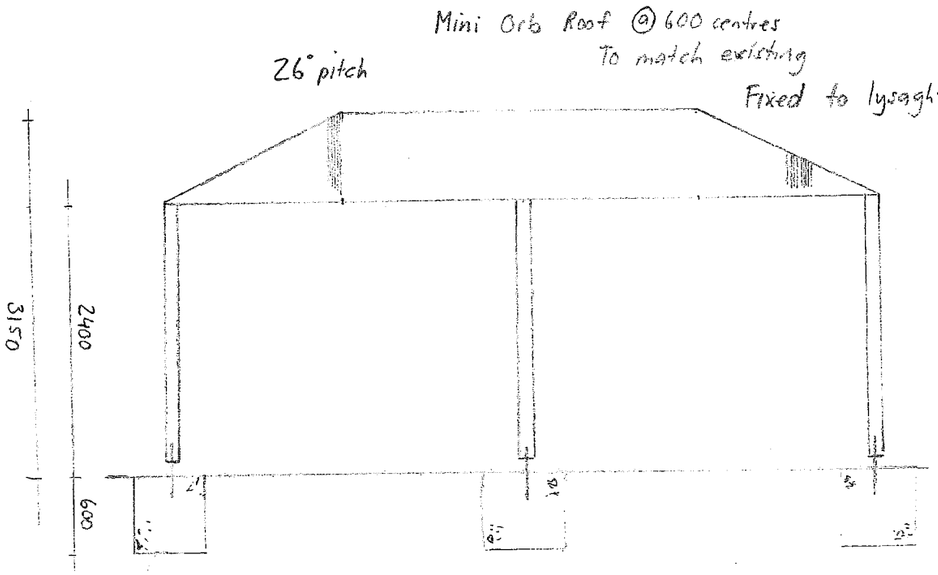

EXISTING
SHADE SHELTER



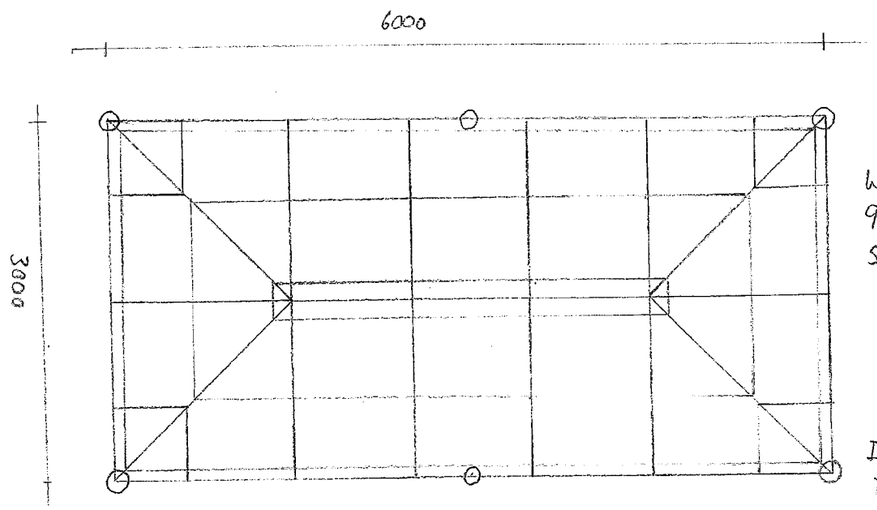


Shade Shelter
Wyndham Museum

(i) Street frontage 50.29m (Macphee St), 25.17m (Gambier St)
(ii) Proposed structure 4.0m from Museum building, 4.0m from Gambier St boundary fence and 10.0m from Macphee St boundary.
(iii) Existing and proposed access via museum front gate (Macphee St)
(iv) No vegetation to be removed
(v) Earthworks = 6 holes for posts
(vi) Shade shelter only (no floor) so drainage not required
(vii) Additional car-parking spaces not required
(viii) Landscaping not required
(ix) Materials – Bush timber supports (as per existing structure, Mini-orb cladding (as per existing structure)
(x) Design considerations – rustic (as per existing structure)
(xi) Colours – natural materials (no paint)

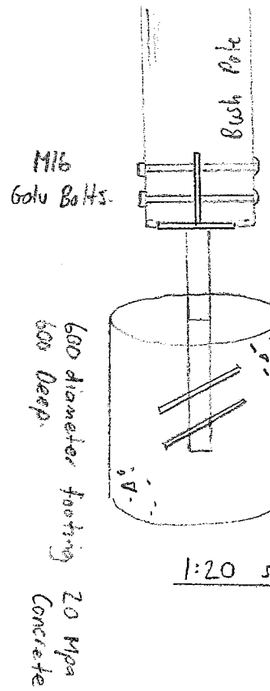


Elevation



Roof Plan

1:50 Scale



Footing Detail

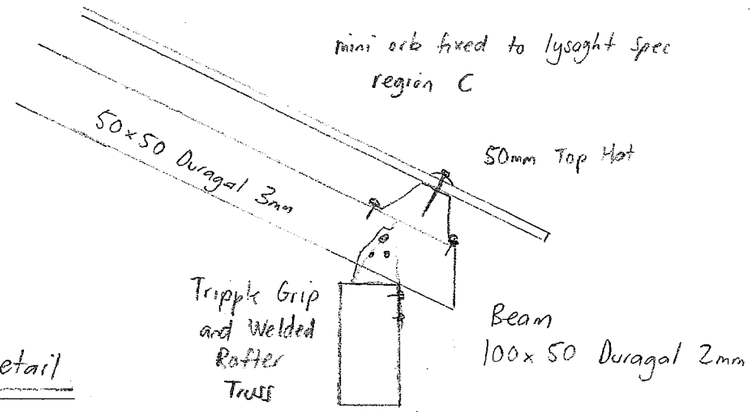
10mm Plate Bush Pole
Bolting Plate.

Stirup 50x50 Duragal 3mm
upright. Min. 400 imedment

Welded 14mm Reo Bar
(M16)

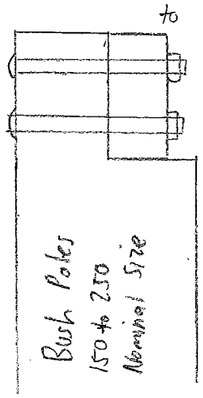
1:20 scale

Roof Detail



Bush Pole Detail

1:5 scale



Proposed Shelter
Wyndham Historical Society.

Durack Designs 0407 550 850

Roy Adam

From: Wyndham Museum <whs6740@yahoo.com.au>
Sent: Wednesday, 5 August 2015 7:12 PM
To: Roy Adam
Subject: Re: Planning Application - Your Ref: DA40/15

Hi Roy,
The intended purpose of the shade shelter is to provide shade for visitors and some level of protection for the artefacts and interpretive display (signage) housed beneath it.
The structure will replicate the design of the existing shade structure, thus reinforcing the significance of the place.
The materials will be original (bush timber tree trunk supports and raw mini-orb profile), these being identical to the existing (adjacent) structure.
Please advise if you have any other queries.
Kind Regards,

Chris McLachlan
Secretary
Wyndham Historical Society
PO Box 379
WYNDHAM WA 6740

On Wednesday, 5 August 2015, 17:14, Roy Adam <Roy.Adam@swek.wa.gov.au> wrote:

Chris

Please comment on the statement (as much as possible) with reference to the museum and proposal:

"Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible."

E.g. roof pitch, colour/finishes, materials selection

Regards

Roy Adam
Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY
20 Coolibah Drive, PO BOX 614 Kununurra WA 6743 | T: (08) 9168 4100 | F: (08) 9168 1798 |
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From: Wyndham Museum [mailto:whs6740@yahoo.com.au]
Sent: Wednesday, 5 August 2015 12:01 PM



NAME: Old Court House

OTHER NAMES:

PIN NUMBER:

LAND DESCRIPTION: Lot 381 (Reserve 1276) Cnr Gambier & MacPhee Streets, Wyndham

LOCATION: Macphee Street, Wyndham Port

CONSTRUCTION DATE: 1954

PLACE TYPE: Individual Building

USE
Original Use GOVERNMENTAL: Police Station
Current Use EDUCATIONAL: Museum

OTHER LISTINGS: No other listings

PHYSICAL DESCRIPTION:
The Old Courthouse is located in the historical Wyndham Port precinct. It was built in typical 1950s architectural style and much later than the majority of the other historic buildings in the precinct. It is none-the-less complementary to the architecture of the other historic buildings in the precinct. The Old Courthouse is located at the northern end of O'Donnell Street, on the western side of the street. Oral histories indicate that the foundations and materials of a previous building on the site (built in 1928) were used to erect the present building.

HISTORICAL NOTES:
Construction of the Old Court House building commenced in 1954 and was built in three stages over 15 years. It was initially used as a temporary police station. The police sergeant acted as the clerk of the court and as a marriage celebrant. The building then became a court house. Oral histories indicate that the earlier building on the site was also used as a courthouse. The use of the building as a court house continued until 1970. The building was derelict for several years until it was reopened as the present Historical Society Museum.

HISTORIC THEME: Transport and Communication: Road Transport/Ethnic Groups

CONSTRUCTION MATERIALS:
Roof: Corrugated Iron
Walls: Fibro and Asbestos
Other: Concrete floor

STATEMENT OF SIGNIFICANCE:

The Old Courthouse has Historical significance forming an integral part of the Wyndham Port precinct, originally as a police station, then court house and presently as the Historical Society Museum.

LEVEL OF SIGNIFICANCE: Some/Moderate significance

MANAGEMENT CATEGORY (Desired Outcome) Conservation of the places is desirable.

Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.

MAIN SOURCES:

O'Brien Planning Consultants 1997, *Shire of Wyndham-East Kimberley Municipal Heritage Inventory*, Kununurra

Information plaque on site

SURVEY/ASSESSMENT DATE: 28 June 2007

13.3.6 Proposed Gravel Reserves

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Various
AUTHOR:	Jennifer Ninyette, Senor Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	LP.06.3
ASSESSMENT NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider the action required to be undertaken to enable the proposed creation of four gravel reserves.

BACKGROUND

In March 2013 the Shire initiated the process to reserve four areas of land within the vicinity of Wyndham for the purpose of gravel supply for road building purposes, to be managed by the Shire.

The location of these areas, referred to by the Shire as 'Afghan Cemetery', 'Mt Albany', 'King River Road', and 'Parry Creek', are shown on the aerial plans provided at Attachment 1.

The Department of Lands (DoL) has advised that three of the four proposed gravel reserves are subject to the Balanggarra #3 Native Title Determination, and one area is not the subject of any Native Title Claim.

The DoL has advised that the 'Afghan Cemetery', 'Mt Albany' and 'Parry Creek' proposed gravel reserves are subject to a Native Title future act process, and to proceed with a future act process over these areas the DoL:

1. Seeks the Shire's agreement to proceed with a future act process; and
2. Requires the Shire to indemnify the Minister for Lands against any claims for compensation associated with the compulsory acquisition of any rights and interests over the lands.

In relation to the area referred to as 'King River Road', the DoL has advised that the land is currently leased to the Darwulah Aboriginal Corporation and the Shire is required to consult with the leaseholder and obtain written consent for the surrender of the proposed gravel area from Lease I837493, before the proposed reservation of this area can progress.

The DoL has also requested further information in regard to how legal access to the 'King River Road' and 'Afghan Cemetery' sites via a dedicated road will be achieved. They have noted that a portion of the constructed King River Road, near the proposed gravel reserve, is located outside the dedicated road reserve boundaries, and that legal access to the proposed reserve could be achieved by amending the dedicated road cadastral boundary to match the actual location of the road. In relation to the 'Afghan Cemetery' site the DoL have recommended an easement as a method to achieve formal access.

The DoL has also advised that they seek the Shire's agreement to pay survey costs associated with the creation of gravel reserves over all of the four areas proposed.

A copy of the DoL correspondence is provided at Attachment 2

STATUTORY IMPLICATIONS

Land Administration Act 1997

Under *Section 46 of the Land Administration Act 1997 (LAA)* the Minister for Land may by order place the care, control and management of a reserve to a management body, for the purpose of which it is reserved and purposes ancillary and beneficial to that purpose, subject to such conditions as the Minister specifies.

Section 56 of the LAA outlines the process and the Minister's power to dedicate land as road and *Section 144* outlines the process and Minister's power to grant easements over Crown land, while *Section 81 of the LAA* relates to the surrender of lease of Crown land.

Part 9 of the LAA relates to the compulsory acquisition of interests in land, including native title rights and interests, and outlines the procedure for taking interests in land and designating for a public work.

Part 10 of the LAA relates to compensation, of which *Section 202(1)* states that every person having any interest in land which is taken under *Part 9* is entitled, subject to compensation for the interest from the acquiring authority. *Division 2* outlines how a claim for compensation is to be made, including who can make a claim, that a time limit can be specified, the content required to be provided with a claim, and how the claim for compensation must be served.

Division 3 (Part 10) outlines the process for dealing with a claim, including making an offer.

Native Title Act 1993 (NTA)

Under the *NTA, Section 24MD* outlines the process involved for the compulsory acquisition of native title rights and interests, which is also subject to *Section 29* and *Subdivision P* which deal with the requirement to give notice and right to negotiate.

Subsection 2(d) outlines that if compensation on just terms is provided under a law of the Commonwealth, a State or a Territory to the native title holders for the compulsory acquisition, and they request that the whole or part of any such compensation should be in a form other than money, the person providing the compensation must consider the request and negotiate in good faith in relation to the request.

Subsection 2(e) outlines that if compensation on just terms is not provided under a law of the Commonwealth, a State or Territory to the native title holders for the compulsory acquisition they are entitled to compensation for the acquisition in accordance with *Division 5*.

Division 5 outlines the criteria for determining compensation, and describes 'just compensation' as '*an entitlement on just terms to compensate the native title holders for any loss, diminution, impairment or other effect of the act on their native title rights and interests'*

Section 51A of the NTA outlines that the total compensation payable under *Division 5* for an act that extinguishes all native title in relation to particular land or waters must not exceed

the amount that would be payable if the act were instead a compulsory acquisition of a freehold estate in the land or waters.

Division 5 also describes that the court, person or body making the determination of compensation on just terms may in doing so have regard to any principles or criteria for determining compensation set out in the law under which the compulsory acquisition takes place.

Compensation may only consist of the payment of money, unless a claiming party makes a request for non-monetary compensation, which may consist of the transfer of property or the provision of goods or services, which is considered and negotiated in good faith.

POLICY IMPLICATIONS

There are no policy implications associated with this item

FINANCIAL IMPLICATIONS

If Council proceeds with the proposed reservation there will be costs associated with the creation of gravel reserves over all of the four areas proposed.

In relation to the proposed 'King River Road' gravel reserve, it is estimated that the cost to construct and realign the road within the existing dedicated road reserve would be at least $50,000 - $60,000, and could increase to $90,000 if there are floodways or culverts required.
In comparison a survey to realign a section of the dedicated road boundary is estimated to cost no more than $1650.

In relation to the proposed 'Afghan Cemetery' gravel reserve, it is noted that an easement will also need to be created to provide for legal access to the proposed gravel reserve and should also provide legal access to the nearby cemetery itself.

Total estimated survey costs, for all four sites including realignment of the dedicated King River Road Reserve and access easement to the Afghan Cemetery and proposed gravel reserve, are anticipated to be $19,600. Costs to undertake survey works will be staged and costed to the 2015/16 Rural Road Maintenance Budget.

The DoL are proposing a compulsory acquisition of the proposed reserves, and requires the Shire to indemnify the Minister for Lands against any claims for compensation associated with the compulsory acquisition of any rights and interests over the lands. The native title holders (in relation to two of the proposed reserves) or proposed native title claimants have the right to negotiate and seek compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests, and must not exceed the amount that would be payable if the act were instead a compulsory acquisition of a freehold estate in the land.

It is noted that compensation may be monetary or non-monetary in the form of the transfer of property or the provision of goods or services; however it is not possible to predetermine what compensation may be claimed.

Clarification was sought from the Department of Lands who have advised that for those sites for which compulsory acquisition is required, the survey of the proposed reserve (and access easement) will be required to be undertaken in the first instance. This is to ensure that the land is suitable defined and described in the notice of intention to take all rights and interests in the land.

In relation to the King River Road site it is acknowledged that survey of the proposed reserves and realignment of the dedicated road reserve would occur after such time as agreement was reached with the leaseholder to surrender portion of the leasehold property.

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 ENGAGEMENT

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

No community engagement is required. It is noted that if the Council agrees to initiate the future acts process advertising will be undertaken in accordance with the requirements of the LAA and NTA.

COMMENT

The proposal is to formalise the use of various gravel supply locations used by the Shire for road building and maintenance purposes, and to earmark these resources into the future.

To enable three of the proposed areas to be reserved under the *Land Administration Act 1997*, will require a Native Title future act process to be first undertaken, and the DoL is seeking the Shire's agreement to proceed with this process, and requires the Shire to indemnify the Minister for Lands against any claims for compensation associated with the compulsory acquisition of any rights and interests over the lands.

It is acknowledged that it's impossible to predetermine what compensation may be payable in relation to the future acts process, however its noted that the compensation must be determined subject to any loss, diminution, impairment or other effect of the act on native title rights and interests, and must not exceed the amount that would be payable if the act were instead a compulsory acquisition of a freehold estate in the land. In this regard, it is noted that the proposed reserves are existing sources of gravel material.

The Shire will also be required to consult with the Darwulah Aboriginal Corporation, in relation to the fourth proposed site, to obtain agreement to surrender a portion of their leasehold property within which it is located. In doing so it is also recommended that the Shire proceed with action to realign the boundaries of the dedicated King River Road to correspond with the actual alignment of the constructed gravel road.

Clarification is also sought from Council in relation to legal access to the 'Afghan Cemetery', which the DoL has recommended could be addressed via an easement. It is noted that there is also no formal access to the nearby cemetery (Reserve 19746) itself, and an easement in this vicinity should consider access to both these sites.

The Shire will also be required to fund survey costs associated with the creation of gravel reserves over all of the four areas proposed.

ATTACHMENTS

Attachment 1 - Aerial Plans
Attachment 2 - DoL Correspondence

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Requests the Chief Executive Officer to consult with the Darwulah Aboriginal Corporation to obtain written consent for the surrender of the proposed 'King River' gravel area from Lease I837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road.

2. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley:

    a. agrees to proceed with a future act process to facilitate the creation of reserves for the purpose of gravel supply for road building purposes over the sites identified as 'Afghan Cemetery', 'Mount Albany' and 'Parry Creek', and proposed easement to provide legal access to the 'Afghan Cemetery'.

    b. indemnifies the Minister for Lands against any costs arising from the future act process.

3. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley agrees to pay survey costs associated with:

    a. the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Afghan Cemetery', Mt Albany and 'Parry Creek',

    b. the creation of an easement to provide access to the area referred to as 'Afghan Cemetery'; and

    c. the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road.

MOTION

Cr K Wright moves that the Officer's Recommendation includes an additional point 3 d. that states: that the estimated total survey costs be acknowledged as $19,600.00.

COUNCIL DECISION

Minute No. 11077

Moved: Cr D Spackman
Seconded: Cr G King

That Council:

1. **Requests the Chief Executive Officer to consult with the Darwulah Aboriginal Corporation to obtain written consent for the surrender of the proposed 'King River' gravel area from Lease I837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road.**

2. **Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley:**

    a. **agrees to proceed with a future act process to facilitate the creation of reserves for the purpose of gravel supply for road building purposes over the sites identified as 'Afghan Cemetery', 'Mount Albany' and 'Parry Creek', and proposed easement to provide legal access to the 'Afghan Cemetery'.**

    b. **indemnifies the Minister for Lands against any costs arising from the future act process.**

3. **Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley agrees to pay survey costs associated with:**

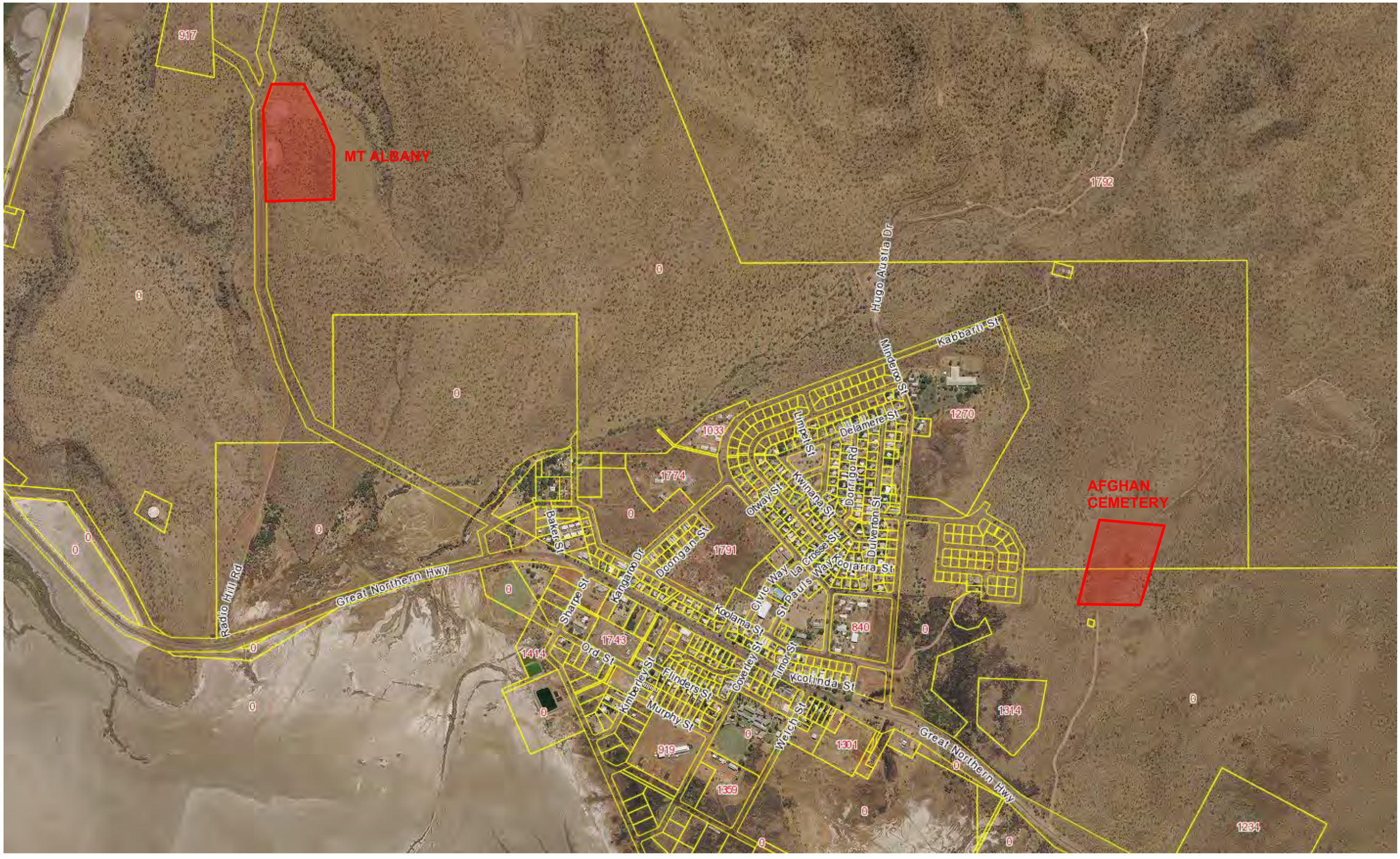
    a. **the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Afghan Cemetery', Mt Albany and 'Parry Creek',**

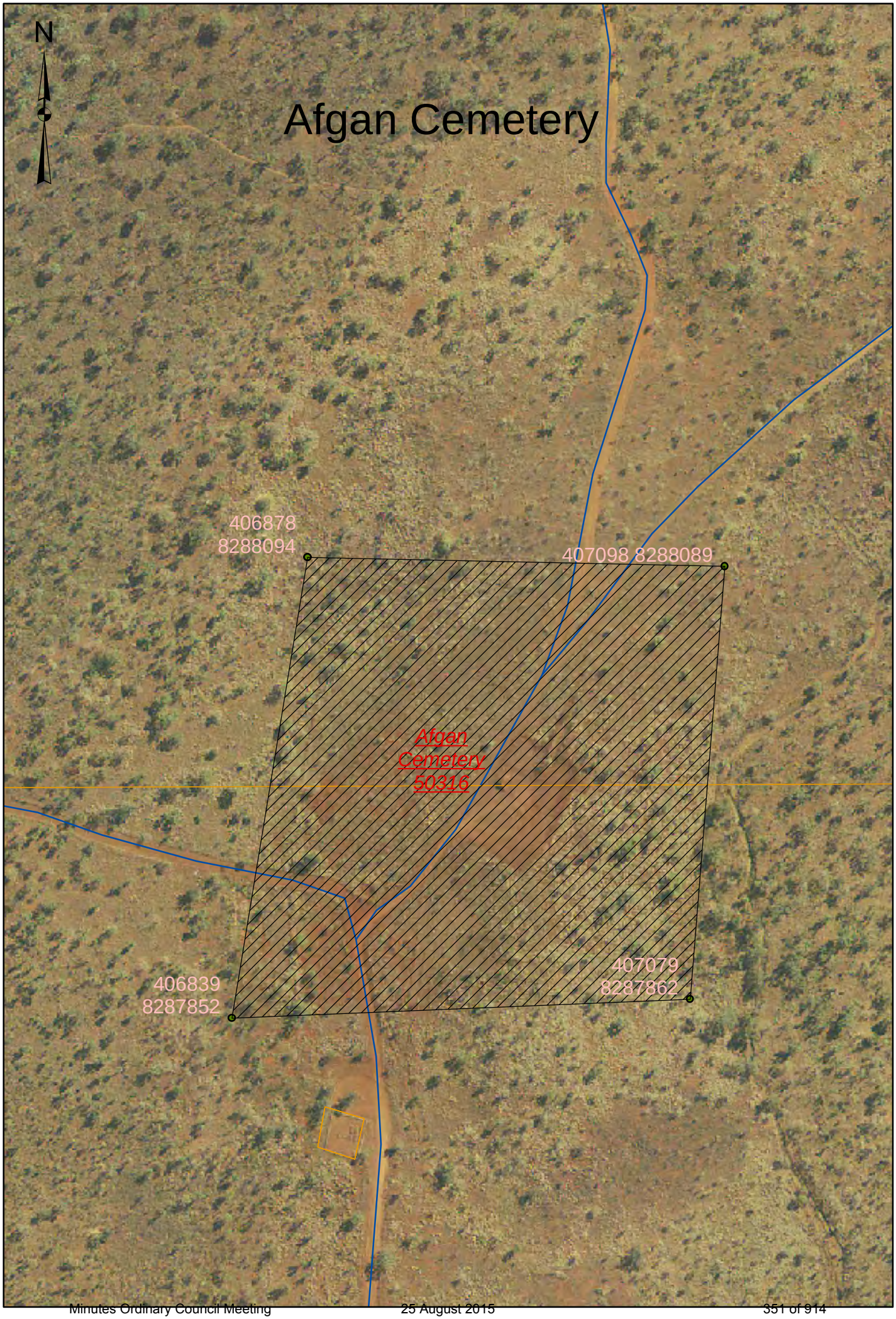
    b. **the creation of an easement to provide access to the area referred to as 'Afghan Cemetery'; and**

    c. **the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road.**

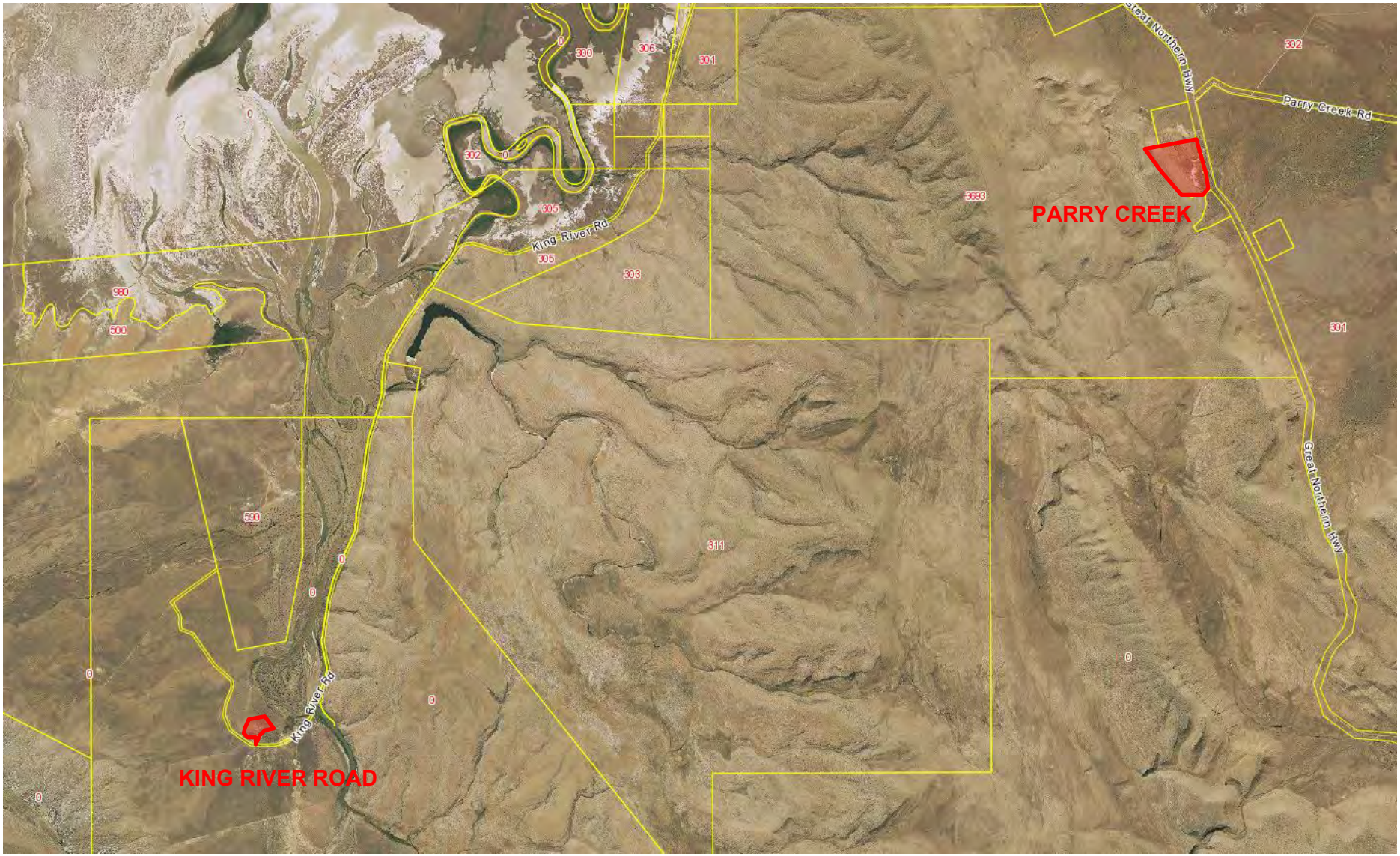
    d. **that the estimated total survey costs be acknowledged as $19,600.**

Carried Unanimously 8/0

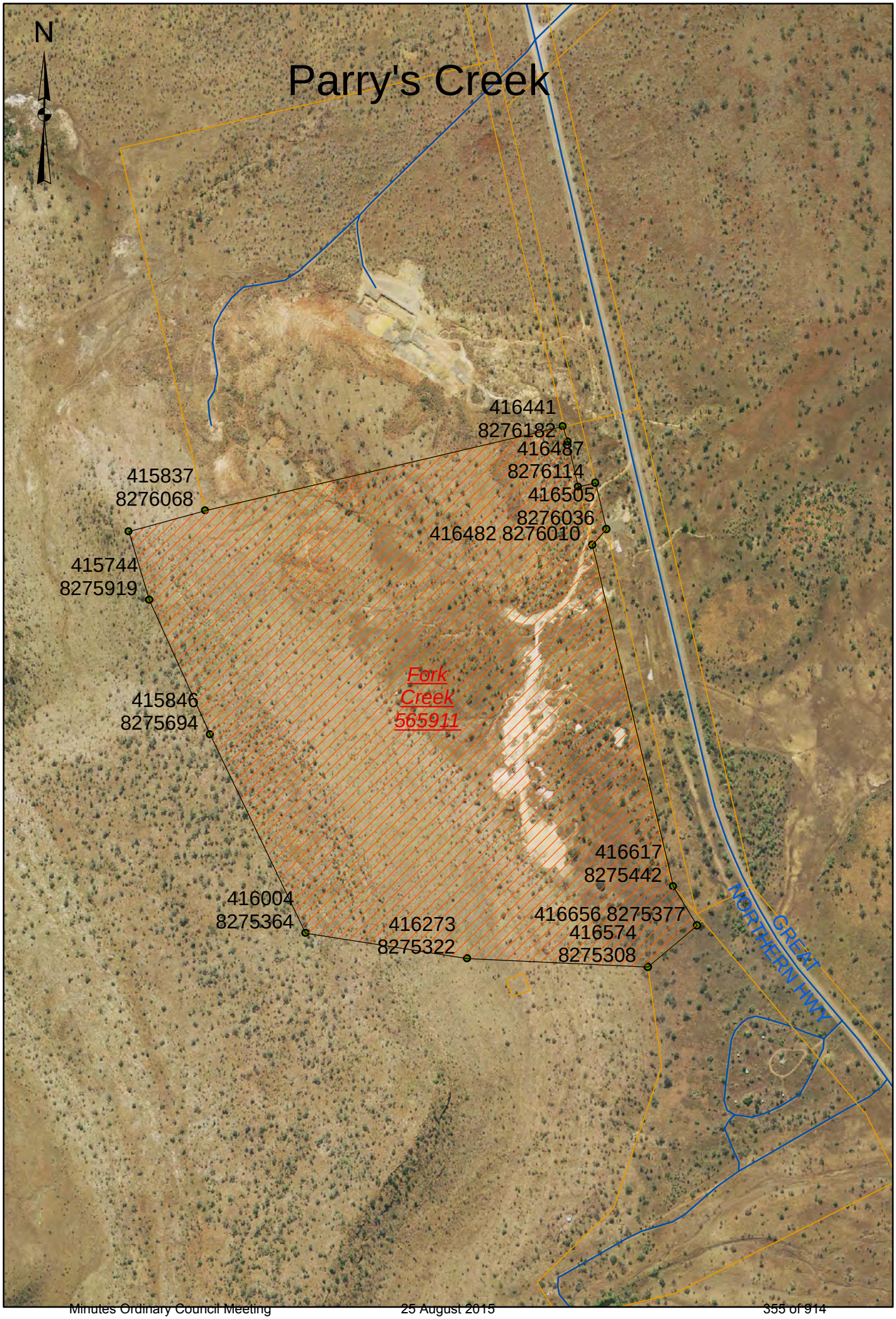

MT ALBANY
AFGHAN CEMETERY
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1301
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Hugo Austria Dr
Kabbarli St
Mimegarra St
Limpet St
Delamere St
Dorrigo Rd
Okeover St
Kwinana St
Duverton St
Koolarra St
La Crosse St
St Pauls Way
Civic Way
Koolama St
Timor St
Kooljnda St
Coverley St
Welch St
Deoongan St
Kangaroo Dr
Shane St
Baker St
Ord St
Kimberley St
Flinders St
Murphy St
Radio Hill Rd
Great Northern Hwy
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N
Afgan Cemetery
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8289505
Mt Albany
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404307
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404314
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404313
8289284
404078 8289287


PARRY CREEK
KING RIVER ROAD
King River Rd
Parry Creek Rd
Great Northern Hwy
300
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(XREF: I-266

Government of **Western Australia**
Department of **Lands**

Our ref: File No: 294-2013, 297-2013, 293-2013, 260-1913
Job No: 131777, 131781, 131779 & 131613
Enquiries: Carmen O'Hehir
Ph: 9166 7807 Fax: 6552 4417
Email: Carmen.o'hehir@lands.wa.gov.au

4 June 2015

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

Attention: Jennifer Ninyette

Dear Jennifer

REQUEST FOR THE CREATION OF FOUR GRAVEL RESERVES WITHIN THE VICINITY OF WYNDHAM – SHIRE OF WYNDHAM-EAST KIMBERLEY

I refer to previous correspondence dated 19 January 2015 from the Department of Lands to the Shire of Wyndham East Kimberley (Shire) regarding the Shire's request for four gravel reserves with management in favour of the Shire to be created within the vicinity of Wyndham (copy enclosed).

To date no response to this correspondence has been received at this office. To progress this proposal a response at your earliest convenience would be greatly appreciated.

For further inquiries please don't hesitate to contact me on any of the details above.

Kind regards

Carmen O'Hehir
Senior State Land Officer
Kimberley

Encl.

Corner of Messmate Way and Bandicoot Drive, Kununurra, Western Australia 6743
PO Box 630, Kununurra, Western Australia 6743
Tel: (08) 9166 7802 Fax: (08) 9168 0600 FREECALL: 1800 735 784 (Country Only)
www.lands.wa.gov.au ABN 68 565 723 484

Government of **Western Australia**
Department of **Lands**

COPY

Our ref: 294-2013, 297-2013, 293-2013, 260-1913
Prompt Job No's: 131777, 131781, 131779 & 131613
Enquiries: Carmen O'Hehir
Ph: 9166 7807 Fax: 9168 0600
Carmen.o'hehir@lands.wa.gov.au

19 January 2015

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

Attention: Jennifer Ninyette

Dear Jennifer

REQUEST FOR CREATION OF GRAVEL RESERVES – SHIRE OF WYNDHAM-EAST KIMBERLEY

I refer to an email dated 21 March 2013 from the Shire of Wyndham-East Kimberley (SWEK) requesting the creation of four "Gravel" Reserves to be managed by SWEK within the vicinity of Wyndham. Please find enclosed a map provided by SWEK with Original request, a SmartPlan and an aerial photograph of the four proposed "Gravel" Reserves.

The four proposed "Gravel" Reserves and the status of Native Title for each area are referred to in the table below:

SWEK ref	Tenure	Native Title
Afghan Cemetery	UCL	Balanggarra #3 Native Title Determination- Exclusive Native Title.
Mt Albany	UCL	Balanggarra #3 Native Title Determination- Non-Exclusive Native Title
King River Road	Portion of Lease I837493	Balanggarra #3 Native Title Determination- Native Title does not Exist
Parry Creek	Portion of Reserve 16729	No Native Title Claim

The area referred to as "King River Road" is currently leased and before this proposal can progress further SWEK is required to consult with the leaseholder, Darwulah Aboriginal Corporation, and obtain written consent to the surrender of the proposed "Gravel" Reserve area from Lease I837493. Once SWEK has obtained this consent, please forward a copy to this office to then initiate the referral process.

Please be advised that the "Afghan Cemetery", "Mt Albany" and "Parry Creek" proposed "Gravel" Reserves are subject to a Native Title future act process. To proceed with a future act process over these three areas the Department of Lands (DoL):

Corner of Messmate Way and Bandicoot Drive, Kununurra, Western Australia 6743
PO Box 630, Kununurra, Western Australia 6743
Tel: (08) 9166 7802 Fax: (08) 9168 0600 FREECALL: 1800 735 784 (Country Only)
www.lands.wa.gov.au ABN 68 565 723 484

1. Seeks SWEK's agreement to proceed with a future act process; and
2. Requires SWEK to indemnify the Minister for Lands against any claims for compensation associated with the compulsory acquisition of any rights and interests over the lands.

DoL also seeks SWEK's agreement to pay survey costs associated with the creation of "Gravel" Reserves over the four areas referred to as "King River Road", "Afghan Cemetery", "Mt Albany" and "Parry Creek".

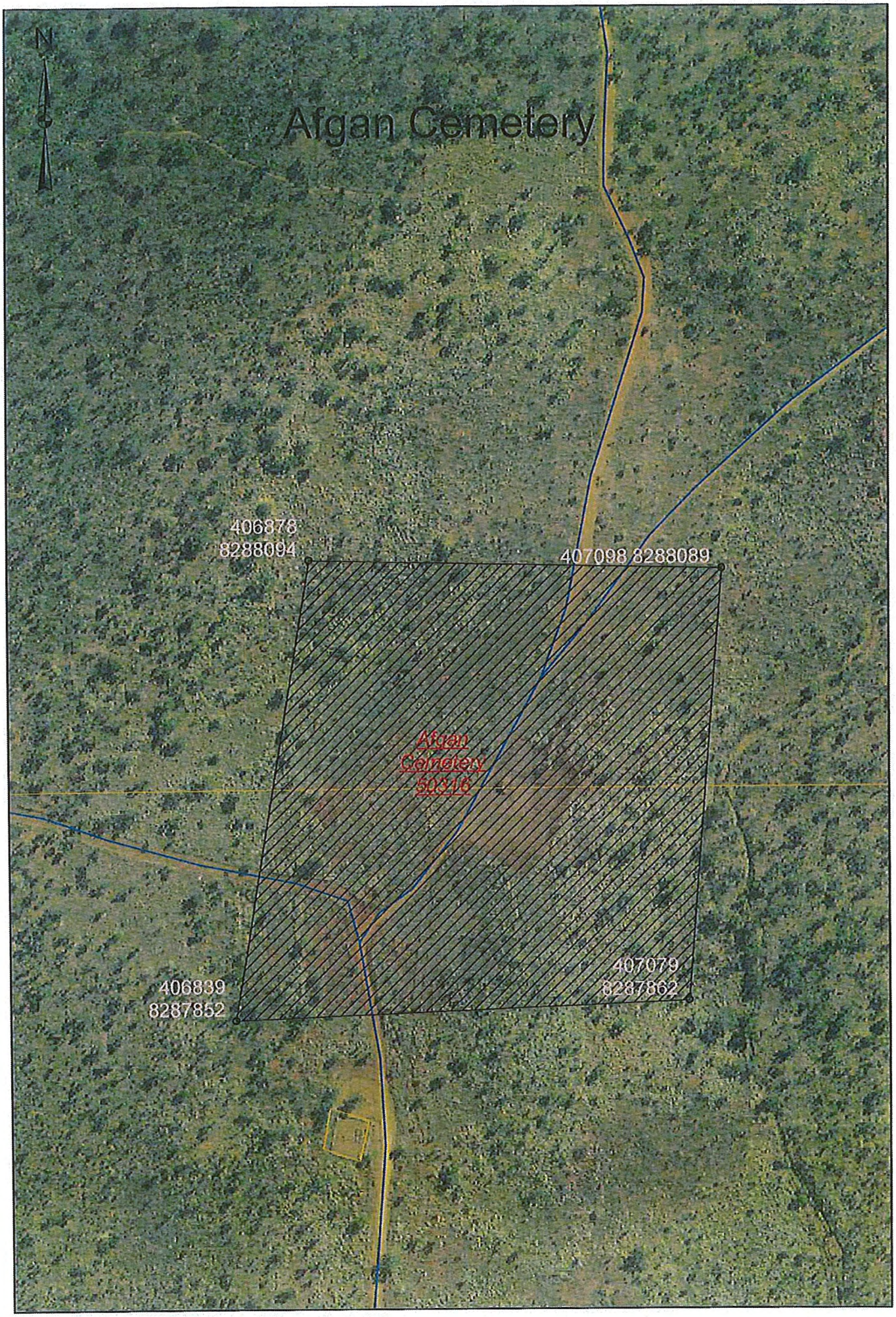
Further information from SWEK in regards to how access to the "King River Road" and "Afghan Cemetery" sites will be achieved is sought, as they currently do not have legal access to a dedicated public road. Aerial imagery indicates that the "King River Road" site adjoins King River Road however; the actual road appears to be outside the cadastral boundaries (see enclosed aerial and SmartPlan). As discussed in our meeting on 15 January 2015, please advise if SWEK intends to amend the dedicated road cadastral boundaries to that of the actual location of the road on ground. In relation to the "Afghan Cemetery" site the recommended method to achieve formal access is an easement.

For further inquiries please contact Carmen O'Hehir on any of the details above.

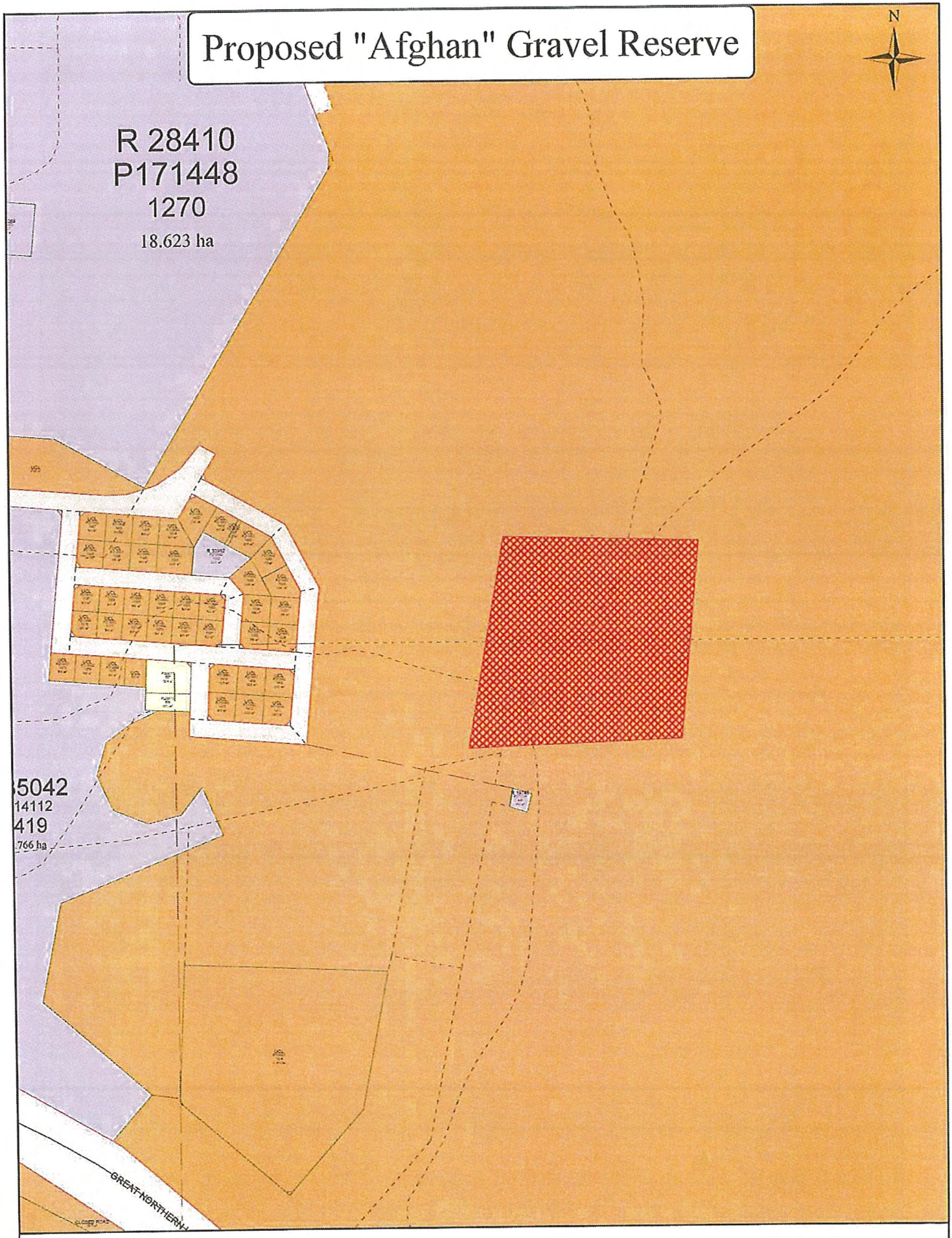
Yours sincerely

Carmen O'Hehir
Senior State Land Officer
Kimberley

Encl.


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Afgan Cemetery
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Proposed "Afghan" Gravel Reserve



Scale : 1:5000 (Geographical)
MGA : SW=406326.1E,8287298.9N Zone 52 / NE=407369.7E,8288702.0N Zone 52
Lat/Long : 128°07'36.065", -15°29'23.580" / 128°08'11.276", -15°28'38.057" H 271mm by W 210mm

Printed : 09:41 Thu 15/Jan/2015
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Proposed "Afghan" Gravel Reserve

Created 15 Jan 2015





Scale: 1:2,500

Description

Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia 1994

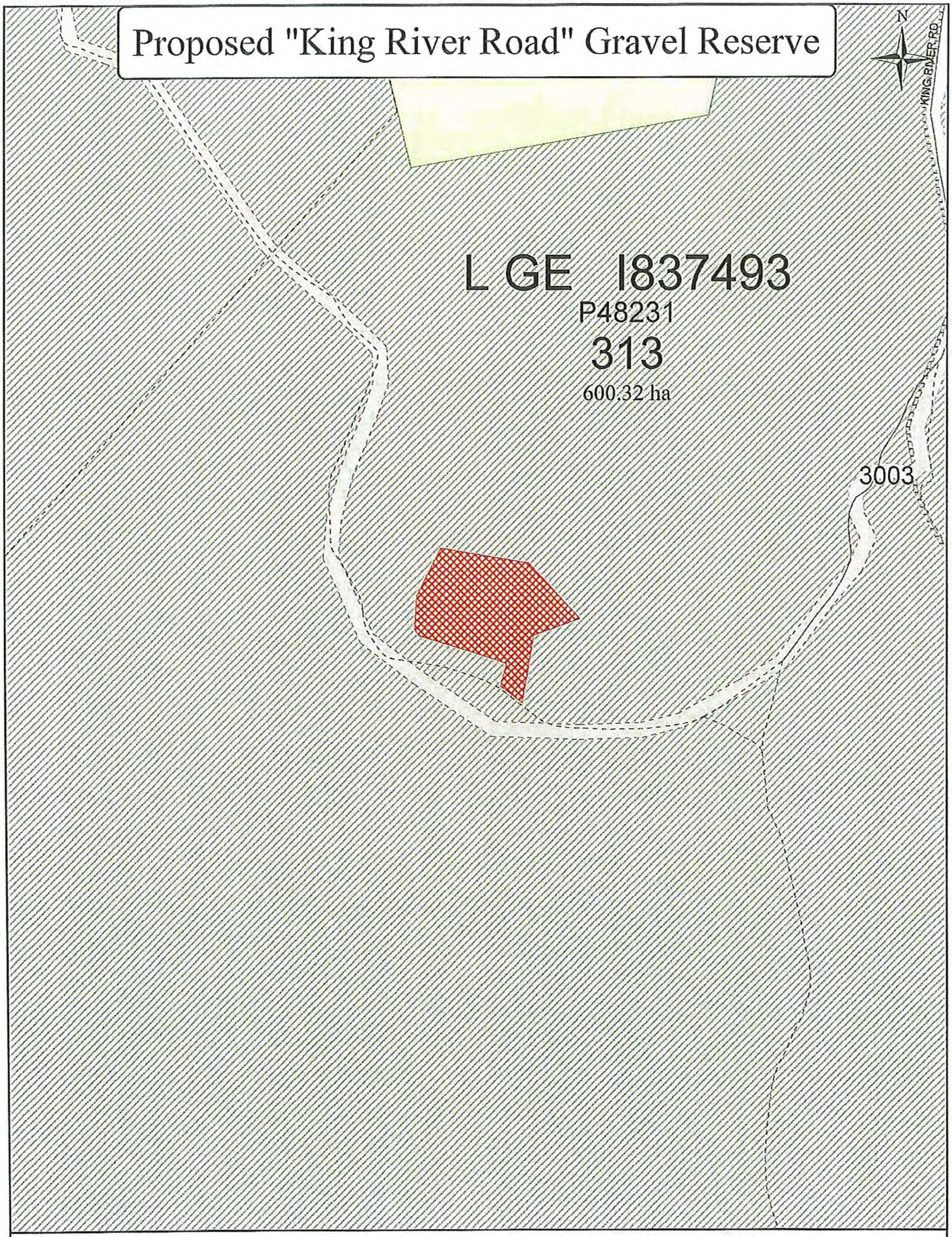
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Proposed "King River Road" Gravel Reserve



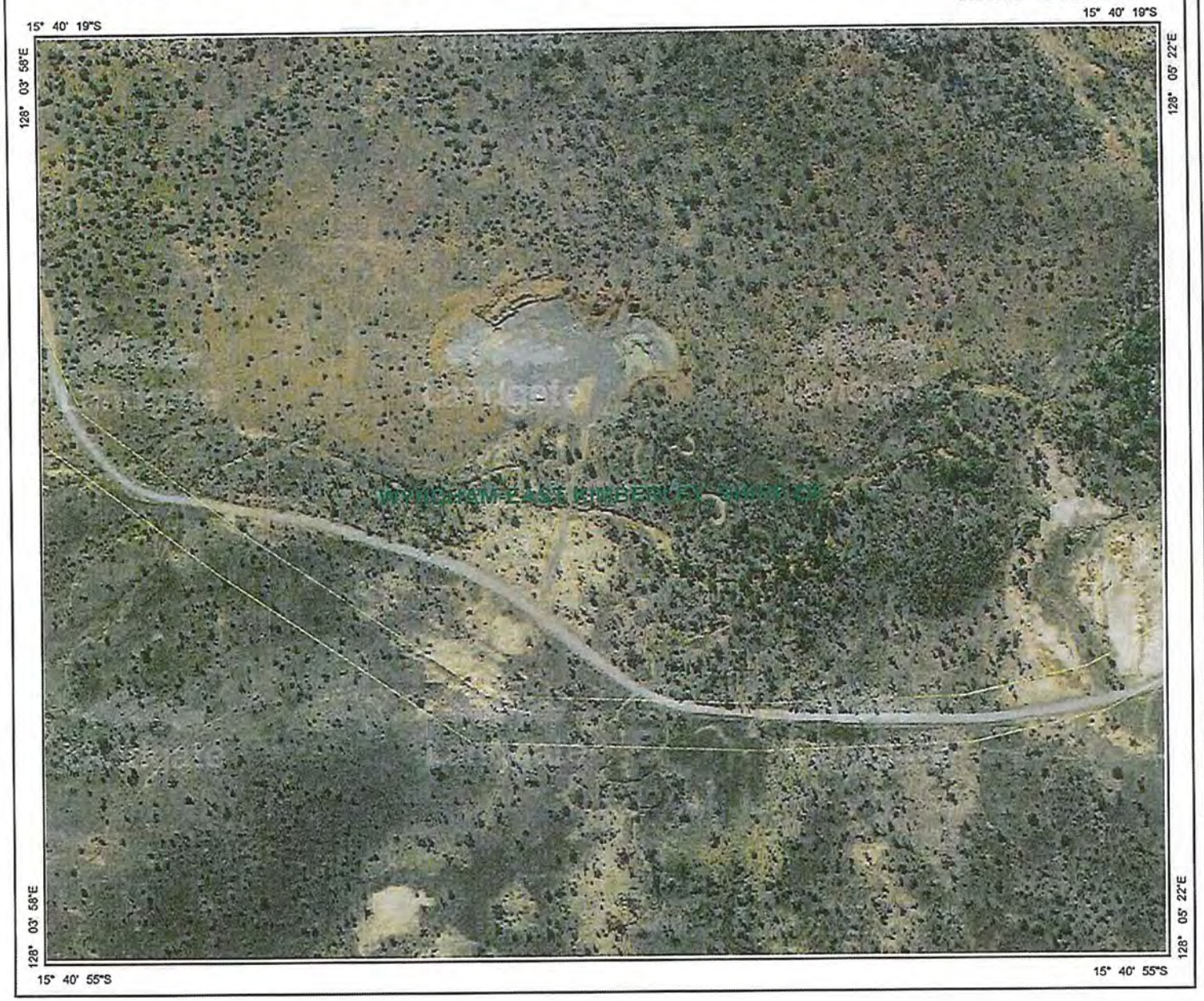
Scale : 1:12000 (Geographical)
MGA : SW=399794.7E,8264997.5N Zone 52 / NE=402298.2E,8268368.7N Zone 52
Lat/Long : 128°03'53.592", -15°41'28.426" / 128°05'18.175", -15°39'39.072" H 271mm by W 210mm

Printed : 09:30 Thu 15/Jan/2015
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Proposed "King River Road" Gravel Reserve

Created 15 Jan 2015





Scale: 1:4,500

Description

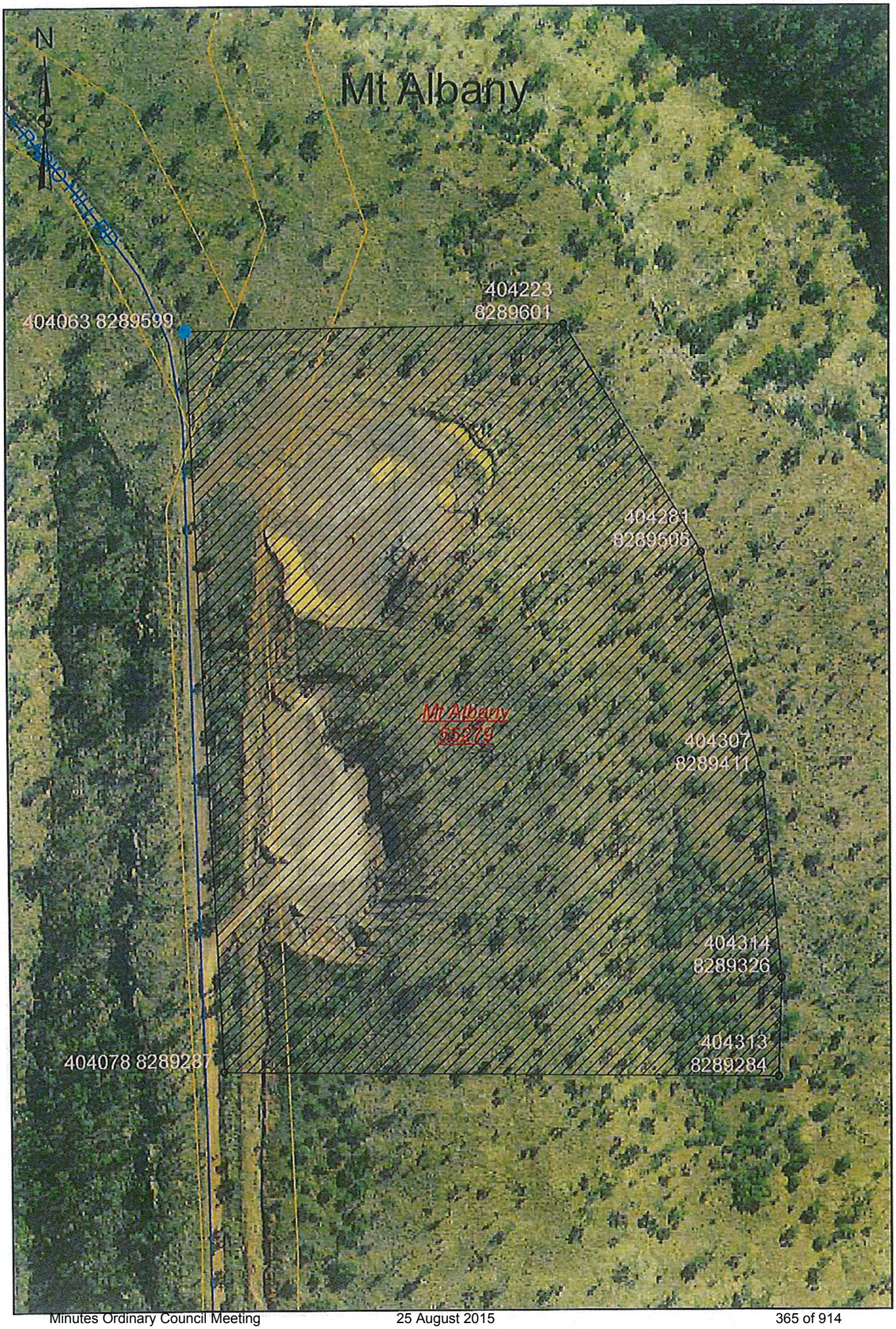
Map Projection: GDA 94 (Lat/Long)

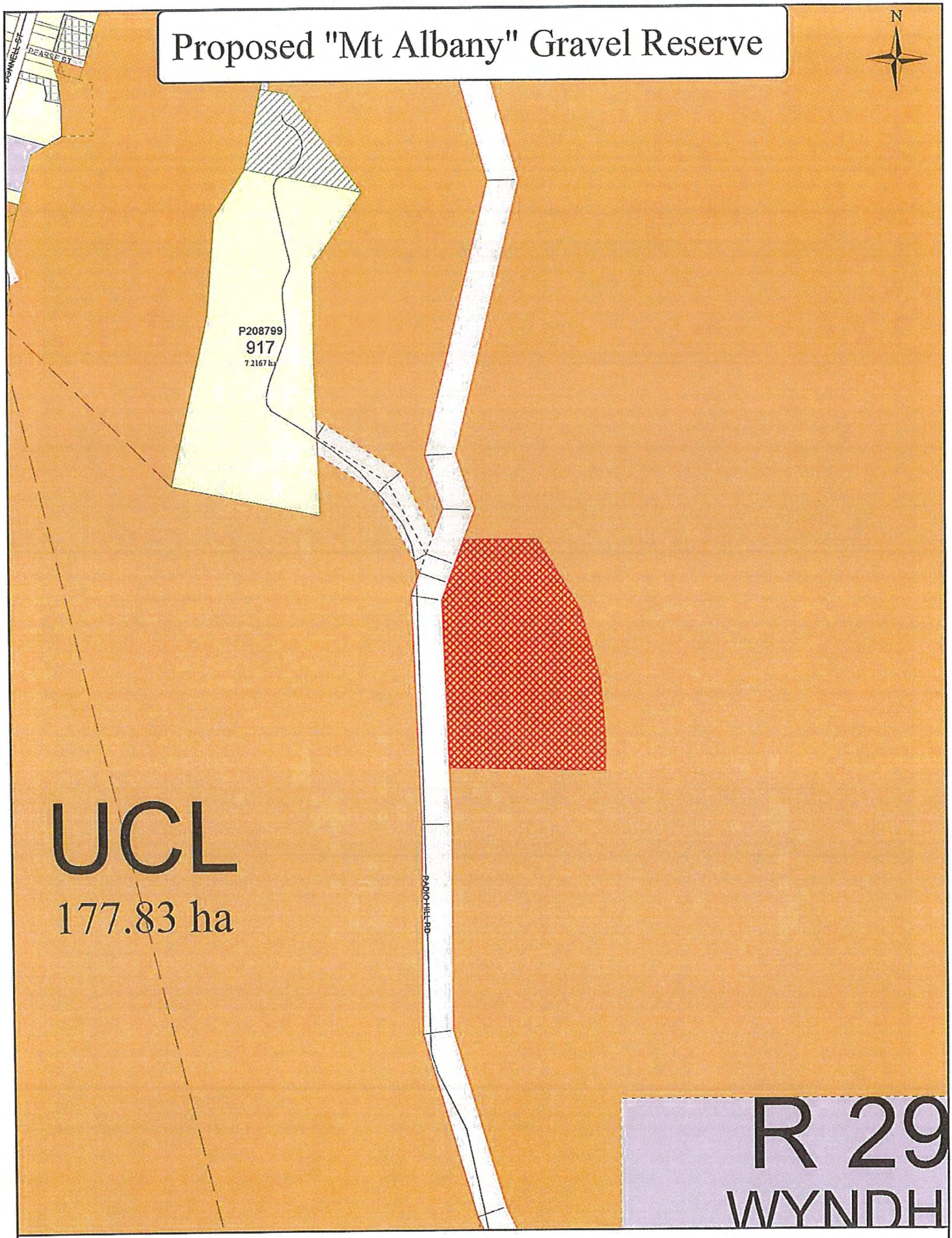
Datum: Geocentric Datum of Australia 1994

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Scale : 1:6000 (Geographical)
MGA : SW=403515.8E,8288649.4N Zone 52 / NE=404767.8E,8290333.0N Zone 52
Lat/Long : 128°06'01.941", -15°28'39.253" / 128°06'44.190", -15°27'44.631" H 271mm by W 210mm

Printed : 08:48 Thu 15/Jan/2015
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Proposed "Mt Albany" Gravel Reserve

Created 15 Jan 2015





Scale: 1:4,000

Description

Map Projection: GDA 94 (Lat/Long)

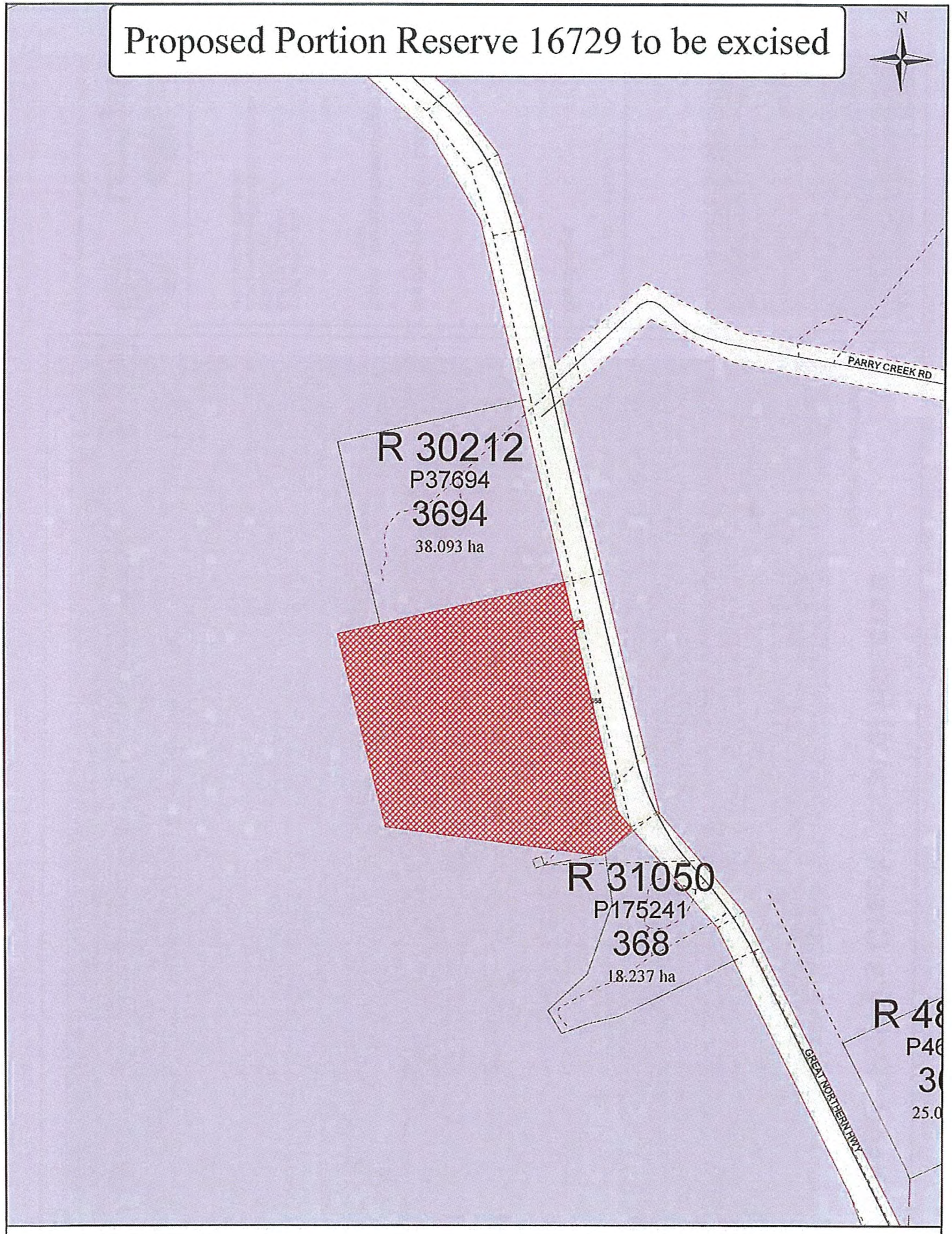
Datum: Geocentric Datum of Australia 1994

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GREAT
NORTHERN HWY



Scale : 1:15000 (Geographical)
MGA : SW=414669.5E,8274058.4N Zone 52 / NE=417620.4E,8278135.3N Zone 52
Lat/Long : 128°12'14.416", -15°36'35.530" / 128°13'53.999", -15°34'23.207" H 271mm by W 210mm

Printed : 09:31 Fri 22/Aug/2014
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Proposed "Parry's Creek" Gravel Reserve

Created 19 Jan 2015





Scale: 1:15,000

Description

Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia 1994

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13.3.7 Repeal of Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities

DATE:	23/06/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Ebony Daniell, Environmental Health Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
ASSESSMENT NO:	N/a
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to repeal Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities.

BACKGROUND

At the Ordinary Council Meeting on 20 April 2010 (item 12.4.16) Council adopted a Policy to provide guidelines for the licensing of Nature Based Camp Facilities within the Shire.

The following motion was passed by Council at the meeting:

COUNCIL DECISION

Minute No: 9113

Moved: Cr K Wright
Seconded: Cr K Torres

That Council formally adopt the draft Council Policy CP/HLTH-3760 – Guidelines for Nature Based Camp Facilities as provided in Attachment 1 and proceed to publish a notice of the adoption in The Kimberley Echo - SWEK News for public information.

CARRIED UNANIMOUSLY: (6/0)

A copy of the adopted Policy is provided in Attachment 1.

A number of amendments were made to the *Caravan Parks and Camping Grounds Regulations 1997* and came into effect from 1 January 2015. A summary of the changes is outlined in Department Circular 32-2014 provided in Attachment 2.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —
(a) the applicant has complied with the requirements of this Act;

(b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 3 Terms used

***Nature based park** means a facility in an area that —*
(a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and
(b) has been predominantly formed by nature; and
(c) has limited or controlled artificial light and noise intrusion

POLICY IMPLICATIONS

It is proposed that Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities be repealed.

The related policies CP/HTH 3762 Licensing of Temporary Caravan Parks and Camping Grounds and CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds were developed with consideration to the requirements for Nature Base Parks set out in CP/HTH-3760. Both policies are being reviewed currently to address this.

FINANCIAL IMPLICATIONS

Nil

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

Strategy 2.4.2: Ensure community compliance with Environmental Health regulations

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENT

Council Policy CP/HTH-3760 sets the minimum requirements for Nature Based Camp Facilities. The Policy was developed to provide guidance and consistency in the regulation of Nature Based Parks throughout the Shire.

The changes to the Regulations make the requirements for Nature Based Parks in the Council Policy redundant. The changes include more toilets being required per site, and gives discretion to Local Governments as to how many showers and hand basins are required. There are also more relaxed requirements for items such as firefighting equipment, facility roads and laundry facilities.

The Shire has a number of Nature Based Parks which vary in their remoteness. It is not practical to require the same level of services and facilities at all of them and the changes to the Regulations reflect this. The amendments to the Regulations which came into effect 1 January 2015 supersede the Policy and it should be repealed.

ATTACHMENTS

Attachment 1 - CP/HTH-3760 Guidelines for Nature Based Camp Facilities
Attachment 2 - DLGC Department Circular 32-2014

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council repeal Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities.

COUNCIL DECISION

Minute No. 11078

Moved: Cr K Wright
Seconded: Cr D Spackman

That Council repeal Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities.

Carried Unanimously 8/0

Shire of Wyndham East Kimberley
Council Policy Number: CP/HTH-3760
Guidelines for Nature Based Camp Facilities

OBJECTIVE:

- To acknowledge that nature based camp facilities offer a different experience for campers than caravan parks, and may only provide basic facilities.
- To set clear guidelines for the minimum licensing standards of nature based parks within the Shire and ensure consistency in the way in which they are assessed.
- To ensure that applications for the development of Nature Based Parks are assessed in a consistent, fair, thorough and timely manner.
- To provide guidance to staff, Councillors, other government agencies, landowners, and the general public regarding the assessment of applications for nature based parks.

POLICY:

Scope & Limitations

A proposal to establish a nature based park within 50km of an existing licensed caravan and camping ground will generally not be given favourable consideration by Council, unless general support is expressed from other holiday park operators and there is a genuine demand for such facility.

"Nature Based Park" means a facility where an occupier may stay no longer than 3 consecutive months *(Caravan Parks and Camping Grounds Regulations 1997).*

Background

A nature based park is a caravan park or camping ground which is intended to only have basic facilities.

The *Caravan Park and Camping Ground Regulations 1997* allow local government to set standards on the number of toilets, showers and hand basins provided at a nature based park.

The requirements for water, electricity (if available) and roads are as approved by the local government. If water is not available then alternatives may be considered for fire fighting (fire extinguishers or slip on fire units).

Local government is not permitted to grant a licence for a nature based park if there is a licensed caravan park and camping ground within 50 kilometres. The Minister for Local Government may approve a shorter distance.

Guiding Statement

1. TENURE

   An application for a nature based license must demonstrate legal entitlement to occupy and use the land as a nature based facility.

2. NEED

The applicant shall detail the need for a 'Nature Based' camping facility. The Shire in turn will examine the explanation provided by the applicant and have due regard for:

- The justification provided in the application;
-
- Any economic impact on existing caravan park establishments, if within a 50km radius;
- Any specific reference and/or requirements of the Shire's Town Planning Scheme, Local Planning Strategy or an Interim Development Order; and
- Any requirements of the *Caravan Parks and Camping Grounds Regulations 1997*

3. ENVIRONMENT

The design and location of a Nature Based Park must be sensitive and complimentary to environmental areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area(s), the Shire may seek comment from the Environmental Protection Authority and/or the Department of Environment and Conservation, or equivalent, prior to determining the application.

4. AMENITY

The Shire accepts that lower levels of amenity than those which could be typically expected within a permanent holiday or caravan park. However, all applications should as a minimum accord with standards as prescribed in the Policy, Environment and Health legislation and the Building Code of Australia.

5. SPECIFIC APPLICATION DETAIL

The following information shall be provided with a development application for planning consent:

- A minimum of 4 sets of accurately scaled and dimensioned locality plans, site layout plans, and floor plans/elevations of communal buildings and facilities;
- An analysis of the physical characteristics of the site;
- Details regarding the maximum number of bays/camp sites;
- Details on how development is to be staged, if applicable;
- Information regarding how the minimum essential services are to be provided to the site;
- Details of proposed materials and colours to be used for all buildings;
- Details of any prior consultation with local communities and government agencies;
- A facility management plan.

6. FEES

Fees shall be charged on an annual basis in accordance with 'Schedule 3 - Fees' of the *Caravan Parks and Camping Grounds Regulations 1997*.

An operator of a nature based park may, at the end of the financial year, apply for a reimbursement of fees for the period they were not have been able to operate due to climatic or access issues. Any application for reimbursement of fees must be accompanied by sufficient evidence (such as booking sheets or advertising material) that clearly demonstrates when the park was not in operation

7. MINIMUM REQUIREMENTS

Applications should demonstrate that the Nature Based camping facility meets the following minimum requirements:

7.1 ABLUTIONS

Ablution facilities shall be provided in accordance with the following table;

Sites	Toilets	Showers	Handbasins
0-20	2	2	2
20-40	4	2	2
40-80	7	4	4
80-120	9	6	6
120-160	12	8	8

Ablutions may either be stand alone unisex facilities or split 50/50 for male and female use.

Ablutions must be connected to an on-site effluent disposal system approved by Shire's Environmental Health Officer. This may include composting systems suitable for remote locations.

Laundry and washing up facilities are not required at nature based parks.

7.2 WATER

There must be a centrally located tap with running water for use by all occupiers. A tap must be no more than 90m from any campsite.

Where a potable supply of water cannot be provided, taps must be clearly signed with the following or similar.

"WARNING"

WATER SUPPLY IS NOT TREATED AND MAY NOT COMPLY WITH AUSTRALIAN DRINKING WATER GUIDELINES"

Any advertising associated with the nature based park should clearly state that visitors need to bring their own drinking water as it is not provided on-site.

7.3 WASTEWATER

Nature based parks are not required to provide a communal chemical soil waste dump point. If a dump point is provided it must be connected to a wastewater disposal system approved by Shire's Environmental Health Officer.

7.4 RUBBISH

The disposal of rubbish on site is not permitted.

While rubbish bins are not required to be provided, advertising and notice to campers arriving at the park must be provided through approved signage advising that campers must take their own waste with them and where they may deposit it.

If bins are provided they shall be located within 90m of every site and emptied as necessary, but at least once a week.

Rubbish bins are to be sealed to prevent infestation from insects and vermin.

7.5 FIRE FIGHTING EQUIPMENT

Where a facilities water supply is not adequate to operate fire hoses effectively, the facility may have;

i) fire extinguishers accessible at all times within 90m of every site; or
ii) a portable fire fighting unit with a minimum capacity of 1000L, which must be full and easily accessible at all times. The operational capacity of a fire fighter unit shall be demonstrated upon request by the Shire's Fire Control Officer or a FESA representative.

7.6 SETBACKS

Camp area shall be clearly defined and marked so it is clear to users where they shall and shall not camp.

There shall be no more than ten (10) people permitted to camp on a site at any one time

7.7 PROTECTION FROM CATTLE

Consideration should be given to preventing cattle entering the camp area through the erection of rural style fencing around the perimeter of the nature based camp facility.

7.8 CARETAKER'S RESIDENCE

The provision of a single Caretaker's Residence is supported subject to:

- The internal floor area not exceeding 100m^2 and not more than 3 bedrooms;
- A potable water supply to a minimum storage capacity of 92,000 litres (20,000 gal.);
- All building materials and colours to be complimentary and in harmony with the natural landscape;
- The residence to be prominently and adequately sign posted to service the Nature Based camping area.

Outcomes

The Guidelines for Nature Based Camp Facilities have been developed to allow a diversity of camping experiences in the Shire whilst maintaining an acceptable standard of amenity. It provides guidance to staff, Councillors, government agencies, landowners, and the general public regarding the assessment of applications for nature based parks.

GOVERNANCE REFERENCES

Statutory Compliance	*Caravan Parks and Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997*
Industry Compliance	
Organisational Compliance	Delegations Manual
Process Links	

POLICY ADMINISTRATION

Directorate		**Officer Title**			**Contact:**
Development Services		Environmental Health Officer			Ext: 118
Date Effective	20/04/2010				
Date Adopted	20/04/2010	**Last Reviewed**		20/04/2010	
Risk Rating	Low	**Review Cycle**	Tri-Annual	**Next Due**	20/04/2013

Government of **Western Australia**
Department of **Local Government and Communities**

Our Ref: 203-13#02; E1438961

TO ALL LOCAL GOVERNMENTS

CIRCULAR N^{O} 32-2014

AMENDMENTS TO CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS 1997 - NATURE BASED PARKS

Amendments to the *Caravan Parks and Camping Grounds Regulations 1997* (the Regulations) will take effect from 1 January 2015. The Regulations will be published in the Government Gazette on 12 December 2014.

A summary of the key amendments are outlined on the next pages.

As advised in circular N^{O} 32-2013 the department has been reviewing the Regulations in relation to the 'Nature based park licence' category and the amendments are a result of a three month consultation period and a follow up consultation period with contributing stakeholders.

A set of guidelines to assist operators and local governments in understanding the legislative requirements and the broader environmental and social considerations is being prepared by the department as is a template 'Management Plan'. The Management Plan is a new addition to the existing licence application form and will be an ongoing management tool for the operator and local government.

This new approach should prompt operators/developers to think critically about their target market and the proposed site, and develop a proposal to address these and the particular risks of the location. The local government assesses this proposal and imposes licence conditions to underpin the agreed management plan.

The Guidelines and Management Plan template will be available under the 'Legislation under review' tab of the website at www.dlgc.wa.gov.au prior to 1 January 2015.

If you have any queries, please contact Mr Troy Hancock, Senior Legislation Officer, on 65521624 or Ms Hui Zhang, Principal Policy Officer, on 6552 1562 or via email at caravan@dlgc.wa.gov.au.

Jennifer Mathews
DIRECTOR GENERAL

9 December 2014

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844
Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Summary

1. Amend the definition for 'nature based park'

The definition for nature based park is amended to mean a facility that is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more, and has been predominantly formed by nature and has limited or controlled artificial light and noise intrusion.

2. Position of transit parks and nature based parks

Regulation 49 provided that a local government is not to grant a licence for a transit or nature based park if there is a facility within 50 kilometres of the proposed facility. This has been deleted.

Following a National Competition Policy Review in 2003, it was recommended that Regulation 49 be deleted as it was deemed to be anti-competitive.

3. Length of stay at nature based parks

Consultation on the length of stay has provided a mixed response across all stakeholders and it has been determined that the length of stay should be amended from the current three month period to a maximum period of 28 days within any three month period.

It is considered a suitable amount of time due to the minimal style of a nature based facility and to minimise potential environmental impacts caused by longer-term residency. This also increases the availability of the parks to a larger number of users.

4. Application for Grant or Renewal of Licence

A Management Plan will be required to be submitted to the relevant local government by the operator as an attachment to the existing licence application form. It is intended that it will be an ongoing management tool for the operator and local government.

The Management Plan will require the operator to provide essential details on how the proposed nature based park is to be designed and managed and the type of facilities being provided.

5. Buildings on a nature based park

The only buildings permitted on a nature based park will be:

- Manager's residence;
- Toilets;
- Ablution blocks;
- Washing-up facilities;
- A carport or pergola;
- A storage shed (only in relation to the operation of the facility); and
- A camper's kitchen (if approved).

There are to be no buildings (including rigid annexes) on any site. A carport, pergola or storage shed may be permitted on the manager's residence site only. Buildings that are on licensed nature based parks prior to 1 January 2015 that have the necessary approvals will be permitted to remain, until the licence is transferred or a new licence is granted in relation to the facility.

6. Number of showers, toilets and hand basins at nature based parks

The number of toilets required will be 2 for every 20 sites unless otherwise approved.

If fewer toilets are provided than prescribed, a communal chemical soil waste dump point will have to be available in logical proximity.

There is a need to include a minimum standard for toilets as there is currently no standard in the legislation for nature based parks. This will increase consistency in decision-making across the local government sector.

The words 'unless otherwise approved' allows local governments discretion in situations where extreme remoteness or major impracticalities prevent an operator from providing toilets, or if the target market is entirely self-contained.

Logical proximity for a communal chemical soil waste dump point can also include an off-site location that can be readily accessed by users of the nature based park.

7. Other duties of licence holders

This amendment will require all advertising and promotional materials (for nature based parks) to accurately identify any exemptions provided under this legislation in relation to key amenities such as toilets, showers, hot water, lighting and power.

This has been included for nature based parks to ensure that prospective users are aware of any key infrastructure or amenities that may not be provided to allow them to make an informed decision prior to planning a stay.

8. Fire extinguishers

A nature based park will be required to have at least one fire extinguisher in an area accessible to all persons in the facility.

The new requirement for nature based parks to be in natural surrounds will mean it is unlikely that fire extinguishers will be effective for anything other than a small spot fire. This and the high costs to provide and maintain fire extinguishers in remote areas is the reason for reducing the current requirement for there to be at least one fire extinguisher for every 6 sites. Fire management/risk mitigation strategies are to be addressed in the Management Plan.

9. Cyclone Activity

Nature based parks are exempted from the requirements for anchor points but the local government will need to be satisfied with the mitigation strategies outlined in the 'Management Plan' for parks located in cyclone areas before licensing.

As there are to be no buildings or structures on a site, this exemption is only relevant for caravans and non-rigid annexes on a site in cyclone areas. Tie down points require concrete slabs which are both impractical in remote areas and take away from the natural setting. Occupiers are only permitted to stay for 28 days which will mean that they will not have the same issues with transportability as many structures in traditional caravan parks have.

13.3.8 Review of Council Policy Number: CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Ebony Daniell, Environmental Health Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
ASSESSMENT NO:	N/a
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to review and consider changes to Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds.

BACKGROUND

At the Ordinary Council Meeting held on 21 June 2011 (item 12.4.4) Council considered a draft Policy to provide guidelines for the provision of temporary caravan parks and camping grounds within the Shire. The Policy was developed to:

- provide minimum requirements for temporary parks - it is believed this was based on an intermediate level of services taking into account those required for nature based parks and permanent parks.
- set restrictions on when a temporary licence would be issued, requiring applicants to demonstrate a need for the facility as well as consider the impact on existing parks.

The following motion was passed by Council at the meeting:

COUNCIL DECISION

Minute No. 9490

Moved: Cr J Moulden
Seconded: Cr J McCoy

That Council formally adopt draft Council Policy CP/HTH-3762 - Licensing of Temporary Caravan Parks and Camping Grounds.

Carried Unanimously 7/0

A copy of the adopted policy is provided in Attachment 1.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —
(a) the applicant has complied with the requirements of this Act;
(b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47 Applications not dealt with within time are taken to be refused
(1) If within —
(a) 63 days of receiving an application for a licence; or
(b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.
(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence
(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.
(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —
(a) the maximum number of sites that may be used at the facility;
(b) the maximum number of sites of particular types that may be used at the facility; and
(c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

It is proposed to make changes to Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds as a result of this report.

The related policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds was developed to align with the requirements for temporary parks and is also currently under review.

FINANCIAL IMPLICATIONS

Licence fees for temporary caravan park and camping grounds licences are in accordance with Schedule 3 of the Regulations:

1. Application for grant or renewal of licence —
reg. 45
The fee for an application for the grant or renewal of a licence is —
(a) $200; or
(b) the amount calculated by multiplying the relevant amount set out in column 2 by the maximum number of sites (including any sites that may be used in an overflow area) of the particular type specified in the application, whichever is the greater amount.

Column 1	***Column 2***
Long stay sites	*$6 per site*
Short stay sites and sites in transit parks	*$6 per site*
Camp site	*$3 per site*
Overflow site	*$1.50 per site*

2. Additional fee for renewal after expiry — reg. 53

Additional fee by way of penalty for renewal after expiry	*$20*

3. Temporary licence — reg. 54

Temporary licence	*pro rata amount of the fee payable under item 1 for the period of time for which the licence is to be in force with a minimum of $100*

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

Strategy 2.4.2: Ensure community compliance with Environmental Health regulations

COMMUNITY ENGAGEMENT

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

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

The proposed changes to the Policy will be advertised for comment for 28 days. Copies of the Policy will also be provided directly to holders of permanent licences and any current and past holders of temporary licences who may be affected by the changes.

COMMENT

The Policy has been amended to address changes to the governing legislation. It appears that the previous policy was developed to provide a level of service at an intermediate level between that required of nature based parks and permanent parks.

Nature based parks are now allowed a lower level of services and facilities by the Regulations due to their natural setting and often remote locations. The stay at a nature based park is up to 28 nights within any 3 month period. Temporary licences are issued for short periods of time and it is therefore reasonable to allow a lower level of services and facilities as specified in the policy. The reviewed policy has been changed to rely on the requirements for nature based parks under the Regulations.

Amendments

With reference to the Guiding Statements (GS) detailed in *Attachment 1 – CP/HTH-3762 adopted 21 June 2011* the following changes have been made:

- GS 1, 2 and 5 have been incorporated into Policy Statement 1.

    - The requirement in GS 2 to consider the impact on parks within 50 kilometres was based on Regulation 49, which has been deleted as it was found to be anti-competitive. This has also been removed from the Policy.
    - GS 5 specific application detail has been simplified to require applicants to detail the services and facilities that will be provided at the facility. The application form for a temporary licence has been updated to detail all required information.
- GS 3 has been removed as it is considered to be operational and not required in the Council Policy.
- GS 4 has been incorporated into Policy Statement 2.
- GS 6 has been removed; fees are set by the Regulations and are not required to be included in the Policy.
- GS8 Licence has been included in Policy Statement 3.

Guiding Statement 7 Minimum requirements which constitutes the bulk of the existing Policy has been removed and these details will be in accordance with the requirements for Nature Based Parks under the Regulations as stated by Policy Statement 2:

- 7.1 Ablutions – Nature Based Parks under the Regulations:
    - are required to have at least 2 toilets for every 20 sites and at least as many showers and hand basins as is approved. Temporary parks will be required to have no less than 1 hand basin and one unisex shower per 20 sites as stated in the explanatory notes. This is a reduction from the existing Policy.
    - are not required to have laundry and washing up facilities
    - reference to pumping out of temporary ablutions and approval of permanent ablutions has been removed as these are legislative requirements to be dealt with under *the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974*.
- 7.2 Water – Nature Based Parks are required to have a centrally located tap for use by all occupiers, this could potentially be more than 90 metres away from sites. The requirement for a sign to identify non-potable water has not been included in the reviewed Policy.
- 7.3 Electricity has been removed as it is considered to be an operational matter for the licensee as to whether and/or when generators will be allowed in their facility.
- 7.4 Rubbish - requirements for Nature Based Parks under the Regulations align with those in the Policy.
- 7.5 Fire Fighting Equipment - the Regulations require a centrally located fire extinguisher to be provided and accessible to all persons in a Nature Based Park.
- 7.6 Setbacks - these requirements are set out by the Regulations
- 7.7 Caretaker's Residence - Licensees are required by the Regulations to ensure emergency contact details are provided/available to occupants.
- 7.5 (7.8) Advertising and Commercial Activities has been removed. Licensees should be allowed to advertise, particularly where the licence relates to an event where camping information will be included in any event information. The requirement not to conduct commercial or profit making business has also been removed as occupants of temporary facilities may also be conducting business (eg. stalls and food vans at events). These requirements are not considered to be necessary inclusions in the reviewed Policy

The review of Policy CP/HTH-3762 has removed the minimum standards and replaced them with reference to the Regulations. As a result temporary parks will be allowed to provide fewer sanitary facilities and services than previously required.
The requirement for applicants to demonstrate the need for the park has been retained to ensure that temporary licences are not issued which allow for unfair competition with permanent parks. It is anticipated that most temporary licences will be issued to provide for

camping at events, but it is also possible that if there is a shortage of sites during the peak tourist season a temporary licence may be issued to address this.

ATTACHMENTS

Attachment 1 - CPHTH-3762 adopted 21 June 2011
Attachment 2 – DRAFT CPHTH-3762 reviewed 2015

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the reviewed Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds for public advertisement for a period of 28 days.

COUNCIL DECISION

Minute No. 11079

Moved: Cr S Cooke
Seconded: Cr G King

That Council endorses the reviewed Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds for public advertisement for a period of 28 days.

Carried Unanimously 8/0

Shire of Wyndham East Kimberley
Council Policy Number: CP/HTH-3762
Licensing of Temporary Caravan Parks and Camping Grounds

OBJECTIVE:

To provide guidelines on the approval of temporary caravan parks and camping grounds within the Shire of Wyndham East Kimberley

POLICY:

Scope & Limitations

This policy applies to all locations within the Shire of Wyndham East Kimberley.

The following are defined in the *Caravan Parks and Camping Grounds Regulations 1997;*

'Long Stay Site'	means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time
'Short Stay Site'	means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months
'Camp Site'	includes to camp in a vehicle but not caravans.
'Overflow Site'	may only be used with the approval of the local government, for a period of time specified in that approval, and in accordance with any conditions placed on that approval

Background

The *Caravan Park and Camping Grounds Regulations 1997* give discretion to Local Government on the granting of temporary licences for caravan parks and camping grounds.

Section 54 of the regulations states;

" (1) A local government may grant a temporary licence for a facility which is to remain in force for such period of less than one year, as it provided in the licence.;

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence-

(a) The maximum number of sites that may be used at the facility;

(b) The maximum number of sites of particular types that may be used at the facility; and

(c) The services that are to be provided"

Guiding Statement

1. TENURE

An application for a temporary facility must demonstrate legal entitlement or signed written permission from the owner to occupy the land.

2. NEED

The applicant shall detail the need for a temporary facility with particular due regard to;

- Providing justification for the temporary facility (why it's needed, the main users)
- Impact on existing caravan park and camping grounds within a 50km radius.

3. ENVIRONMENT

The design and location of a temporary facility must be sensitive and complimentary to environmental areas. Where there are concerns regarding the impact of a proposal on environmentally sensitive areas, the Shire may seek comment from the Environmental Protection Authority, Department of Environmental and Conservation, or equivalent, prior to determining the application.

4. AMENITY

The Shire accepts that lower levels of amenity than those which could be typically expected within a permanent holiday or caravan park. However, all applications should as a minimum accord with standards prescribed in this policy and any other environment, health and building legislation.

5. SPECIFIC APPLICATION DETAIL

The following shall be provided with the application for a temporary facility licence;

- 2 sets of accurately scaled and dimensioned locality plans, site layout plans and floor plans of buildings or facilities
- The number of sites
- The maximum number of people expected to use the facility
- Information on how each of the minimum requirements set out in this policy are to be addressed and how the facility will be managed
- Details of any consultation with local businesses, community groups or government agencies
- Dates of operation

6. FEES

Fees for operating a temporary caravan and camping ground licence are determined in 'Schedule 3 - Fees' of the *Caravan Park and Camping Grounds Regulations 1997.*

7. MINIMUM REQUIREMENTS

Applications should demonstrate that the Temporary camping facility meets the following minimum requirements:

7.1 ABLUTIONS

Ablution facilities shall be provided in accordance with the following table;

Sites	Toilets	Showers	Handbasins
1-10	2	2	2
11-20	4	2	2
20-30	4	4	4
30-40	6	4	4
40-50	6	6	6
50-60	8	6	6

Ablutions may either be stand alone unisex facilities or split 50/50 for male and female use.

- Temporary ablutions must be pumped out on a regular basis.

- Permanent ablutions must be connected to an on-site effluent disposal system approved by Shire's Environmental Health Officer.

It is the responsibility of the facility licence holder to ensure that ablutions are maintained in a clean and suitable manner.

Laundry and washing up facilities are not required.

7.2 WATER

There must be a centrally located tap with running water for use by all occupiers. A tap must be no more than 90m from any campsite.

Where a potable supply of water cannot be provided, taps must be clearly signed with the following or similar.

"WARNING"

WATER SUPPLY IS NOT TREATED AND MAY NOT COMPLY WITH AUSTRALIAN DRINKING WATER GUIDELINES"

Where drinking water is not provided, all occupants must be clearly notified prior to staying at the facility.

7.3 ELECTRICITY

Generators to 2kva are permitted between the hours of 7am and 9.30pm

7.4 RUBBISH

While rubbish bins are not required to be provided, advertising and notice to campers arriving at the park must be provided through approved signage advising that campers must take their own waste with them and where they may deposit it.

If bins are provided they shall be located within 90m of every site and emptied as necessary, but at least once a week.

Rubbish bins are to be sealed to prevent infestation from insects and vermin.

7.5 FIRE FIGHTING EQUIPMENT

Where a facilities water supply is not adequate to operate fire hoses effectively, the facility may have;

i) fire extinguishers accessible at all times within 90m of every site; or
ii) a portable fire fighting unit with a minimum capacity of 1000L, which must be full and easily accessible at all times. The operational capacity of a fire fighter unit shall be demonstrated upon request by the Shire's Fire Control Officer or a FESA representative.

7.6 SETBACKS

Camp area shall be clearly defined and marked so it is clear to users where they shall and shall not camp.

There shall be no more than ten (10) people permitted to camp on a site at any one time

A maximum of one caravan, bus, campervan or tent is permitted per site.

A minimum of 3m is required between caravans, buses, campervans and tents on different sites.

Caravans, buses, campervan and tents must be set back at least 5m from the road.

7.7 CARETAKER'S RESIDENCE

A caretaker may reside at the temporary facility for the term of the temporary license.

If a caretaker is not on-site then an emergency point of contact must be nominated and provided to each occupier of the facility.

7.5 ADVERTISING AND COMMERCIAL ACTIVITIES

Advertising the temporary facility is not permitted.

Patrons are not permitted to conduct commercial or profit making business activities within the temporary facility.

8. LICENCE

8.1 SITES

Only short stay sites and camp sites will be approved at a temporary caravan park and camping ground.

Long stay sites and overflow sites will not be approved at temporary caravan park and camping ground.

8.2 INSPECTION

Temporary facilities will only be issued a licence from the Shire of Wyndham East Kimberley once an Environmental Health Officer has inspected the site and determined that the facility meets minimum standards.

Outcomes

This policy has been developed to formalise existing temporary camp ground arrangements and provide guidance for their approval in the future. It aims to provide an acceptable standard of amenity for campers staying within a temporary facility. It provides guidance to staff, Councillors, government agencies, landowners, and the general public regarding the assessment of applications for temporary camp facilities.

GOVERNANCE REFERENCES

Statutory Compliance	*Caravan Parks and Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997*
Industry Compliance	
Organisational Compliance	Delegations Manual
Process Links	

POLICY ADMINISTRATION

Directorate		**Officer Title**			**Contact:**
Development Services		Senior Environmental Health Officer			Ext: 175
Date Effective	22 June 2011				
Date Adopted	21 June 2011	**Last Reviewed**		21 June 2011	
Risk Rating	Low	**Review Cycle**	Tri-Annual	**Next Due**	21 June 2014

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**CP/HTH-3762**	
POLICY	**Licensing of Temporary Caravan Parks and Camping Grounds**	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Environmental Health Officer	
COUNCIL ADOPTION	Date: 20 April 2010	Resolution No: 9103
REVIEWED/MODIFIED	Date: 21 June 2011	Resolution No: 9490
	Date: 25 August 2015	Resolution No:
REVIEW DUE	August 2017	
LEGISLATION	*Caravan Parks and Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997*	
RELATED POLICIES		
RELATED ORGANISATIONAL DIRECTIVES		

PURPOSE:

To provide guidance for the approval of temporary licences under the Caravan Parks and Camping Grounds Act 1995 and Regulation 54 of the Caravan Parks and Camping Grounds Regulations 1997.

DEFINITIONS

Definitions are taken from the Act and the Regulations

Camp Site includes to camp in a vehicle, but not a caravan.

Caravan means a vehicle that is fitted or designed for habitation.

Long Stay Site means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time

Nature Based Park means a facility in an area that-

a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and
b) has been predominantly formed by nature; and
c) has limited or controlled artificial light and noise intrusion.

Overflow Area means an area of a facility specified as an overflow area in the licence for the facility.

Permanent Licence means a license under section 7 of the Act for a facility which remains in force for one year in accordance with Regulation 52 and must be renewed each year.

Short Stay Site means a site at a caravan park which is to be occupied consecutively by the one person or group of persons, for no longer than 3 consecutive months

Temporary Licence a licence issued under the Caravan Parks and Camping Grounds Act and in accordance with the Caravan Parks and Camping Grounds Regulation 54.

Vehicle means a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels

POLICY STATEMENTS:

Regulation 54 states that:

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

(a) the maximum number of sites that may be used at the facility;
(b) the maximum number of sites of particular types that may be used at the facility; and
(c) the services and facilities that are to be provided.

1. **APPLICATION**

   An application for a temporary licence must:

   a. provide justification for the temporary licence (why it is needed, who the main users are); and
   b. detail the services and facilities that will be provided at the facility; and
   c. demonstrate legal entitlement or signed written permission from the owner to occupy the land.

When considering an application under Regulation 54 the following will be taken into account:

2. **SERVICES AND FACILITIES**

   In granting a temporary licence the Shire of Wyndham East Kimberley will accept and endorse as conditions of the licence levels of services and facilities in line with those required for a Nature Based Park under Schedule 7 of the Regulations.

3. **LICENCE**

   a. A temporary licence may include short stay sites and camp sites, but will not be approved to include long stay sites or an overflow area.
   b. A temporary licence will only be issued upon completion of an inspection of the facility by a Shire officer to confirm the facility meets minimum standards.

EXPLANATORY NOTES:

Justification

For the purposes of policy statement 1a justification may include a temporary licence for an approved public event or for overflow sites where there is a demonstrated need.

The intention is to avoid temporary licences being issued for facilities which compete with parks holding permanent licences while providing lesser services and facilities.

Services and Facilities
Schedule 7 clause 23 prescribes 2 toilets for every 20 sites and at least as many showers and hand basins as is approved. For the purposes of a temporary licence issued under this policy no less than one hand basin and one unisex shower must be provided for every 20 sites.

RISK:

Risk: Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.
Control: Inspection by Shire officer and compliance with minimum requirements based on legislative requirements for Nature Based Parks.

Risk: Failure to provide adequate caravan sites during peak tourist season, leading to economic loss for the town and decrease in tourist numbers.
Control: Policy provides for temporary licence to be issued where there is a demonstrated need for an overflow facility.

Risk: Issue of temporary licence in direct competition with existing permanent parks allowing a competitive disadvantage.
Control: Policy requires a demonstrated need to justify the temporary licence, with the intention to prevent unfair competition.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

13.3.9 Transient Accommodation - Lot 411 Minjiljirrga Lane, Kununurra

DATE:	28/07/2015
PROPONENT:	East Kimberley Constructions
LOCATION:	Lot 411 Minjiljirrga Lane, Kununurra
AUTHOR:	Roy Adam, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A7767P
ASSESSMENT NO:	DA19/15
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a development application for Transient Accommodation at Lot 411 Minjiljirrga Lane, Kununurra.

BACKGROUND

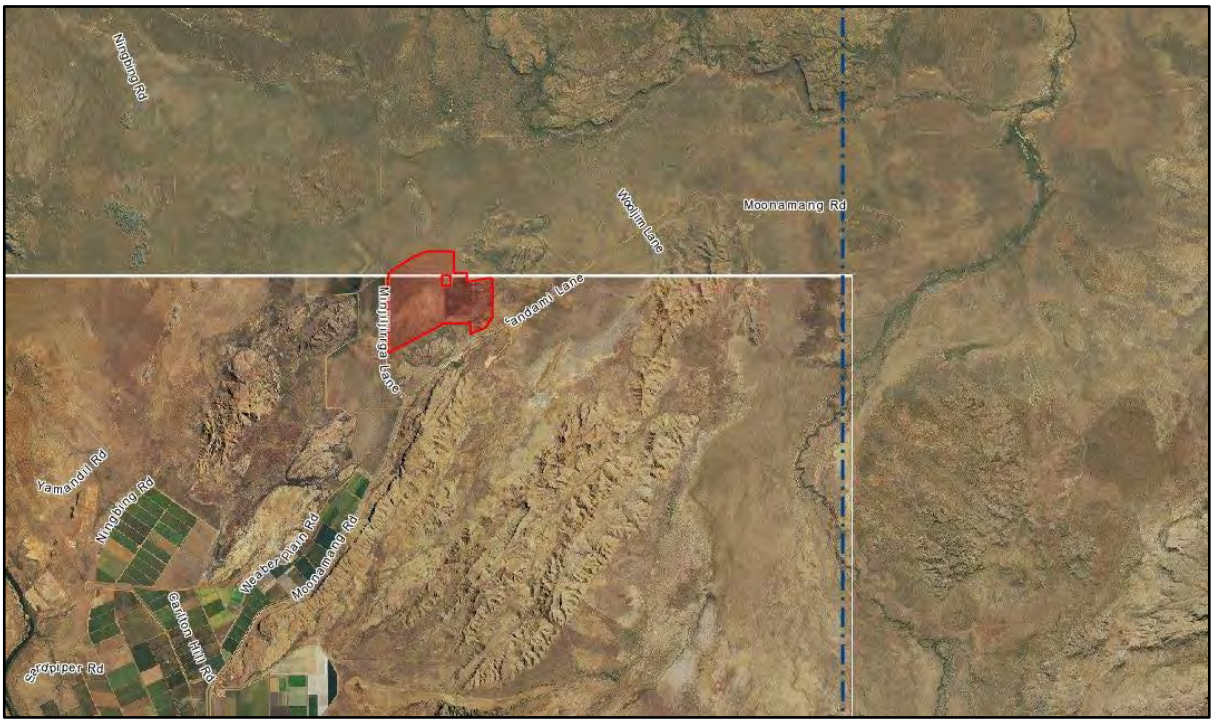
An application for planning approval was lodged on 20 May 2015 by East Kimberley Constructions on behalf of the landowner Kimberley Agricultural Investments. The proposal is for the development of Transient Accommodation on Lot 411 Minjiljirrga Lane Road, Kununurra (**Attachment 1**).

This proposal was deferred at the 28 July Ordinary Council Meeting (Minute No. 11040).

The lot has dual frontages to Moonamang Road on the southern boundary and Minjiljirrga Lane to the west. It has an area of 1,115ha and is zoned Rural Agriculture 1. The lot forms part of Stage 2 of the Ord River Irrigation Area and is situated approximately 35km north of the Kununurra town centre.



Site Location



Locality

The accommodation and associated works are proposed to the south-west corner of the lot and comprises:

- Two Transient Accommodation units each measuring 157m^2.
- 6 bedrooms in total (4 bedroom and 2 bedroom units).
- Intended as temporary, seasonal accommodation for workers associated with the subject lot and wider irrigation area.
- Construction design utilises two transportable dwellings with an overarching roof and a deck at ground level.

The applicant has provided information that the accommodation is required for reasons of:

- Large scale of the lot and irrigation area to be managed
- 24-hr water management requiring irrigation checks and night-time shifts
- Travel distance to Kununurra townsite and staff morale
- Security of farm machinery and supplies (**Attachment 2**).

A single dwelling and outbuilding (workshop) is indicated near to the proposal outlined above but as 'P' or permitted development in the Rural Agriculture 1 zone does not form part of this proposal. These have been approved under delegated authority by Shire officers.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra Townsite and Environs

Definition and Zoning
Transient Accommodation is defined in the Scheme as:

"Any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the

purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period".

The subject lot is zoned Rural Agriculture 1 under TPS7. The objective of this zone is:

"That the land be retained for extensive agriculture and/or horticulture and that the land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource".

Transient Accommodation is classified as an 'AA' use in the Rural Agriculture 1 zone and therefore *"the Council may, at its discretion, permit the use"*.

Clause 5.22.3 – Transient Accommodation
This clause of the Scheme outlines that Council may permit the construction and occupation of transient accommodation in the Rural Agriculture 1 and 2 zones and General Rural Zone providing:

(a) That any occupant is directly employed in the agricultural sector;
(b) That such occupation is of a seasonal nature only relative to the agricultural use of the land and shall not be used for either permanent or short stay residential use.
(c) That such accommodation does not consist of caravans, mobile homes, or transportable buildings unless such transportable buildings are permanently affixed to the site by footings as required by Council.
(d) Such accommodation consists of principally bedrooms and communal ablutions and activity areas.
(e) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following:
    (i) Prior to construction of any units the applicant shall submit a management plan developed in consultation with the Department of Agriculture and Food WA and other relevant agencies or stakeholders, detailing measures to manage the following impacts: a. Dust and noise; b. Visual amenity; and c. Bio-security
    (ii) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval;
    (iii) Prior to occupation, relevant officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to taking up residence with the accommodation.
    (iv) Prior to occupation, relevant officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures prior to taking up residence with the accommodation.

POLICY IMPLICATIONS

Local Planning Policy 11 – Transient Accommodation (LPP11)

LPP 11 outlines that the development of Transient Accommodation "is not supported in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace".

However it acknowledges that Transient Accommodation may be required in certain circumstances due to:

1. The remoteness of a workplace from existing townsites;
2. The limited seasonal or temporary nature of the employment generating activity; and

3. A severe shortage of land and housing supply.

The policy describes Transient Accommodation as "a 'semi-permanent' facility for seasonal or part time workers as opposed to permanent accommodation for full-time employees or other persons. It therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative".

LPP11 states that "applications for Transient Accommodation are to be considered by Council on individual merit, having regard to the Shire Town Planning Scheme, this policy, other relevant policies and any other relevant requirements".

The Policy also "acknowledges the general nature of changing circumstances of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought. Therefore Council may apply discretion and flexibility in allowing this form of development".

The eleven (11) objectives of the Policy are to:

1. Uphold the general Policy position of Council;
2. Facilitate Transient Accommodation developments in appropriate locations;
3. Minimise land-use conflict;
4. Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing within Transient Accommodation;
5. Provide a functional living environment for transient workers residing within Transient Accommodation;
6. Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
7. Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;
8. Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
9. Ensure compatibility with the predominant land use;
10. Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
11. Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

The Policy outlines that in the case of rural transient accommodation all buildings "should be clustered in close proximity to existing residential dwellings and/or other buildings, not be sited on existing productive rural land and must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise".

Transient Accommodation is further categorised into three types in the policy: "Rural Transient 1 and 2" and "Townsite Transient Accommodation". Pursuant to the policy this proposal meets the definition of Rural Transient Accommodation 2:

Rural Transient Accommodation 2 - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fee of $1857.00

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

Strategy 2.2.2: Support agricultural opportunities

COMMUNITY ENGAGEMENT

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

No community engagement is required

COMMENT

The application seeks to place four transportable units with covered outdoor areas in the south-west corner of the subject lot. This is to establish two transient accommodation developments comprising 6 bedrooms in total (4 and 2 bedrooms respectively).

The applicant has provided that workers are to be employed during seasonal farming periods with higher labour demand for irrigator employees in April-October. The occupancy is anticipated to be of shorter durations in the northernmost dwelling (4 bedrooms). The second accommodation (2 bedrooms) would house caretaker or assistant manager staff members and on a lengthier basis.

As the Scheme definition of Transient Accommodation restricts occupancy to *"6 months in any 12 month period"* it appears that some inconsistency may arise regarding tenancy durations of workers. However should an inconsistency occur, it is considered that possible changes in the Scheme itself or a future planning application to change the uses on site would be available approaches to address this issue.

Council may note that the definition in the Shire's draft Local Planning Scheme No. 9 does not contain a duration restriction. In addition a Caretaker's Dwelling is an 'IP' or incidentally permitted development in the Rural Agriculture 1 zone.

The proposed units provide communal activity areas and essential facilities as outlined under LPP11. These include laundry facilities, cooking facilities and a covered outdoor activity area. Through discussions buffers in consideration of the Department of Health *Guidelines for Separation of Agricultural and Residential Land Uses* have been added to the original site plan. These are minimum 40 metres in width and include vegetative barriers to minimise dust and spray drift to accommodation.

Overall the application complies with the eleven (11) objectives of Local Planning Policy 11 and the requirements of the Scheme. However assessing the proposal against the fundamental purpose of the Policy is less clear as:

- The policy does not indicate a measure of remoteness.

- It is arguable whether a severe shortage of land or housing supply is currently accurate in Kununurra.

For that reason and to better understand Council's previous position towards "remoteness" an examination of more recent approvals was made. These indicate a maximum distance from the Kununurra townsite of 12km:

- Lot 238 Weaber Plain Rd, Kununurra - Approved 27 January 2015 - 4 bedrooms
- Lot 1503 Poinciana St, Kununurra - Approved 18 June 2013 - 4 bedrooms
- Lot 11 Weaber Plain Road, Kununurra - Approved 1 March 2011 - 10 bedrooms
- Lot 103 Salacca Loop, Kununurra - 19 October 2010 - 2 bedrooms

The importance of remoteness in assessment is made further uncertain by the inclusion of Townsite Transient Accommodation in the Policy. This applies to:
…the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.

On the question of "land or housing supply" this source does appear to have risen over the time period since the Policy was adopted in November 2009 and subsequent approvals.

The proposal is considered to comply with relevant Scheme and policy objectives and it is therefore recommended for approval.

ATTACHMENTS

Attachment 1 - Submission and plans
Attachment 2 – Further information from applicant
Attachment 3 - LPP11 Transient Accommodation
Attachment 4 - Management plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council grants planning approval for Transient Accommodation at Lot 411 Minjiljirrga Lane subject to the following conditions:

1. Use and 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 Shire.

2. The proposed transient accommodation must only be used to accommodate seasonal workers directly employed in the agricultural sector, where occupation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from the Shire.

3. The approved management plan must be implemented in accordance with the processes set out and information specified.

4. Prior to the use commencing (by way of initial occupation by any workers) relevant Shire officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures.

5. Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.

6. Prior to the submission of an Occupancy Permit all indicated buffers of minimum 40 metres width including vegetative barriers are to be established and planted in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire.

MOTION

Cr K Wright moves the Officer's Recommendation with point 2 deleted.

The motion from Cr K Wright lapses for want of a seconder.

COUNCIL DECISION

Minute No. 11080

Moved: Cr G Taylor
Seconded: Cr S Cooke

That Council grants planning approval for Transient Accommodation at Lot 411 Minjiljirrga Lane subject to the following conditions:

1. **Use and 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 Shire.**

2. **The proposed transient accommodation must only be used to accommodate seasonal workers directly employed in the agricultural sector, where occupation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from the Shire.**

3. **The approved management plan must be implemented in accordance with the processes set out and information specified.**
4. **Prior to the use commencing (by way of initial occupation by any workers) relevant Shire officers shall inspect procedures to ensure that all workers are made aware of the biosecurity issues and preventative measures.**

5. **Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.**

6. **Prior to the submission of an Occupancy Permit all indicated buffers of minimum 40 metres width including vegetative barriers are to be established and planted in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire.**

Carried 5/3

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

OFFICER'S RECOMMENDATION 2

That Council request the Chief Executive Officer to undertake further investigation as part of the Local Planning Scheme review, to consider the introduction of a new or amended use class to appropriately provide for rural workers accommodation and preparation of a subsequent Local Planning Policy.

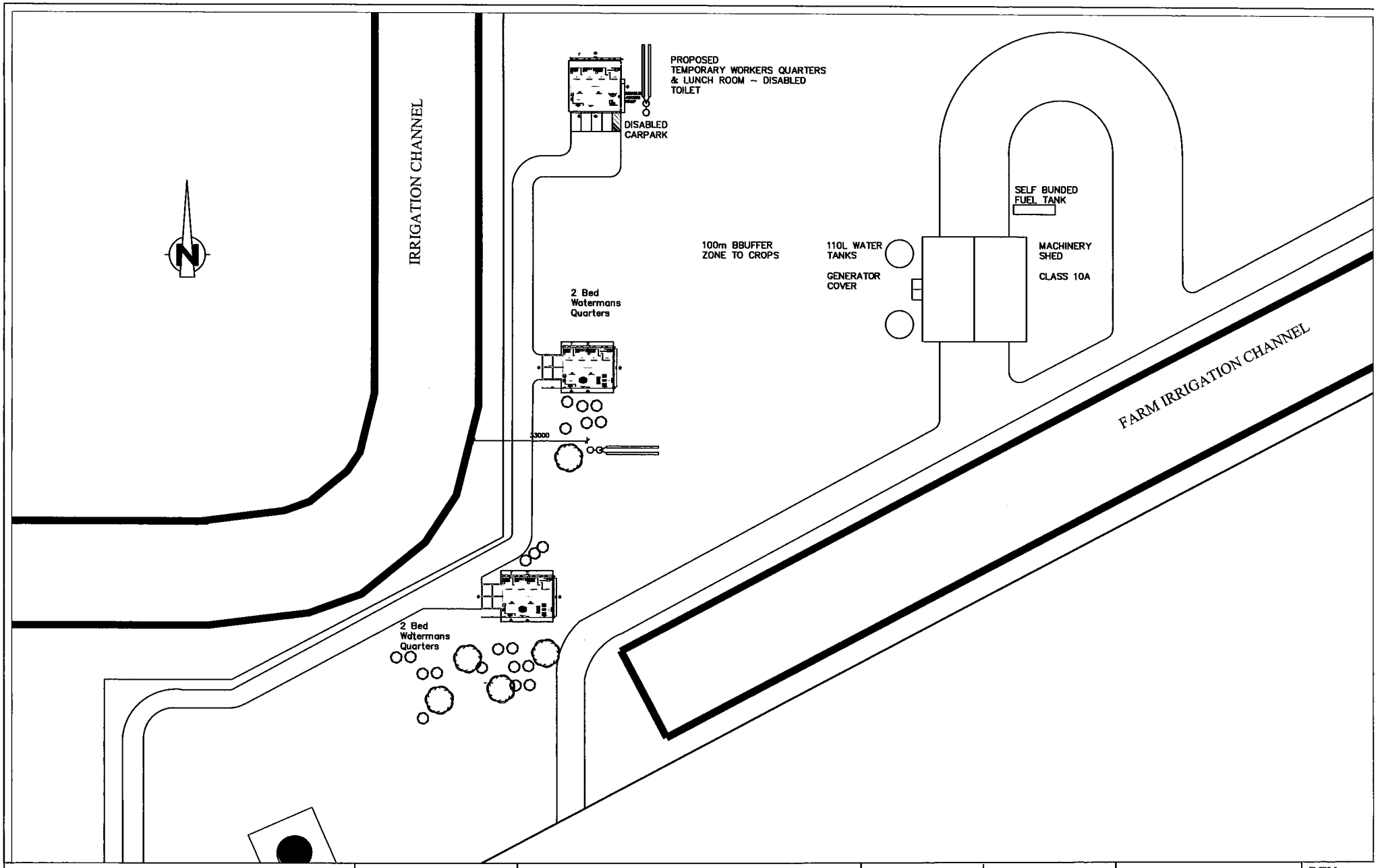
COUNCIL DECISION

Minute No. 11081

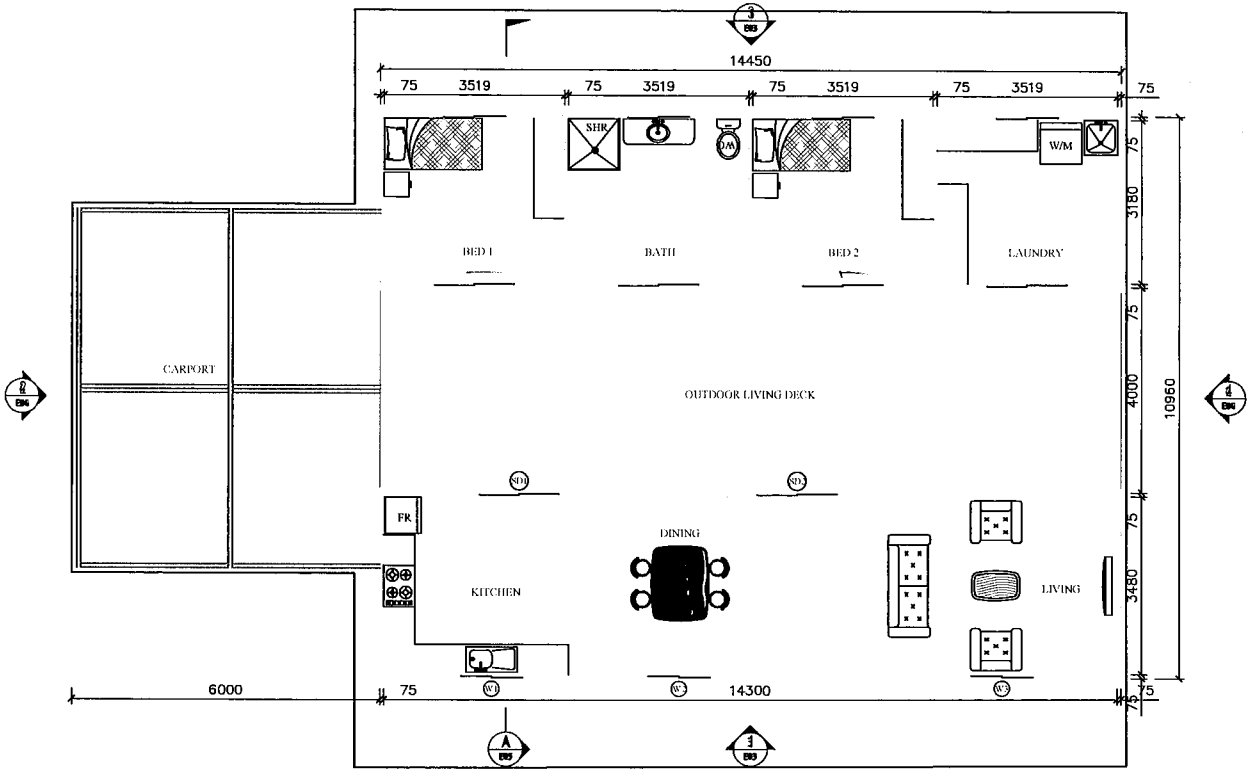
Moved: Cr G Taylor
Seconded: Cr D Spackman

That Council request the Chief Executive Officer to undertake further investigation as part of the Local Planning Scheme review, to consider the introduction of a new or amended use class to appropriately provide for rural workers accommodation and preparation of a subsequent Local Planning Policy.

Carried Unanimously 8/0



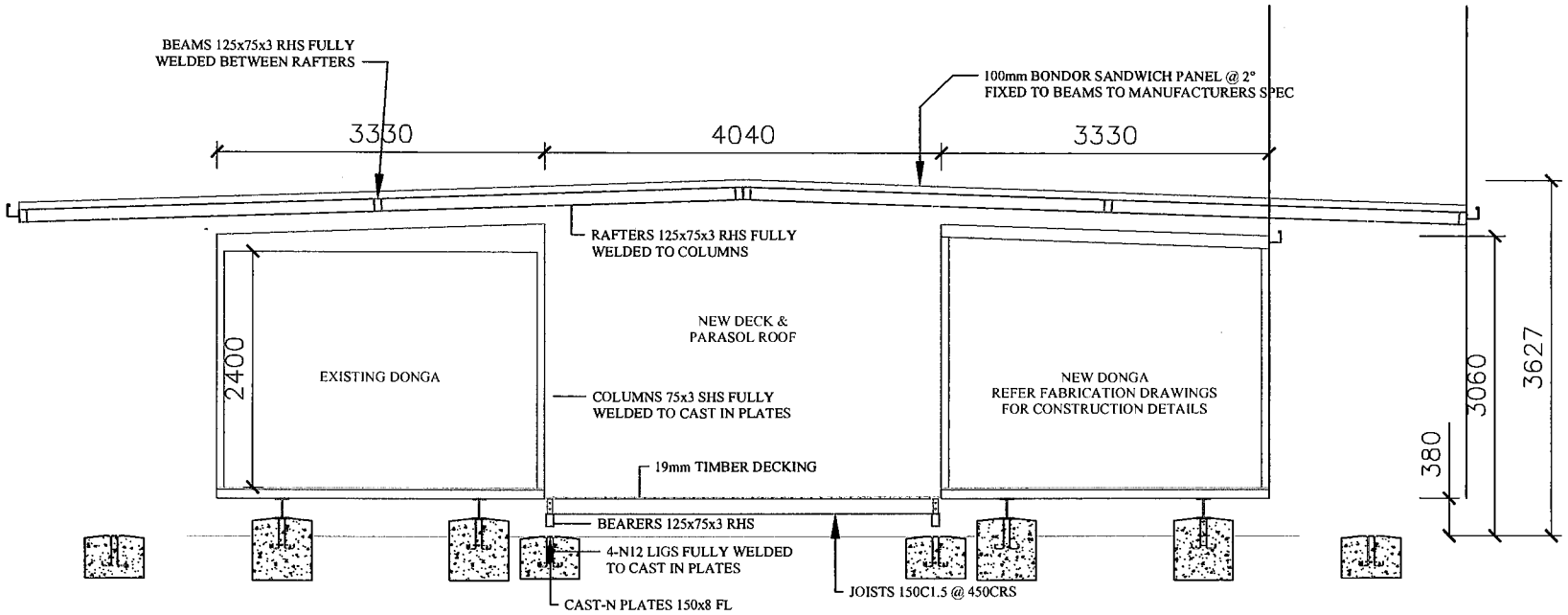
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ACCOMMODATION PLAN

EAST KIMBERLEY CONSTRUCTION PO BOX 937 Kununrra WA 6743 PH: 0417094650 Email :	CLIENT : KAI	**PROPOSED:** **ACCOMMODATION UNITS** **Lot 3 Munjilijrrga Lane** **KUNUNURRA** 25 August 2015	Drawn I McK Checked Job No. 15/05-06	Date MAY 2015 Scale 1:100 Sheet No 6 of -8	15/05 -06/D6	REV 0

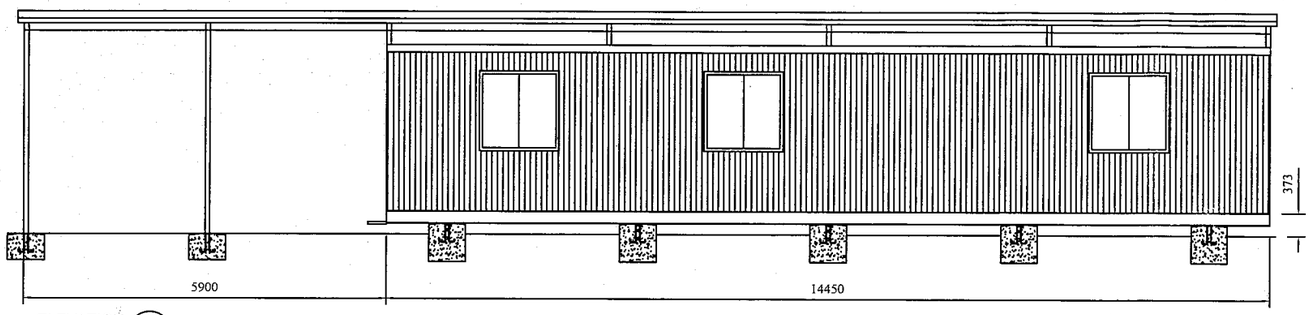
Minutes Ordinary Council Meeting



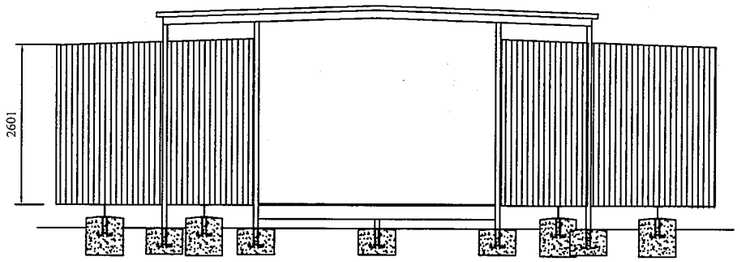
SECTION A

ACCOMODATION SECTION

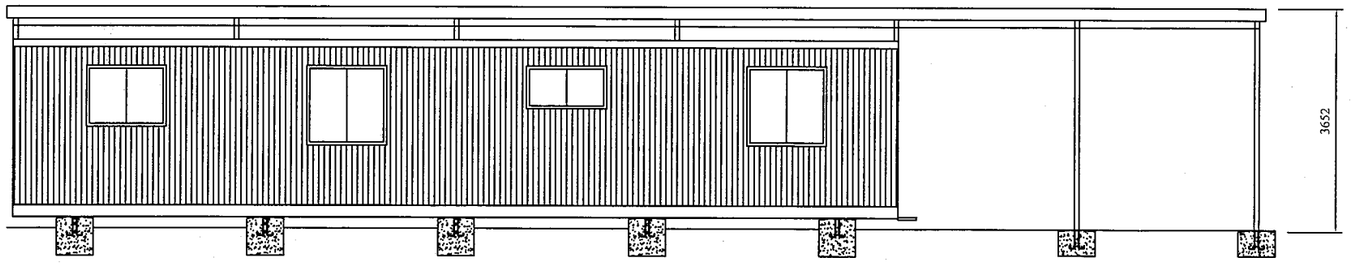
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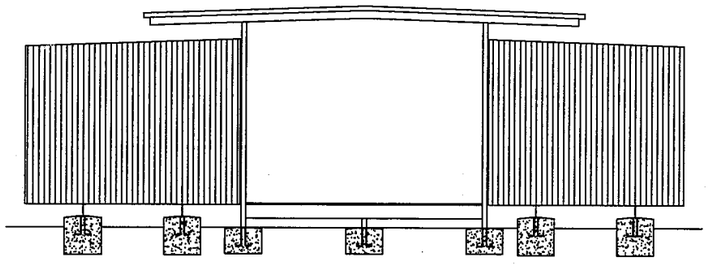
ELEVATION 1 E01



ELEVATION 2 E01



ELEVATION 3 E01



ELEVATION 4 E01

ACCOMMODATION ELEVATIONS

EAST KIMBERLEY
CONSTRUCTION
PO BOX 937
Kununrra
WA 6743
PH: 0417094650
Email :
ekconstruction@westnet.com.au

CLIENT :

KAI

PROPOSED:
ACCOMMODATION UNITS
Lot 3 Munjilijrrga Lane
KUNUNURRA

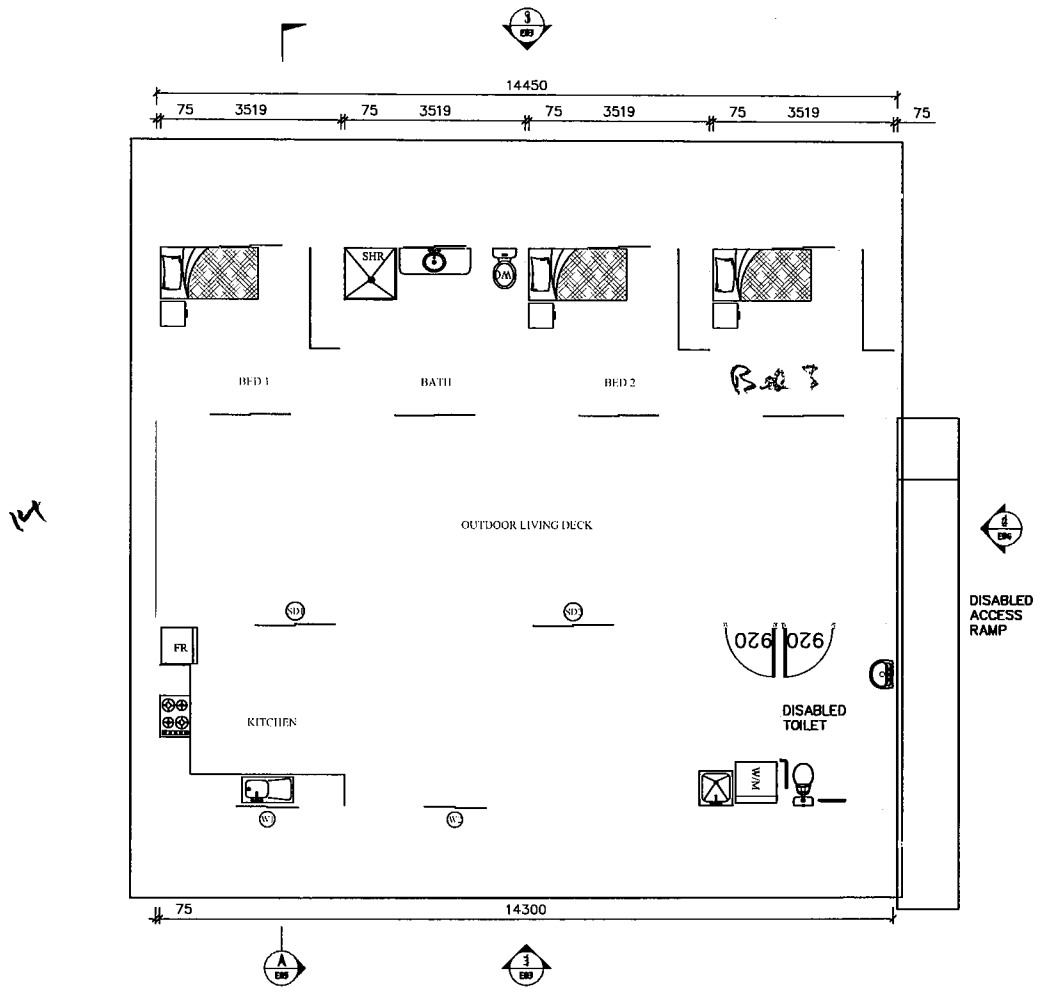
25 August 2015

Drawn I McK
Checked
Job No. 15/05-06

Date MAY 2015
Scale 1:100
Sheet No 7 of -8

15/05 -06/D7

REV 0



SINGLES QUARTERS

EAST KIMBERLEY
CONSTRUCTION
PO BOX 937
Kununrra
WA 6743
PH: 0417094650
Email :

CLIENT :

KAI

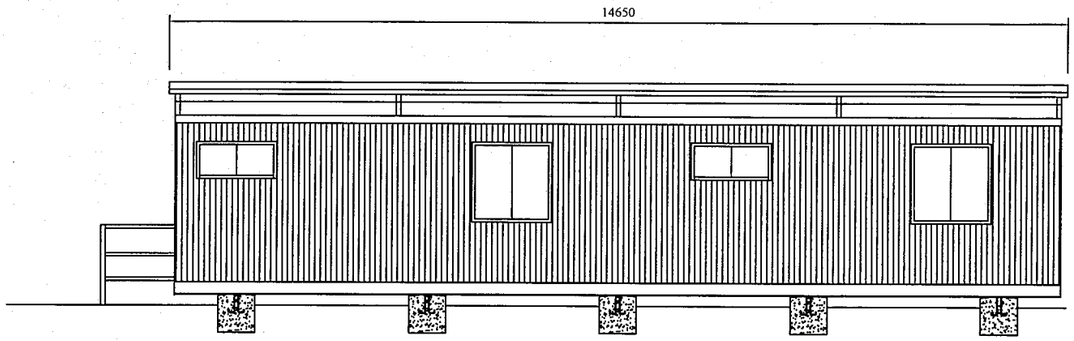
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SINGLE QUARTERS
Lot 3 Munjilijrrga Lane
KUNUNURRA

25 August 2015

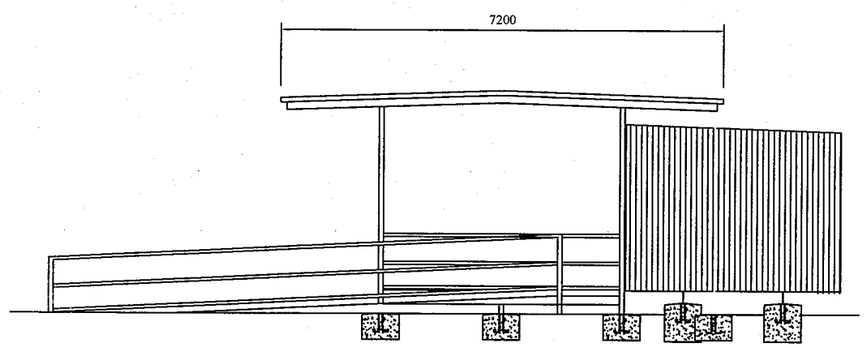
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Job No.	15/05-06	Sheet No	4 of -8

15/05 -06/D4

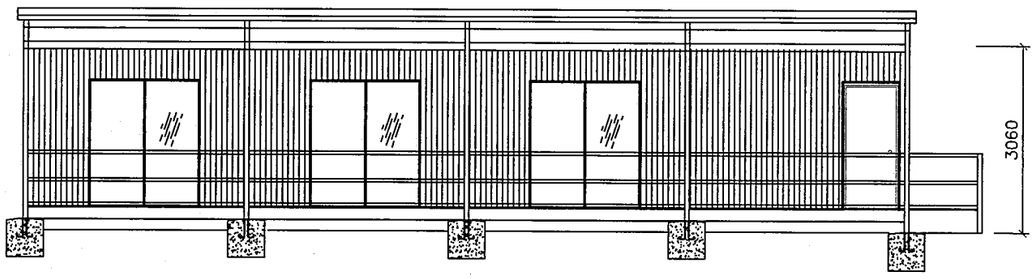
REV 0



ELEVATION 3 E01



ELEVATION 4 E01



ELEVATION 1 E01

ELEVATION 2 E01

SINGLES QUARTERS

EAST KIMBERLEY
CONSTRUCTION
PO BOX 937
Kununrra
WA 6743
PH: 0417094650
Email :
ekconstruction@westnet.com.au

CLIENT :

KAI

PROPOSED:
SINGLES QUARTERS
Lot 3 Munjilijrrga Lane
KUNUNURRA

25 August 2015

Drawn I McK
Checked
Job No. 15/05-06

Date MAY 2015
Scale 1:100
Sheet No 5 of -8

15/05 -06/D5

REV 0

Roy Adam

From: Ian <ian@argyleelectricalservices.com.au>
Sent: Monday, 15 June 2015 11:32 AM
To: Roy Adam
Subject: RE: Tuesday site visit - Lot 3 Minjiljirrga Lane
Attachments: 1H Site rev SMQ.pdf; Elevation stage 1 acc.pdf; Plan Stage 1 acc.pdf; Section Stage 1 acc.pdf; Shed Elevations.pdf; Shed Plan.pdf; Shed.Section.pdf

Roy
In relationship to our application for transient accommodation at Lot 3 Minjilirrga Lane

Kimberley Agricultural Investments are developing the hole of stage 2 farm area which includes over 8400 HA 7000 HA is farm land and over 1000 ha is infrastructure and nature buffer zones

This is more than half of the existing farmland that exists in Stage 1 of the Ord being around 15000 HA'

KAI want to place accommodation on 2 blocks to cover the whole development
The first being on this site with a second proposed at a later stage as discussed on site

It is proposed to build 3 separate transportable quarters on this site and a Machinery storage shed.
The machinery shed is for the storage only of Tractors and other farm implements under cover.
Obviously very expensive items of machinery needing to be protected from the elements when not in use
They have a full mechanical workshop being built at their property at Moonawang Rd where their offices are situated now.
Any works on machinery will be done there.

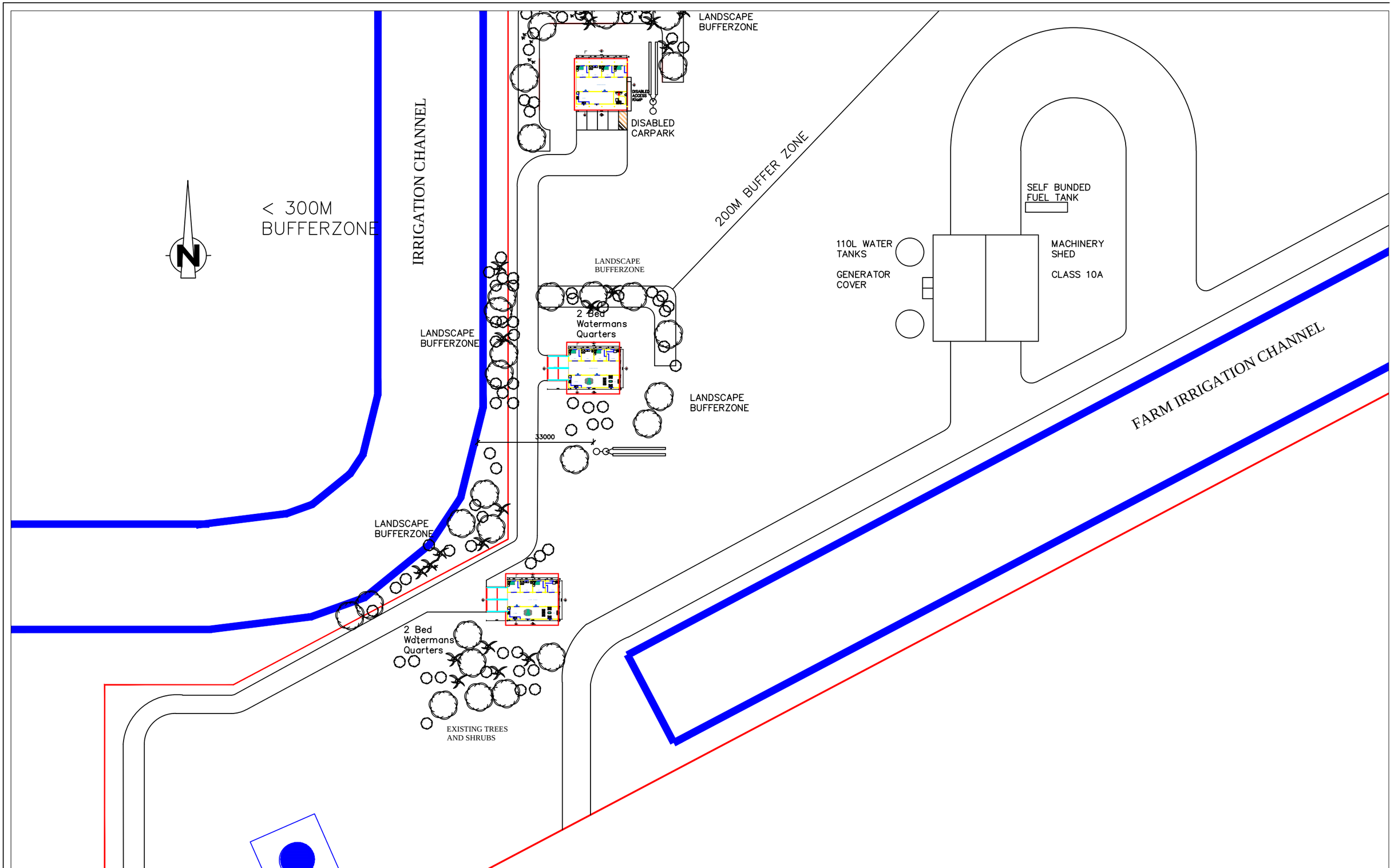
Accommodation is required for people to operate the farms
Each building is located at least 30m apart from another
1 for Farm Manager
1 for assistant Farm Manager
These will be occupied by either single or a married couple to manage running of the farms
They consist of a 2 units forming accommodation with a covered deck between them.

Then there is temporary quarters for farm workers
4 single bed units to be used as temporary accommodation – Less than 6 months
Unit with Kitchen/rec room facilities along with Disabled ablution
A 4 m covered deck between them
This farm is over 35km from Kununurra town site and the overall area spreads up to 50km from town
KAI want to make sure that workers can be accommodated should they be tired or have issues in travelling to and from site for any reasons

Natural vegetation is to be retained or planted around each unit to shield buildings from each other and provide some shade areas
KAI want to keep their staff comfortable with the minimal disruption to their private life when living on site.

All accommodation units are more than 100m from any agricultural activity and up too 500m away from other blocks used for farming
The nearest Farm occupied by people is more than 10km away from this site

KAI have a Bio management plan in place for all farming and development as approved by the EPA and Federal Government as part of their original development application
They also comply with state regulations including Occupational Work and Safety regulations



EAST KIMBERLEY
CONSTRUCTION
PO BOX 937
Kununrra
WA 6743
PH: 0417094650
Email :
ekconstruction@westnet.com.au

CLIENT :

KAI

PROPOSED:
Farm Machinery Shed
Farm Accommadation
Lot 3 Munjilijrrga Lane
KUNUNURRA

25 August 2015

Drawn I McK

Checked

Job No. 15/05-06

Date May 2015

Scale 1:1000

Sheet No 1 of -8

15/05 -06/D1

REV 0

VISITORS

PLEASE RESPECT

FARM BIOSECURITY

Please contact the manager before entering.

☎ _____ _____

Do not enter property without prior approval.
Keep to roadways and laneways.

AnimalHealth AUSTRALIA

farmbiosecurity

Plant Health AUSTRALIA

MANAGEMENT PLAN

CONTENTS

1. Details & Responsible Person/People
2. Water supply, sewage & waste
3. Amenities
4. Registration Process
5. Visual Amenity
6. Dust & Noise
7. Biosecurity
8. Housekeeping & Grounds Keeping

1. Details & person responsible

Facilities	Transient Accommodation units consisting of one unit with 4 single bedrooms, each with ensuite, and one existing unit to provide communal kitchen, laundry, lounge and outdoor living area. Units are transportable in style however will be permanently affixed in accordance with building requirements.
Location	Lot 3 Munijiljirrga, Kununurra
Responsible Person	Name : J Engelke PO Box 2531 Kununurra WA 6743
Contact Details	Phone 91693113 Mobile Email jengelke@kai-australia.com.au

2. Water supply, sewage & waste

Water Supply	Potable water to be supplied by 2 @ 110000L rain water tanks with catchment off shed This is backed up with water from Bore Water to be tested annually from accredited agency
Sewage	Septic Application to be submitted and installed as approved by the Health Department SWEK

Waste Disposal	Green SULO bins provided at the end of the building next to car park All general rubbish to be wrapped in sealed bag prior to placing in bin Bins will be emptied and cleaned on a weekly basis by KAI Rubbish to be taken to Shire Landfill

3. Amenities

Showers & Toilets	Separate ablution for each unit Single quarters also have unisex WC
Laundry	Laundry facilities next to Disabled WC
Kitchen Facilities	Existing kitchen providing sink, storage, fridge, freezer, microwave, hotplates etc.
Common Room	Shared lounge/TV area
Outdoor facilities	Covered outdoor area with Timber Deck

4. Registration Process

Moving in	Only employees of KAI are occupying the rooms. Only employees engaged on farm to occupy the accommodation Employees meet at KAI office for induction prior to moving in then shown to the accommodation All employees are required to complete induction covering biosecurity requirements, dust and noise implications from staying on the farm, and safety matters, rules of occupation Copy of House Rules in each Room
Length of Stay	Rooms will be occupied during March through to November No residents are permitted to stay longer than 6 months in any twelve month period. The rooms will not be used as permanent accommodation.

5. Dust & Noise

Dust	A speed limit of 20km/hr is to be put in place to minimise dust Access Road maintained by KAI Employees advised of potential for dust and speed restrictions prior to taking up accommodation in site induction.
Noise	There is minimal noise that will effect adjoining roads or premises All employees made aware of noise relating to agricultural activity on the site or other surrounding properties

6. Visual Amenity

Visual Impact	New Buildings to be screened using natural vegetation including new landscaping with planting of shrubs and trees.
Vegetation/Screening	Planting of vegetation to include buffer screen from cropping activities as well as shade for buildings. Selection of plants to include natural species found locally. Buffer screens and landscaping to be maintained as required and supervised by KAI Management.

7. Biosecurity

Signing in Transient Residents	All employees are inducted at KAI prior to commencing employment This includes any who will reside on site Any employee likely to be a transient residence will also be inducted prior to occupying the accommodation Signage to be placed at the entry to the accommodation unit
All Employees	On commencing employment all employees required to sign a copy of their site induction and biosecurity requirements i.e. refer to your biosecurity policy and other induction requirements.
Information Displayed	This information to be displayed in the communal areas onsite Emergency Evacuation and Contact List Bio Security Policy

8. Housekeeping and Grounds Keeping

During Stay	Inspection of the facility will be undertaken by KAI Management on a regular basis to ensure the facilities are clean and tidy and all appliances are in safe working order Employees are responsible for maintaining their own rooms while staying on site Communal facilities will be maintained by KAI Management
Moving Out	Farm manager and/or caretaker to inspect accommodation before signing out.
Grounds	Buffer screens and landscaping to be maintained as required and supervised by KAI Management.

POLICY NO:	LPP 11
DIVISION:	Development Services
SUBJECT:	Transient Accommodation
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Interim Development Order No.10

POLICY:

1.0 CONTEXT

Transient Accommodation is common within the Shire of Wyndham East Kimberley (SWEK) due to the seasonal and part time nature of employment associated with the agricultural sector and at a lesser scale, industrial, tourism and commercial enterprises.
.
There are various types of transient workforces including operational/seasonal and semi-permanent that can demand different forms, scales and locations for Transient Accommodation to serve the needs of individual employers.

This Policy attempts to provide additional clarity around the nature of Transient Accommodation and its permissibility and application within the SWEK district.

Further, it must be noted that Transient Accommodation does not generally apply to the mining and construction sectors where temporary accommodation camps are required for a fixed period applicable to a defined term of a project or activity. – refer to the Shire Local Planning Policy (LPP) 12 – Temporary Workers Accommodation.

2.0 INTERPRETATION AND PERMISSIBILITY

2.1 Definitions

Transient Accommodation is presently defined within the Shire Town Planning Scheme No.7 as:

> ***Transient Accommodation*** *- means any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months*

For the purpose of this policy Transient Accommodation is further interpreted in three definitions as follows:

> ***Rural Transient Accommodation 1 –*** *applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is equal to or less than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.*
>
> ***Rural Transient Accommodation 2 -*** *applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the*

accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

***Townsite Transient Accommodation** – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.*

Notwithstanding the above definitions that are considered acceptable in terms of scale and density of development, the Council may considered applications which fall just outside of these interpretations with reference to the general intent and objectives of this Policy.

2.2 Scope

For the purposes of this Policy Transient Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a transient workforce.

2.3 Approval Requirements

The need for approval of Transient Accommodation is detailed within the Shire Planning Scheme or other statutory requirement, such as an Interim Development Order (IDO).

Where the proposed Transient Accommodation is not located within the Shire Planning Scheme area, and an application for planning approval is required through another statutory requirement, the Shire will assess the application pursuant to this Policy, the requirements of the Shire Planning Scheme relevant to the application for Transient Accommodation, and any other relevant requirements.

2.4 Permissibility

The land use permissibility of Transient Accommodation is detailed within the Shires Town Planning Schemes. Permissibility must be referenced through the Town Planning Scheme documents in the first instance.

3.0 GENERAL POLICY POSITION OF COUNCIL

3.1 Purpose

The Council of the Shire of Wyndham East Kimberley does not support the development of Transient Accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace.

The Council does, however, acknowledge that Transient Accommodation may be required in certain circumstances due to:

- The remoteness of a workplace from existing townsites;
- The limited seasonal or temporary nature of the employment generating activity; and

- A severe shortage of land and housing supply.

The Council considers Transient Accommodation as a 'semi-permanent' facility for seasonal or part time workers as opposed to providing permanent accommodation for full-time employees or other persons, and therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative. In this context, the Council will consider applications for Transient Accommodation on individual merit, having regard to the Shire Town Planning Scheme, this Policy, other relevant Policies and any other relevant requirements.

The Council also acknowledges the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought, and therefore may apply discretion and flexibility in allowing this form of development.

3.2 Amenity

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent accommodation. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

3.3 Industrial Areas

The Council does not support the unrestrained proliferation of Transient Accommodation within townsites, especially within areas when industrial land uses are permitted, due to the potential for land use conflict and amenity concerns. Industries can generate a range of emissions and pollutants including noise, dust, vibration, gas, odour fumes and light spill, which may not be compatible with Transient Accommodation. The Council will therefore give due regard to the type and scale of surrounding industrial use and associated impacts before determining a development application.

Furthermore, the location of sensitive land uses, such as Transient Accommodation in proximity to industrial uses may compromise the ability of the industry and the broader industrial area to operate effectively, and may prevent certain industrial uses from developing or expanding. This will also be taken into consideration when determining an application for Transient Accommodation in a general or light industrial area.

3.5 Rezoning

The Council supports the establishment of small-scale townsite Transient Accommodation development in accordance with the Town Planning Scheme permissibility and provisions where acceptable levels of on-site amenity are proposed, and the amenity of the surrounding area is not compromised.

For medium-scale townsite Transient Accommodation the Council may require the land to be rezoned, subject to the applicant providing the necessary information and addressing the following aspects, at a minimum, to justify the proposal:

- Proximity to established townsite services, facilities and infrastructure, current and future/proposed surrounding zonings, reservations and land uses, lot sizes and proportions, amenity for transient workers and the surrounding areas;

- A development concept plan for the entire site, addressing the requirements of this Policy, the Shire Planning Scheme and any other relevant requirements.

4.0 OBJECTIVES

The objectives of the Policy are to:

- Uphold the general policy position of Council, as set out above;
- Facilitate Transient Accommodation developments in appropriate locations;
- Minimise land-use conflict;
- Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing with Transient Accommodation;
- Provide a functional living environment for transient workers residing within Transient Accommodation;
- Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
- Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;
- Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
- Ensure compatibility with the predominant land use;
- Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
- Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

These objectives will be given due regard in the assessment of all applications for Transient Accommodation.

5.0 SPECIFIC POLICY PROVISIONS

The following specific policy provisions will be applied in the assessment of applications for Transient Accommodation dealt with by this Policy in addition to the Shire Town Planning Scheme/s and other requirements.

5.1 Location

5.1.1 In the case of Rural Transient Accommodation all buildings must:

- be setback from front, side and rear boundaries in accordance with the requirements for each zone in the Shire Town Planning Scheme, and where possible should be clustered in close proximity to existing residential dwellings and/or other buildings;
- not be sited on existing productive rural land. The Shire may refer an application to the Department of Agriculture and Food and other relevant agencies for comment prior to making a determination, where there are concerns regarding the impact of the proposed development on the use of land for agriculture; and
- must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

5.1.2 In the case of Townsite Transient Accommodation:

- The Transient Accommodation must be located to the rear of the lot behind primary land use to allow for appropriate screening from view from public places. In addition, or alternatively, the Shire may consider the provision of appropriate screening, through vegetation or other means, where the Transient Accommodation is visible from the street;
- Buildings for Transient Accommodation must be setback from front, side and rear boundaries in accordance with the requirements of each zone in the Shire Town Planning Scheme;
- Where the Shire considers that there may be a significant land use conflict between the Transient Accommodation and any existing use on the site or adjoining and nearby sites planning consent will not be granted.

5.1.3 Adequate separation must be provided between Transient Workforce Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.

5.1.4 In accordance with State Planning Policy, Transient Accommodation:
- Must not be sited in a mining buffer area; and
- Will generally not be approved on land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire as to why the Transient Accommodation is required.

5.1.5 Transient Accommodation must not be located in proximity to land containing, or with the potential to contain, agriculture, industry, mining and other land uses to the extent that:
- These land uses may adversely affect the amenity, health and safety of the transient workers; and
- The accommodation may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

5.1.6 In determining the compliance of an application with provisions 5.1.4 and 5.1.5 above, the Shire may refer the application to the Department of Health, Department of Environment and Conservation and Department of Industry and Resources, or their equivalent, for comment and recommendations.

5.2 Need

The applicant shall detail the need for the Transient Accommodation including an explanation as to why the transient workers cannot be accommodated through alternative arrangements within townsites.

5.3 Environment

The design and location of Transient Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area/s, the Shire may seek comment from the Department of Environment and Conservation and/or Environmental Protection Authority, or equivalent, prior to determining the application.

5.4 Amenity

In determining an application for Transient Accommodation, the Council will:

5.4.1 Take into consideration the level of amenity for the transient workers and may apply any condition of approval which has the effect of increasing the level of amenity proposed or ensuring that a reasonable level of amenity is maintained.

5.4.2 Have regard to current and proposed surrounding land zonings, reservations and land uses and the likely affect of the proposal on the level of amenity and desired character of these surrounding areas. The Council may impose any condition of approval which has the effect of maintaining the level of amenity or preserving the desired character of surrounding areas.

5.5 Fencing and Screening

5.5.1 Townsite Transient Accommodation sites shall have solid fencing on the side and rear boundaries and permeable fencing to the front boundary of the lot.

5.5.2 Transient Accommodation must be appropriately screened by vegetation or other means, to the satisfaction of the Council, from:

- Public roads frequented by tourists;
- Adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent;
- Particular tourist, scenic, visual, natural or other attractions; and
- In the case of rural accommodation, adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent.

5.6 Landscaping

5.6.1 The Council may require a landscaping plan for the development site detailing hard and vegetated landscaping should the Transient Accommodation be highly visible from a major road or have adverse effect on a neighbouring residence.

5.6.2 Natural vegetation should be retained in any development scenario wherever possible.

5.7 Open Space

5.7.1 At least 50% of the site for Transient Accommodation should be retained as open space. For the purposes of this Policy provision, open space will be calculated as per the definition contained within the Residential Design Codes of Western Australia.

5.8 Buildings

5.8.1 Transportable buildings for Transient Accommodation must be permanently affixed to the site by footings.

5.8.2 All buildings and structures are to have a form and appearance, including materials and colours, which do not detract from the amenity and desired character of the area.

5.9 Essential Facilities

5.9.1 Transient Accommodation developments should be provided with the following essential facilities as a minimum:

- Ablution facilities including showers, toilets, laundry and associated facilities;
- A covered and/or sheltered entry area and desirably an outdoor activity area;
- An uncovered outdoor activity area, of which part may be shaded; and
- Kitchen/cooking facilities or a commercial kitchen and eating areas.

These facilities may be provided conjoining sleeping areas, provided they are for the exclusive use of those residents. These facilities may alternatively be provided within close proximity to sleeping areas and must be readily accessible by foot.

5.10 Storage

5.10.1 Adequate and secure storage space must be provided for the belongings of transient workers.

5.10.2 Adequate space must be provided for the storage of equipment and other materials required for the management, maintenance and upkeep of the Transient Accommodation development.

5.11 Lighting

5.11.1 Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development. For Townsite Transient Workforce Accommodation, lighting shall be designed so as not to adversely impact neighbours.

5.12 Access and Transport

5.12.1 Internal pedestrian access is to be provided to and between all transient accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the Council;

5.12.2 One car parking space shall be provided for every two (2) transient workers (or part thereof) which can be accommodated within the development, where the transient workers have or are provided with access to private vehicles. The car parking spaces must be for the exclusive use of transient workers;

5.12.3 An application for Transient Accommodation shall detail;

- Any car parking arrangements for transient workers;
- Means of transport provided for transient workers to access employment;
- The ability for larger vehicles to access and leave the site in forward gear.

5.12.4 Internal roads and access ways must be designed and constructed to the satisfaction of the Council.

5.13 Occupants

5.13.1 Occupants of the Transient Accommodation must be employed in the employment generating project associated with the Transient Accommodation.

5.14 Statutory Declarations

5.14.1 To ensure compliance with the Shire Planning Scheme and this Policy, the Shire may, as a condition of planning approval, require a statutory declaration from the applicant acknowledging that the Transient Accommodation will only be occupied in accordance with the stated definitions in this Policy.

5.16 Subdivision

5.16.1 The approval of Transient Accommodation by the Shire should not be construed to indicate support from the Shire for an application for subdivision of the land upon which the approval has been granted.

6.0 APPROVALS AND CONDITIONS

Notwithstanding any of the above policy provisions, the Shire may impose any condition of approval as it deems necessary to ensure compliance with the objectives of this policy, compliance with the Shire Planning Scheme, and compliance with any other relevant requirement.

ADOPTED:
REVIEWED:
AMENDED:

Roy Adam

From: Ian <ian@argyleelectricalservices.com.au>
Sent: Monday, 6 July 2015 2:34 PM
To: Roy Adam
Cc: jengelke@kai-australia.com.au
Subject: RE: Tuesday site visit - Lot 3 Minjiljirrga Lane

Roy
As discussed on the telephone today
Farming will be seasonal as determined by the length of our wet seasons- Nov to March
The single quarters will be short stay from one night or a little longer but less than 6 months
The other 2 units housing managers will be used during the farming season, ie dry season.
Security is required during the wet season to safeguard equipment housed on site
There will be a caretaker accommodated over the wet season to look after equipment.
This could either be a farm manger or a single person acting as caretaker.

Cheers
Ian

From: Roy Adam [mailto:Roy.Adam@swek.wa.gov.au]
Sent: Monday, 6 July 2015 12:00 PM
To: 'Ian'
Subject: RE: Tuesday site visit - Lot 3 Minjiljirrga Lane

Hi Ian -

I've attached the following concept plans of the Stage 2 - Ord River Irrigation Scheme subdivision. I take it the occupants of the accommodation units essentially be visiting that same range? You mentioned the accommodation occupants travelling up to 50km from Kununurra townsite as the overall area.

Assessing the transient accom. - How much of a variation to the six months in any 12 month period will be needed for the assistant farm manager dwelling? Is it just permanent? Or seasonal – perhaps difficult to estimate precisely?

Transient Accommodation *AMD 18 GG 19/2/10*	means any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.

Regards

Roy Adam
Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY
20 Coolibah Drive, PO BOX 614 Kununurra WA 6743 | T: (08) 9168 4100 | F: (08) 9168 1798 | www.swek.wa.gov.au

13.4 CHIEF EXECUTIVE OFFICER

13.4.1 Use of Common Seal

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Debbie McCallum, Governance Officer
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	N/a
ASSESSMENT NO:	N/a
DECLARATION OF FINANCIAL INTERESTS:	N/a

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period

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

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
10/08/2015	Licence to Occupy Crown Land. Section 91 of the Land Administration Act 1997 (WA)

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 23 July to 20 August 2015.

COUNCIL DECISION

Minute No. 11082

Moved: Cr B Robinson
Seconded: Cr G King

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 23 July to 20 August 2015.

Carried Unanimously 8/0

13.4.2 Delegated Authority Report

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Louise Gee, Director Community Development
REPORTING OFFICER:	Carl Askew , Chief Executive Officer
FILE NO:	PL.02.1
ASSESSMENT NO:	N/a
DECLARATION OF FINANCIAL INTERESTS:	N/a

PURPOSE

To report to Council a list of development applications determined under delegated authority by Officers for the period 1 to 31 July 2015.

BACKGROUND

In accordance with the Shire of Wyndham East Kimberley Delegations Register 2014/15, Delegation No. 32 Town Planning the use of Council approved Delegated Authority by Officers is reported to the Council on a monthly basis. Refer Attachment 1.

STATUTORY IMPLICATIONS

Shire of Wyndham East Kimberley 2014/15 (adopted 26 August 2014)

"Delegation 32 Town Planning

Conditions and Exceptions

1. *A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes."*

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 3.3: Towns are safe and inviting for locals and tourists

Strategy Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The attached table (Attachment 1) details the use of Delegated Authority by relevant Council Officers.

ATTACHMENTS

Attachment 1 – Delegated Authority Report (Planning) July 2015

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Delegated Authority Report (Planning) for the period 1 to 31 July 2015.

COUNCIL DECISION

Minute No. 11083

Moved: Cr K Wright
Seconded: Cr B Robinson

That Council receives the Delegated Authority Report (Planning) for the period 1 to 31 July 2015.

Carried Unanimously 8/0

PLANNING DELEGATED AUTHORITY APPROVALS – 01 July 2015 to 31 July 2015

Application / Delegation Number	Approval Type	Date Received	Applicant	Address	Proposed Development	Assess't Number	Approval Date	Approved By
DA21/15	P	03/06/2015	John Nicholson	Lot 578 Packsaddle Road, Kununurra	Proposed Single Dwelling	A7803	15/07/2015	Roy Adam
DA22/15	P	04/06/2015	Susanne Wilson	Lot 35 Egret Close, Kununurra	Proposed Single Dwelling	A7072	29/07/2015	Roy Adam
DA24/15	P	08/06/2015	Tropical Forestry Services	Lot 52 Weaber Plain Road, Kununurra	Proposed Shade Structure	A1670	30/07/2015	Roy Adam

13.4.3 Delegations Register 2015/16

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.02.1
DECLARATION OF INTERESTS:	The Reporting Officer, Carl Askew declares an impartiality interest in this item as he is the delegate for the majority of the delegations within the Delegations Register 2015/16.

PURPOSE

For Council to consider the draft Delegations Register for 2015/16.

BACKGROUND

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

The Local Government Act 1995 also allows for the Chief Executive Officer to delegate any of their powers to another employee, this will be done once the delegations to the CEO are adopted. These sub-delegations will be in writing and included in the final Delegations Register.

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

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

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

The Delegations Register for 2014/15 was adopted by Council in August 2014.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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

5.43. Limits on delegations to CEO

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

(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

(c) appointing an auditor;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;

(f) borrowing money on behalf of the local government;

(g) hearing or determining an objection of a kind referred to in section 9.5;

(ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;

(h) any power or duty that requires the approval of the Minister or the Governor;

(i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

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

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

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

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

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

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

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

(5) In subsections (3) and (4) —

"conditions" includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

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

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

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

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

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

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

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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 ENGAGEMENT

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

No community engagement is required

COMMENT

In January 2015, the Shire's Delegations Register was reviewed by a consultant who specialises in governance and local government services. The draft 2015/16 Delegations Register reflects the feedback provided by the consultant along with the feedback received from the Department of Local Government and Communities who identified the following as part of the recent Probity Compliance Audit in relation to the Register:

Issues identified
A record of all delegations to the CEO and to employees is to be kept in the Register of Delegations (the Register).

It is noted that some delegations in the Register are unnecessary as the performance of such a power or duty is already provided for in the applicable legislation. For example:

2. COPIES OF INFORMATION
LEGISLATIVE POWER Local Government Act 1995 Section 5.42 & 5.96
DELEGATE Chief Executive Officer
FUNCTION TO BE PERFORMED
Delegated authority to ensure, under section 5.96 of the *Local Government Act 1995*:
1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and
2. that the price at which the copies are sold does not exceed the cost of providing the copies.

6. PREPARE ELECTORAL ROLLS & ELIGIBILITY FOR ENROLMENT
LEGISLATIVE POWER Local Government Act Section 4 and 5
DELEGATE Chief Executive Officer
FUNCTION TO BE PERFORMED
Delegated authority to prepare owners and occupiers rolls, call for applications for eligibility for enrolment and to determine any applications received.

Other delegations are unclear and need to be specific as to their intention. For example:

3. AUTHORITY TO SIGN & CERTIFY DOCUMENTS & LETTERS
LEGISLATIVE POWER Local Government Act 1995, Section 9.49A(4) and 9.31
DELEGATE Chief Executive Officer
FUNCTION TO BE PERFORMED
Delegated authority to sign, on behalf of the Shire, a document that is necessary or appropriate for carrying out functions under any written law.
Delegated authority to certify a copy of a local law of the Shire, or a copy of any other document of or adopted by the Shire, to be a true copy.
Delegated authority to sign letters that relate to normal operations, are the result of a Council decision or are permitted by another delegation or a Council policy.

The standard of information recorded in the Register requires improvement. There is no indication of any sub-delegations by the CEO to other employees. There is minimal information included for each delegation and some are not clear on what powers are being delegated.

The Department notes that, since the initial Probity Compliance Audit was completed, the Shire has commenced corrective action in this regard, and is taking steps to implement the following recommendation.

It should also be noted, that the Department were advised that the Shire did have a register of sub-delegations by the CEO to other employees.

Recommendation: 14

That the CEO reviews the Shire's 2014/15 Delegations Register as a matter of urgency, for consideration and adoption by Council, in order to remove unnecessary delegations and to improve the standard of information contained in delegations recorded in the Register.

The 2015/16 Delegations Register has been broken down into three (3) sections for clarity and ease of reference. The three (3) sections are:

1. Statutory Delegations – Local Government Act 1995
2. Statutory Delegations – Other Legislation
3. Council Appointed Authorised Persons & Officers

The following amendments have been made to the delegations that were in the 2014/15 Delegations Register:

2014/15 DELEGATION	AMENDMENT
1 Right to Inspect Confidential Information	Minor text amendments
2. Copies of Information	Removed as there is no requirement for this delegation. The 'Acting Through' provisions of the Local Government Act require the CEO to perform this task.
3. Authority to Sign & Certify Documents & Letters	Amended to provide more information and clarity.
4. Authority to affix the Shire's Common Seal	Removed as it is covered in the delegation of Authority to Sign and Certify Documents and Letters.
5. Acting Chief Executive Officer	Amended to provide more information and clarity.
6. Prepare Electoral Rolls & Eligibility for Enrolment	Removed as part of CEO's legal obligations.
7. Award/Industrial Matters	Removed as part of CEO's operational responsibilities
8. Legal Advice	Removed as a statutory obligation of the CEO, providing provision in the budget for legal advice.
9. Representing Local Government in Court	No change.
10. Authority to Initiate Proceedings	No change.
11. Insurance – Public Liability Claims	Removed as part of CEO's operational responsibilities.
12. Tenders	Amended to provide more information and clarity. The delegation now includes Expressions of Interest and Tenders.
13. Disposal of Property	Amended to provide more information and clarity.
14. Private Works	Minor text amendments
15. Appointment of Consultants	Removed as part of CEO's operational responsibilities, providing provision in the budget for consultants.
16. Expenses of Councillors and Staff	Minor text amendments

17. Waiving/Granting Concessions for Fees and Charges	Amended to provide more information and clarity. Now includes Write of Debtors.
18. Write Off Debtors	Removed as this is now included in a joint delegation with Waiving/Granting Concessions for Fees and Charges.
19. Payments from Municipal Fund and Trust Fund	Amended to provide more information and clarity.
20. Rate Book	Amended to provide more information and clarity.
21. Investments	Minor text amendments
22. Expenditure Before Adoption of Budget	Minor text amendments
23. Contract Variations	No change.
24. Recovery of Debts	Amended to provide more information and clarity.
25. Authorisation of Expenditure	Removed as this function is included in the delegation 'Payments from Municipal Fund and Trust Fund'
26. Environmental Health	Removed as the new draft register includes a separate delegation per Act eg Health Act
27. Appoint Authorised Persons (Swimming Pool Inspectors)	Removed as this function is included in the new Building Act delegation.
28. Recover the Charge Imposed For Private Swimming Pool Inspections	Removed as this function is included in the Recovery of Debts delegation
29. Impounding Goods	Removed as there is no requirement for this delegation. The 'Acting Through' provisions of the Local Government Act require the CEO to perform this task.
30. Sale of Impounded or Confiscated Vehicles, Animals or Goods	Amended to provide more information and clarity
31. Enforcement and Infringement Notices	Amended to provide more information and clarity.
32. Town Planning	Amended to provide more information and clarity. New title of Local Planning Scheme No. 7
33. Demolition Permits	Removed as it is included in a joint Building and Demolition Permits delegation
34. Building Orders	Amended to provide more information and clarity.
35. Building Permits	Amended to include Building and Demolition Permits in the one delegation
36. Occupancy Permits and Building Approval Certificates	Amended to provide more information and clarity
37. Certain Things to be Done in Respect of Land	No change.
38. Public Thoroughfares	Amended to provide more information and clarity.
39. Gates Across Public Thoroughfare	Amended to provide more information and clarity.
40. Dangerous Excavation in or Near Public Thoroughfare	No change.
41. Crossovers	Amended to provide more information and clarity.
42. Permission to Deposit Materials on, or	No change.

Excavate Adjacent to, a Street	
43. Events on Roads	No change.
44. Road Trains & Extra Mass Permits	No change.
45. Traffic Regulatory Signs	No change.
46. Liquor – Sale & Consumption on Council Property	Removed as part of CEO's operational responsibilities.
47. Licences, Signs and Hoardings	Removed as this function is included in the new Administration of Local Laws delegation.
48. Powers of Entry	Amended to provide more information and clarity
49. Variation to Firebreak Orders	Amended to provide more information and clarity.
50. Variation to Prohibited Burning Times	Amended to provide more information and clarity
51. Administration of Other Acts	Removed as the new draft register includes a separate delegation per Act.
52. Audit & Finance Committee	No change

New delegations in the draft 2015/16 register, include:

- Rates and Service Charges (including fees and charges) Payment Agreements
- Appointment of Authorised Persons
- Building Act 2011 – Designate Authorised Person
- Planning and Development Act 2005 – Illegal Development
- Control of Vehicles (Off-Road Areas) Act – Authorised Officer
- State Administrative Tribunal – Response to Applications for Review
- Health Act 1911 – Appointment of Deputy
- Food Act 2008 – Appointment of Authorised Officers
- Food Act 2008 – Appointment of Designated Officers
- Food Act 2008 – Prohibition Orders, Certificates of Clearance
- Strata Titles – Issue of Local Authority Certificate
- Caravan Park and camping Grounds Act – Appointment of Authorised Person
- Cat Act – Powers, Duties and Functions
- Cat Act – Appointment of Authorised Persons
- Dog Act – Powers, Duties and Functions
- Dog Act – Appointment of Authorised Persons
- Liquor Act 1988 – Certification
- Gaming and Wagering Commission Act 1987 - Gaming

It is important to note that all delegations by Council require an absolute majority.

ATTACHMENTS

Attachment 1 - 2014/15 Delegations Register
Attachment 2 – Draft 2015/16 Delegations Register
Attachment 3 - Local Government Operational Guidelines – Number 17

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the Delegations Register 2015/16.

COUNCIL DECISION

Minute No. 11084

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council adopts the Delegations Register 2015/16.

Carried Unanimously 8/0

COUNCIL DELEGATIONS REGISTER 2015/16

SHIRE OF WYNDHAM EAST KIMBERLEY

All Delegations included within this Register were adopted at a meeting of the Council held *******.

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OVERVIEW

LOCAL GOVERNMENT ACT REGISTER OF DELEGATIONS

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

The *Local Government Act 1995* allows for a local government to delegate to the Chief Executive Officer (Sections 5.42 and 5.43) the exercise of any of its powers or the discharge of any of its duties under the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee; this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by the Council to the Chief Executive Officer.

The manual details the related document(s) where the power to delegate is derived from. This enables easier cross referencing.

LIMITS ON DELEGATIONS TO THE CEO

In accordance with section 5.43 of the *Local Government Act 1995* the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.10 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

Furthermore the following regulations prescribe powers and duties which cannot be delegated to the CEO:

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

REGISTER OF, AND RECORDS RELEVANT TO, DELEGATIONS

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per section 5.46(1) and (2) of the Act. If a person exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised as per section 5.46(3) of the Act.

The record is to contain the following information:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or committee members or employees of the Local Government, directly affected by the exercise of the power or the discharge of the duty under Regulation 19 of *Local Government (Administration) Regulations 1996*.

Business units responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

ACTING THROUGH

The Act does not specifically define the meaning of the term "acting through", however section 5.45(2) states;
"Nothing in this Division is to be read as preventing –

(a) A local government from performing any of its functions by acting through a person other than the CEO; or
(b) A CEO from performing any of his or her functions by acting through another person."

The Department of Local Government & Communities Guideline No.17 – Delegations, established the principal issue in determining whether a statutory function or duty is suitable for 'acting through' is that, were the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must be:

- Delegated; or,
- Where applicable a person authorised; or,
- A policy implemented that provides sufficient control,

For another person to have that authority and fulfil the function or duty.

Where considered appropriate and effective in operation, discretionary matters will be determined by Council through policy. The policy decision may then be implemented by officers through the 'acting through' concept. In these instances there is no need for a delegated authority as it is the responsibility of the CEO to implement the Shire's policies.

COUNCIL APPOINTED AUTHORISED PERSONS & OFFICERS

Under certain legislation, Council is not able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. In these instances, appointment of authorised persons must be approved directly by Council. These authorisations do not have delegated authority.

DELEGATIONS

1. RIGHT TO INSPECT CONFIDENTIAL INFORMATION

LEGISLATIVE POWER *Local Government Act 1995* Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the *Local Government Act 1995*.

Subject to:

(a) Compliance with Regulations 29A and 29B of the *Local Government (Administration) Regulations.*

2. AUTHORITY TO SIGN & CERTIFY DOCUMENTS & AFFIX THE COMMON SEAL

LEGISLATIVE POWER *Local Government Act 1995*, Section 9.49A(4) and 9.31

DELEGATE Shire President and Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Shire President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:

1. Where land is disposed of pursuant to Section 3.58 of the *Local Government Act 1995* (As Amended).
2. Where land is acquired pursuant to Section 3.55 and 3.59 of the *Local Government Act 1995* (As Amended).
3. In respect of leases of land and licence to occupy municipal property where approved by the Council.
4. In respect of leases for the purchase of plant and equipment approved by the Council.
5. In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
6. In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that the Council's interests have been satisfied.
7. In respect of agreements required for funding of Council works and services considered with the resolution of the Council or requiring renewal of the agreement for funding currently provided.
8. In respect of the final adoption of local laws by the Council.

Subject to-

(a) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal.

3. ACTING CHIEF EXECUTIVE OFFICER

LEGISLATIVE POWER *Local Government Act 1995*, Section 5.36

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint one of the Shire of Wyndham East Kimberley's Directors to perform the role of Acting Chief Executive Officer during any periods of approved leave of absence.

In making this delegation the Council has determined that the Shire's Directors are suitably qualified to perform the role of Acting Chief Executive Officer.

The Shire's Directors are; Director Corporate Services, Director Infrastructure and Director Community Development.

4. REPRESENTING LOCAL GOVERNMENT IN COURT

LEGISLATIVE POWER *Local Government Act 1995* Section 9.29

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint persons pursuant to section 9.29 of the *Local Government Act 1995*, to represent the Shire of Wyndham East Kimberley generally in proceedings in the court of petty sessions and Local Court.

Definitions-

proceedings means —

(a) proceedings in the Magistrates Court, the Children's Court or the State Administrative Tribunal; or

(b) proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors.

(2) In proceedings a person who is —

(a) the CEO; or

(b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case,

may represent the local government in all respects as though the person were the local government.

(3) The person representing the local government in the proceedings is entitled to be reimbursed by the local government for any money paid or required to be paid by the person as a result of representing the local government in the proceedings.

5. AUTHORITY TO INITIATE PROCEEDINGS

LEGISLATIVE POWER *Local Government Act 1995* Section 9.24

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to commence a prosecution for an offence against this Act or under a Local Law under Section 9.24 of the *Local Government Act 1995*.

6. STATE ADMINISTRATIVE TRIBUNAL – RESPONSE TO APPLICATIONS FOR REVIEW

LEGISLATIVE POWER — *Local Government Act 1995* and *State Administrative Tribunal Act 2004*

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

1. The Council delegates its authority and power to the Chief Executive Officer to respond to applications for review, lodged with the State Administrative Tribunal, including preparation of statements by respondent, liaison with the State Administrative Tribunal and representation of the Council at review hearings, where a decision made by the Council, or a condition or conditions associated with that decision, is substantively in accordance with the Responsible Officer's recommendation-

   Subject to -

   (a) The outcome of the SAT determination to be reported to Council.

   (b) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the Delegation: keeping a written record of, and recording within an appropriate Database, details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty

2. Council delegates its authority and power to the Chief Executive Officer to engage independent professional advice, including legal advice, where a decision made by the Council, or a condition or conditions associated with that decision, is substantially different from the Responsible Officer's recommendation.

7. EXPRESSIONS OF INTEREST AND TENDERS

LEGISLATIVE POWER	*Local Government Act 1995* Sections 5.42 and 5.43 (b), 3.57(1), *Local Government Functions and General Regulations 1996*, Regulations 11, 14(2a), 18(4) & (5), 20, 20(1), 20(2), 21(1), 23(3)
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

1. Publicly invite tenders before the local government enters into a contract for the supply of goods and services
2. Where considered beneficial, publicly invite tenders in lieu of seeking quotations for purchased under the $100,000 threshold (excluding GST)
3. Before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted
4. Make minor variations to a specification for goods or services before it enters the contract with the successful tenderer
5. Seek expressions of interest before entering the tender process
6. Consider any expressions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services

Provided that appropriate provision is made with reference to the Council's Purchasing and Policy CP/FIN-3204.

Condition-

The CEO must ensure safe custody of tender documents submitted

8. DISPOSAL OF PROPERTY

LEGISLATIVE POWER	*Local Government Act 1995* Section 3.58 and *Local Government (Functions and General) Regulations 1996*, Regulation 30
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to dispose of property by public tender or public auction where the individual value of the property disposal is greater than $20,000 but less than $100,000 per item or land valued at an amount not exceeding $500,000, provided that appropriate provision is made in the Council's Adopted Budget. Property can be disposed of by other means than public tender or public auction, if before agreeing to dispose of the property, local public notice is given of the proposed disposition or if the market value is less than $20,000.

That the Council delegate authority to the Chief Executive Officer to dispose, gift or donate property with a maximum written down value of $500.

9. PRIVATE WORKS

LEGISLATIVE POWER *Local Government Act 1995*, Section 5.42 and 5.43(b)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to enter into commercial arrangements under which the Shire is to provide works or services, subject to the Council's policies and that the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the *Local Government Act 1995.*

10. EXPENSES OF ELECTED MEMBERS AND STAFF

LEGISLATIVE POWER *Local Government Act 1995* Sections 5.98, 5.101, 5.102 & 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

That Council delegates its authority and power to the Chief Executive Officer to:

1. approve expenses which are to be reimbursed to elected members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3));
2. approve reimbursement, either generally or in a particular case, to an elected member of an expense;
3. reimburse an employee for an expense that was incurred in relation to a Shire matter; and
4. make a cash advance to a person for an expense which can be reimbursed.

11. DEBTS – WAIVER, CONCESSIONS OR WRITE OFF

LEGISLATIVE POWER	*Local Government Act 1995,* Section 6.12(1)(b) and (c) and (3) and *Local Government (Financial Management) Regulations 1996*, Regulation 26
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges)
2. Write off money owed to the Shire
3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire.

Condition

a) Limited to individual debts not exceeding $500
b) Write-off rates not exceeding $200

12. PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

LEGISLATIVE POWER — *Local Government (Financial Management) Regulations 1996*, Regulations 5, 11, 12, 12(1)(a) and 13

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to-

1 Sign and issue purchase orders to incur liabilities from the Municipal Fund or the Trust Fund on behalf of the Shire,

Subject to-

(a) Compliance with Council Purchasing Policy; and

(b) Purchase orders only being issued for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency.

2 Authorise and make payments by cheque, direct debit or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund,

Subject to-

(a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency; and

(b) The Chief Executive Officer signing payments made by cheque, or authorising payments made by EFT; and

(c) Compliance with the requirements of Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

13. RATE BOOK

LEGISLATIVE POWER *Local Government Act 1995* Section 5 and 6

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to perform the following functions:

1. Extend the time for making an objection to the rate record for a period of time as it sees fit in accordance with section 6.76(4) of the *Local Government Act 1995*; and

2. Consider any objection to the rate record and may either disallow it or allow it, wholly or in part.

3. After making a decision on the objection, is to promptly serve upon the person whom the objection was made, written notice of the decision and a statement of reasons for that decision.

14. RATES AND SERVICES CHARGES (INCLUDING FEES AND CHARGES) PAYMENT AGREEMENTS

LEGISLATIVE POWER *Local Government Act 1995* Section 5 and 6

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to perform the following functions:

1. Enter into an agreement under section 6.49 of the *Local Government Act 1995* for the payment of a rate or service charge; subject to:

    a. The requirements of Councils Rates and Charges Debt Collection Policy; and
    b. The arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following.

15. INVESTMENTS

LEGISLATIVE POWER — *Local Government Act 1995* Section 5.42 and *Local Government (Financial Management) Regulations 1996*, Regulation 19

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

That Council delegates its authority and power to the Chief Executive Officer:

1. to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and determine to invest these monies in accordance with Council's Investment Policy;

2. to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:

   (a) the nature and location of all investments, and

   (b) transactions related to each investment.

16. EXPENDITURE BEFORE ADOPTION OF BUDGET

LEGISLATIVE POWER *Local Government Act 1995* Section 5 and 6

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to authorise operating expenditure and appropriate capital expenditure that is to be carried over from the previous Annual Budget from the municipal fund prior to the adoption of the annual budget.

Condition-

The CEO must include the expenditure in the draft budget to be presented to the Council.

17. CONTRACT VARIATIONS

LEGISLATIVE POWER *Local Government Act 1995*, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to approve variations within 10% or up to $100,000 for contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.

18. RECOVERY OF DEBTS

LEGISLATIVE POWER *Local Government Act 1995*, Part 6 Financial Management

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to determine if -

1. Court action should be taken to recover an unpaid rate or service charge that is due and payable,

Subject to-

(a) Recovery action having been taken in accordance with Council's Rates and Charges Debt Collection Policy.

2. Notice should 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.

19. AUTHORISATION OF EXPENDITURE

LEGISLATIVE POWER *Local Government Act 1995*, Section 6.10(d)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to purchase goods and services with unlimited purchasing authority; where expenditure has been approved in the annual budget and in accordance with the Councils Purchasing Policy.

20. SALE OF IMPOUNDED OR CONFISCATED VEHICLES, ANIMALS OR GOODS

LEGISLATIVE POWER	*Local Government Act 1995* Section 3.47(1), (2), (2a), 3.47A(1), 3.48, 3.58
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

1. Sell or otherwise dispose of any confiscated or impounded goods
2. Destroy an impounded animal where it is determined to be too ill or injured to treat
3. Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or impounded goods.

21. ENFORCEMENT AND INFRINGEMENT NOTICES

LEGISLATIVE POWER *Local Government Act 1995*, Part 9, Division 2, Subdivision 1 and 2

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint authorised persons to exercise the-

1. Powers and duties set out in the *Local Government Act* 1995 in respect of-
   - (a) Section 3.25(1) – Notices requiring certain things to be done by owner or occupier of land.
   - (b) Section 3.27 – Things local government can do on land that is not local government property.
   - (c) Section 3.31 – Entering property.
   - (d) Section 3.39 – Power to remove and impound.
   - (e) Section 3.40A (1) – Abandoned vehicle wreck may be taken.
   - (f) Section 9.11 – Person found commit breach of Act to give name on demand.
   - (g) Section 9.13 – Onus of proof in vehicle offences may be shifted.
   - (h) Section 9.16 – Giving a Notice.
   - (i) Section 9.17 – Content of Notice.
   - (j) Section 9.19 – Extension of Time.
   - (k) Section 9.20 – Withdrawal of Notice.
   - (l) Section 9.24(1), (2) – Enforcement and legal proceedings – Commencing prosecutions – Offence against the Act or Shire's Local Laws.
   - (m) Section 9.29(2) – Enforcement and legal proceedings – Representing local government in court.
2. Duties and functions set out in the Shire's local laws.

22. LOCAL PLANNING SCHEME No. 7

LEGISLATIVE POWER *Local Planning Scheme No. 7*

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Clause 12.7.1 and 12.7.3 to:-

1. Determine applications for planning approval, including applications, involving;
    a. the variation of Local Planning Scheme provisions, Local Planning Policy or provisions of the Residential Design Codes; and
    b. the exercise of discretion under the Local Planning Scheme, Local Planning Policy or the Residential Design Codes;
2. Refusal of all development applications where;
    a. the proposed use is not permitted by the Local Planning Scheme; or
    b. the development does not comply with the non-discretionary provisions of the Residential Design Codes or;
    c. additional information required is not provided within 21 days of the request.
3. Grant an extension of development approval for up to two (2) years.
4. Delete or modify conditions of approval, whether imposed under delegated authority or not
5. Make recommendations to the WA Planning Commission on:
    - Applications for subdivision or amalgamation of land;
    - Minor variations to approved subdivisions;
    - Clearance of conditions of subdivision approval
6. At all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Local Planning Scheme are being served.
7. Issue and serve notices, and take any other enforcement action, against a person who is suspected of committing an offence under the Local Planning Scheme.
8. Recover expenses under Section 10(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

23. STRATA TITLES – ISSUE OF LOCAL AUTHORITY CERTIFICATE

LEGISLATIVE POWER	*Local Government Act 1995*, S.5.42 and S*trata Titles Act 1985* – Sections 23 and 24 and *Building Act 2011*, Part 15 Division 2 and *Planning and Development Act 2005*
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to issue or refuse a local authority certificate pursuant to Section 23 of the *Strata Titles Act 1985* and make preliminary determinations pursuant to Section 24 of the Act.

Subject to the following conditions:

(a) Applicant being advised of the objection and/or appeal rights

24. PLANNING AND DEVELOPMENT ACT 2005 – ILLEGAL DEVELOPMENT

LEGISLATIVE POWER *Planning and Development Act 2005* Section 214(2), (3) and (5) and Section 215

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 5.42 and 5.43 to the Chief Executive Officer to:-

1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop and not recommence the development or that part of the development that is undertaken in contravention of the Local Planning Scheme
2. Give a written direction to the owner or any other person who undertook an unauthorised development:
    a. to remove, pull down, take up, or later the development; and
    b. to restore the land as nearly as practicable to tis condition immediately before the development stated, to the satisfaction of the responsible authority
3. Give a written direction to the person whose duty it is to execute that work where it appears that delay in the execution of the work to be executed under a Local Planning Scheme would prejudice the effective operation of the Local Planning Scheme.

25. BUILDING ACT 2011 AND BUILDING REGULATIONS 2012 – DESIGNATE AUTHORISED PERSON

LEGISLATIVE POWER	*Building Act 2011* Section 93(2)(d), 96(3), (5) and (6) and Section 99
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer pursuant to section 27 of the *Building Act 2011* to designate an employee as an authorised person under section 96(3) of the *Building Act 2011* in relation to buildings and incidental structures located or proposed to be located in the district of the local government and for the purpose of section 93(2)(d) and 96 (5)(6).

26. BUILDING ACT 2011 AND BUILDING REGULATIONS 2012 - BUILDING ORDERS

LEGISLATIVE POWER — *Building Act 2011*, Section 88, 110, 117(1) and (2), 118(2) and (3), 133(1)

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 6(3) of the *Building Act 2011* to the Chief Executive Officer to:-

1. Make building orders in respect of one or more of the following:
    a. particular building work
    b. particular demolition work
    c. a particular building or incidental structure, whether completed before or after commencement day
2. Specify the way in which an outward facing side of a particular close wall must be finished
3. Revoke a building order at any time
4. Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under section 112(3)(c) and section 117(2)
5. It there is non-compliance with a building order, cause an authorised person to :
    a. take any action specified in the order; or
    b. commence or complete any work specified in the order; or
    c. it any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease
6. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order
7. Initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.

27. BUILDING ACT 2011 AND BUILDING REGULATIONS 2012 – BUILDING AND DEMOLITION PERMITS

LEGISLATIVE POWER *Building Act 2011* Sections 20, 21 and 27(1) and (3)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 6(3) of the *Building Act 2011* to the Chief Executive Officer to:-

1. Grant a building or demolition permit
2. Refuse a building or demolition permit
3. Impose, vary or revoke conditions on a building or demolition permit.

28. BUILDING ACT 2011 AND BUILDING REGULATIONS 2012 – OCCUPANCY AND BUILDING APPROVAL CERTIFICATES

LEGISLATIVE POWER	*Building Act 2011*, Sections 55, 58, 59, 60, 62(1), (3), (4) and (5), 65(4) and *Building Regulations 2012* Regulation 40(2) and (5)
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 6(3) of the *Building Act 2011* to the Chief Executive Officer to:-

1. Require the applicant for an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration
2. Refuse to consider an application
3. Grant or modify the occupancy permit or grant the building approval certificate
4. Refuse to grant or modify the occupancy permit or grant the building approval certificate (including in the circumstances set in section 58(2) and (3)
5. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review
6. Impose, add, vary or revoke conditions on an occupancy permit
7. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review
8. Extend the period in which the occupancy permit or modification or the building approval certificate has effect
9. Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect
10. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reason for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review.

29. BUILDING ACT 2011 – COMMENCEMENT OF LEGAL PROCEEDINGS

LEGISLATIVE POWER	*Building Act 2011*, Section 133 and Section 96, *Building Regulations 2012*
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to commence proceedings for an alleged offence under the *Building Act 2011* and *Building Regulations 2012.*

30. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

LEGISLATIVE POWER — *Local Government Act 1995* Sections 3.24, 3.25, 3.26, 3.27, 3.31, 3.34, 3.36 & 5.42

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint Authorised Persons in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 'Certain Provisions About Land' of the Local Government Act 1995 and as prescribed in Schedule 3.1 'Powers under notices to owners or occupiers of land'.

Schedule 3.1 – Things a notice may require to be done

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
   (a) is suitably enclosed to separate it from the public place; and
   (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.

   (2) The notice cannot be given to an occupier who is not an owner.
5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.

   (2) In this item —

   unsightly, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

   (3) The notice cannot be given to an occupier who is not an owner.

5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

   (2) In this item —

   disused material includes disused motor vehicles, old motor vehicle bodies and old machinery.

5B. Ensure that graffiti that is —
   (a) applied with the consent of the owner or occupier; and
   (b) visible from a public place; and
   (c) considered by the local government to be unsighted or offensive,

   is obliterated in a manner acceptable to the local government.

6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10. Take specified measures for preventing or minimizing —

    (a) danger to the public; or

    (b) damage to property,

    which might result from cyclonic activity.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13. Take specific measures to prevent —

    (a) artificial light being emitted from the land; or

    (b) natural or artificial light being reflected from something on the land,

    creating a nuisance.
14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.

    (2) In this item —

    private thoroughfare has the same meaning as in Schedule 9.1 clause 7(1).

    [Division 1 amended in Gazette 29 Apr 1997 p. 2144; amended by No. 49 of 2004 s. 72; No. 17 of 2009 s. 46.]

In addition, authority is delegated to:

1. do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;
2. undertake works that are not carried out by the owner or occupier and recover the costs as a debt;
3. go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;
4. authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;
5. enter land in an emergency without notice or consent; and
6. make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.

31. POWERS OF ENTRY

LEGISLATIVE POWER *Local Government Act 1995* Sections 3.32, 3.33, 3.34, 3.36

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer pursuant to Section 5.42 and 5.43 of the *Local Government Act 1995* to:

1. Authorise entry onto land to fulfil any statutory function that the local government has under the L*ocal Government Act 1995*
2. Give a Notice of Entry
3. Seek and execute an entry under warrant
4. Execute an entry in an emergency
5. Give notice and execute the opening of a fence.

Subject to:-

(a) A warrant to enter may only be sought after the employee has a sworn affidavit setting out circumstances that gave rise to the need for a warrant (unless and emergency)

32. PUBLIC THOROUGHFARES

LEGISLATIVE POWER *Local Government Act 1995* Sections 3.5, 3.51 & 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;
2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and
3. give notice of proposal and invite and consider submissions before –
   (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or
   (b) draining water from a public thoroughfare or other public place onto adjoining land.
4. To revoke an order to close a thoroughfare subject to the provisions of Section 3.50(6) of the *Local Government Act 1995*.

Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.

33. GATES ACROSS PUBLIC THROUGHFARE

LEGISLATIVE POWER	*Local Government Act 1995* Section 5.42 and *Local Government (Uniform Local Provisions) Regulations 1996* Regulation 9
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to-

1. Grant permission to a person to have a gate or other device across a public thoroughfare under the care, control and management of the Shire, and impose conditions in respect to the permission,

   Subject to-

   (a) The requirements of Regulation 9 of the *Local Government (Uniform Provisions) Regulations 1996*; and

   (b) A register of gates and other devices being kept in accordance with Clause 9(8) of the *Local Government (Uniform Provisions) Regulations 1996*.

2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.

3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.

4. Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

34. DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

LEGISLATIVE POWER	*Local Government Act 1995* Section 5.42 and *Local Government (Uniform Local Provisions) Regulations 1996* Regulation 11
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to exercise each of the functions under regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the powers –

1. to fill in or fence an excavation;

2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and

3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.

35. CROSSOVERS

LEGISLATIVE POWER — *Local Government Act 1995* Section 5.42 and *Local Government (Uniform Local Provisions) Regulations 1996* Regulation 12 and 13

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to-

1. Approve or refuse an application from an owner of land, to construct a crossover giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, and impose conditions in respect to the approval,

   Subject to-

   (a) The requirements of Regulation 14(2) of the *Local Government (Uniform Provisions) Regulations 1996.*

2. Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.

3. Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.

4. Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued

   Subject to-

   (a) Notification being given to Council prior to legal action commencing.

5. Issue a notice under Regulation 13(1) of the *Local Government (Uniform Provisions) Regulations 1996* to the owner or occupier of private land to construct or repair a crossover from a public thoroughfare to the land, or a private thoroughfare serving the land

   Subject to-

   (a) The requirements of Regulation 14(2) of the *Local Government (Uniform Provisions) Regulations 1996.*

36. PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET

LEGISLATIVE POWER	*Local Government Act 1995*, Section 5.42 and *Local Government (Uniform Local Provisions) Regulations 1996* Regulation 6
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to exercise each of the functions under regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.

37. EVENTS ON ROADS

LEGISLATIVE POWER *Local Government Act 1995*, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to give, or refuse to give, the Shire's approval under regulation 4 of the *Road Traffic (Events on Roads) Regulations 1991* in relation to the temporary closure of a road for the purpose of conducting an event.

Note-

In exercising this function, delegates may be required to comply with the requirements of sections 3.50 of the *Local Government Act 1995.*

38. ROAD TRAINS & EXTRA MASS PERMITS

LEGISLATIVE POWER *Local Government Act 1995* Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to determine any application to use road trains and for extra mass permits on any local road within the district, recommending approval or refusal, with or without conditions, for referral to Main Roads WA. Taking regard to any Council policy on the issue that may be established from time to time.

39. TRAFFIC REGULATORY SIGNS

LEGISLATIVE POWER *Local Government Act 1995* Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to install appropriate traffic regulatory signs at such places as considered necessary.

Conditions-

In exercising this function approval from Main Roads and other Statutory bodies is to be gained where relevant. All signs are to be in accordance with relevant legislation, guidelines and standards.

40. VARIATION TO FIREBREAK ORDERS

LEGISLATIVE POWER *Bush Fires Act 1954*, Section 48

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to perform all the functions and duties of the local government under the *Bushfires Act 1954*,

Subject to-

(a) This power and authority cannot be sub-delegated by virtue of Section 48(3) of the *Bushfires Act 1954*.

(b) The exclusion of powers and duties prescribed in the Act including those that require a resolution by the local government.

(c) Where the exercise of authority relates to the determination of firebreaks in alternative positions, or alternative action to abate fire hazards, the Chief Executive Officer shall liaise with the Chief Bushfire Control Officer or Deputy Chief Bushfire Control Officer on each specific variation request.

41. VARIATION TO PROHIBITED BURNING TIMES

LEGISLATIVE POWER *Bush Fires Act 1954*

DELEGATE Chief Bushfire Control Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Bushfire Control Officer to-

1. Vary the prohibited burning times within the district of the Shire of Wyndham East Kimberley,

   Subject to-

   (a) The appropriate notice being given as required by Section 17(8) of the *Bushfires Act 1954*.

2. Vary the restricted burning times within the district of the Shire of Wyndham East Kimberley,

   (a) The appropriate notice being given as required by Section 18(5C) of the *Bushfires Act 1954.*

42. CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT – AUTHORISED OFFICER

LEGISLATIVE POWER	*Control of Vehicles (Off-Road Areas) Act 1978*, Section 38(3). *Control of Vehicles (Off-Road Areas) Regulations 1979*
DELEGATE	Director Infrastructure and Senior Ranger & Emergency Services Coordinator

FUNCTION TO BE PERFORMED

Council delegates its authority and power to the Director Infrastructure and Senior Ranger & Emergency Services coordinator to perform the duties of an authorised officer under the *Control of Vehicles (Off-road Areas) Act 1978*, for the whole of the district of the Shire of Wyndham East Kimberley,

Subject to-

1. The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

43. APPOINTMENT OF AUTHORISED PERSONS

LEGISLATIVE POWER *Local Government Act 1995*, Section 3.24, 3.25, 3.26, 3.27, 3.39, 9.10

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint persons or classes of persons pursuant to Section 5.42 and 5.43 of the *Local Government Act 1995* to be authorised for the purpose of fulfilling prescribed functions within the *Local Government Act 1995* and the administration of the Shire's Local Laws.

44. HEALTH ACT 1911 – APPOINTMENT OF DEPUTY

LEGISLATIVE POWER	*Health Act 1911*, Section 26
DELEGATE	Director Community Development and Environmental Health Officers

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 26 of the *Health Act 1911* to exercise and discharge all or any of the powers and functions of the local government.

45. HEALTH ACT 1911 AND RELEVANT REGULATIONS ADMINISTRAION AND NOTICES OF BREACH

LEGISLATIVE POWER *Health Act 1911*, Part IV, V, VI and VII

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority, powers and functions under-

1 The *Health Act* 1911 to the Chief Executive Officer, relating to:

(i) Part IV - Division 2, Division 4 and Division 7;

(ii) Part V – Divisions 1 and 2;

(iii) Part VI; and

(iv) Part VII – Division 1 and 2

Subject to the conditions of-

(a) With respect to Part IV – Divisions 2, 4 and 7, authority is limited to the approval of applications under Section 107; the forming of opinions; the issuing of notices, requisitions, directions and orders, subject to prior consultation with and agreement of the Director of Community Development; the carrying out or causing to be carried out, works in default of duly served notices, but does not include the undertaking or contracting of works, the provision of sanitary conveniences or receptacles, the making of charges for works or the supply of pans or receptacles for refuse.

(b) With respect to Part V – Division 1 and 2, authority is limited to the forming of opinions and issuing of notices and directions subject to prior consultation with and agreement of the Director of Community Development, but does not include the carrying out of works in default of duly served notices.

(c) With respect to Part VII Division 1, authority extends to the issuing of requisitions and, in the case of default, the causing of requisite work to be done, subject to prior discussion with and agreement of the Director of Community Development.

(v) *The Health Act* 1911 and the Regulations, Local-Laws and orders made thereunder relating to issue such notices as are deemed necessary for breaches of the Act,

Subject to the conditions of-

(a) Any non-compliance with any notice will be referred to the Council before proceeding with legal action.

2. The *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* to the Chief Executive Officer.

46. DOG ACT – AUTHORISED PERSONS, REGISTRATION OFFICER AND OFFICERS TO CARRY OUT ENFORCEMENT PROCEEDINGS

LEGISLATIVE POWER	*Dog Act 1976*, Section 10AA, 11, 12, 29(1) and 44(2) and *Dog Regulations 2013*
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to perform all the functions and duties of the local government under the *Dog Act 1976*.

47. CAT ACT – AUTHORISED PERSONS, REGISTRATION OFFICER AND OFFICERS TO CARRY OUT ENFORCEMENT PROCEEDINGS

LEGISLATIVE POWER *Cat Act 1976*, Section 44 and *Cat Regulations 2012*

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to perform all the functions and duties of the local government under the *Cat Act 1976*.

48. CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 – APPOINTMENT OF AUTHORISED PERSON

LEGISLATIVE POWER	*Caravan Park and Camping Grounds Act 1995*, *Caravan Parks and Camping Grounds Regulations 1997*, Regulation 6
DELEGATE	Chief Executive Officer, Director Community Development, Environmental Health Officers and Senior Building Surveyor

FUNCTION TO BE PERFORMED

The Council appoint a person pursuant to Section 17 of the *Caravan Parks and Camping Grounds Act 1995* to undertake the powers of an 'authorised person' as prescribed in the *Caravan Parks and Camping Grounds Act 1995* and regulations.

49. FOOD ACT 2008 – APPOINTMENT OF AUTHORISED OFFICERS

LEGISLATIVE POWER	*Food Act 2008*, Part 5, Divisions 1 and 2
DELEGATE	Director Community Development and Environmental Health Officers

FUNCTION TO BE PERFORMED

The Council pursuant to Section 122(1) of the *Food Act 2008* appoint a person to be an authorised officer for the purposes of the *Food Act 2008*.

50. FOOD ACT 2008 – APPOINTMENT OF DESIGNATED OFFICERS

LEGISLATIVE POWER	*Food Act 2008*, Section 126(13)
DELEGATE	Chief Executive Officer, Director Community Development and Environmental Health Officers

FUNCTION TO BE PERFORMED

The Council pursuant to Section 122(1) of the *Food Act 2008* delegates its authority and power to undertake the powers of a 'designated person' as prescribed in the *Food Act 2008* and regulations.

51. FOOD ACT 2008 – PROHIBITION ORDERS, CERTIFICATES OF CLEARANCE

LEGISLATIVE POWER	*Food Act 2008*, Sections 65(1), 66 and 67(4)
DELEGATE	Chief Executive Officer and Director, Community Development

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 118(2)(b) and (3) of the *Food Act 2008* to the Chief Executive Officer and Director, Community Development to:-

1. Serve a Prohibition Order on the proprietor of a food business
2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices
3. Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.

52. LIQUOR CONTROL ACT 1988 - CERTIFICATION

LEGISLATIVE POWER *Liquor Control Act 1988*, Sections 39 and 40

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 5.42 of the *Local Government Act 1995* to the Chief Executive Officer to sign and issue Local Authority Certificates of compliance with respect to requests for *Liquor Control Act 1988* Section 39 (Health) and Section 40 (Town Planning) Certificates.

53. GAMING AND WAGERING COMMISION ACT 1987 – GAMING

LEGISLATIVE POWER Gaming and Wagering Commission Act 1987, Section 44

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power pursuant to Section 5.42 of the *Local Government Act 1995* to the Chief Executive Officer to provide a report certifying that premises conform, or if not conforming in what respect they do not conform in respect of requests for Section 44 of the *Gaming and Waging Commission Act 1987* reports.

54. AUDIT & FINANCE COMMITTEE

LEGISLATIVE POWER *Local Government Act 1995*, Section 5.18

DELEGATE Audit and Finance Committee

FUNCTION TO BE PERFORMED

The Council provides delegated authority to the Audit and Finance Committee to meet annually with the Shire of Wyndham East Kimberley's auditor(s) as required by Section 7.12A of the *Local Government Act 1995*.

COUNCIL DELEGATIONS REGISTER 2014/15

SHIRE OF WYNDHAM EAST KIMBERLEY

All CEO Delegations included within this Register were adopted at a meeting of the Council held 26 August 2014.

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OVERVIEW

LOCAL GOVERNMENT ACT REGISTER OF DELEGATIONS

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

The Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer (Sections 5.42 and 5.43) the exercise of any of its powers or the discharge of any of its duties under the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee; this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by the Council to the Chief Executive Officer and which delegations have been sub delegated by the Chief Executive Officer to specified employees.

The manual details the related document(s) where the power to delegate is derived from. This enables easier cross referencing.

LIMITS ON DELEGATIONS TO THE CEO

In accordance with section 5.43 of the Local Government Act 1995 the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.10 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

REGISTER OF, AND RECORDS RELEVANT TO, DELEGATIONS

In accordance with section 5.46 of the Local Government Act 1995 a register of delegations, being this manual, relevant to the Chief Executive Officer is to be kept and reviewed at least once every financial year.

OTHER DELEGATIONS

For ease of reference, this register also contains delegations which are derived from a number of other legislations that prescribe the power to delegate. These legislations being:

- Shire of Wyndham East Kimberley Town Planning Schemes

- Planning and Development Act 2005
- Food Act 2008
- Health Act 1911
- Litter Act 1979
- Caravan Parks and Camping Grounds Act 1995
- Building Act 2011
- Building Regulations 2012
- Bush Fires Act 1954

DELEGATIONS

1. RIGHT TO INSPECT CONFIDENTIAL INFORMATION

LEGISLATIVE POWER Local Government Act 1995 Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the authority to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the *Local Government Act 1995.*

2. COPIES OF INFORMATION

LEGISLATIVE POWER Local Government Act 1995 Section 5.42 & 5.96

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to ensure, under section 5.96 of the *Local Government Act 1995*:

1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and

2. that the price at which the copies are sold does not exceed the cost of providing the copies.

3. AUTHORITY TO SIGN & CERTIFY DOCUMENTS & LETTERS

LEGISLATIVE POWER Local Government Act 1995, Section 9.49A(4) and 9.31

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to sign, on behalf of the Shire, a document that is necessary or appropriate for carrying out functions under any written law.

Delegated authority to certify a copy of a local law of the Shire, or a copy of any other document of or adopted by the Shire, to be a true copy.

Delegated authority to sign letters that relate to normal operations, are the result of a Council decision or are permitted by another delegation or a Council policy.

4. AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL

LEGISLATIVE POWER Local Government Act 1995, Section 9.49A(2) and 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –

1. documents required to satisfy conditions of subdivision and/or development approval;

2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);

3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;

4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;

5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;

6. documents required to effect the subdivision of land, including the strata titling of land;

7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and

8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.

Condition:

The document must not be inconsistent with a Council policy or resolution.

5. ACTING CHIEF EXECUTIVE OFFICER

LEGISLATIVE POWER Local Government Act 1995, Section 5.36

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to appoint one of the Shire of Wyndham East Kimberley's Directors to perform the role of Acting Chief Executive Officer during any periods of approved leave of absence.

In making this delegation the Council has determined that the Shire's Directors are suitably qualified to perform the role of Acting Chief Executive Officer.

The Shire's Directors are; Director Corporate Services, Director Infrastructure and Director Community Development.

Conditions

Appointment to the role of Acting Chief Executive Officer must be made in writing to the nominee for a defined period, which does not exceed 3 months.

The Chief Executive Officer, on making any appointment under delegated authority, shall inform the Council of the details of the appointment, including a timeline for the appointment.

6. PREPARE ELECTORAL ROLLS & ELIGIBILITY FOR ENROLMENT

LEGISLATIVE POWER Local Government Act Section 4 and 5

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to prepare owners and occupiers rolls, call for applications for eligibility for enrolment and to determine any applications received.

7. AWARD/INDUSTRIAL MATTERS

LEGISLATIVE POWER	Local Government Act 1995, Section 5.42
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.

8. LEGAL ADVICE

LEGISLATIVE POWER Local Government Act 1995 Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Subject to provision being made in the budget for legal expenses, authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as deemed necessary in the exercise of the management of Local Government.

9. REPRESENTING LOCAL GOVERNMENT IN COURT

LEGISLATIVE POWER Local Government Act 1995 Section 9.29

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Shire of Wyndham East Kimberley generally in proceedings in the court of petty sessions and Local Court.

DEFINITIONS

proceedings means —

(a) proceedings in the Magistrates Court, the Children's Court or the State Administrative Tribunal; or

(b) proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors.

(2) In proceedings a person who is —

(a) the CEO; or

(b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case,

may represent the local government in all respects as though the person were the local government.

(3) The person representing the local government in the proceedings is entitled to be reimbursed by the local government for any money paid or required to be paid by the person as a result of representing the local government in the proceedings.

10. AUTHORITY TO INITIATE PROCEEDINGS

LEGISLATIVE POWER Local Government Act 1995 Section 9.24

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to commence a prosecution for an offence against this Act or under a Local Law under Section 9.24 of the Local Government Act 1995.

11. INSURANCE – PUBLIC LIABILITY CLAIMS

LEGISLATIVE POWER Local Government Act 1995, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to consider claims against the Shire for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of the Shire.

12. TENDERS

LEGISLATIVE POWER	Local Government Act 1995 Sections 5.42 and 5.43 (b), 3.57(1) Functions and General Regulations 1996 Regulations 11, 14(2a), 18(4) & (5), 20, 20(2), 21(1), 23(3)
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to:

1. seek expressions of interest before entering the tender process;
2. consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services;
3. invite tenders before entering into a contract for goods and services with a value of $100,000 or more, provided that appropriate provision is made, or is proposed to be made, in Council's Adopted Budget;
4. determine in writing the criteria for accepting tenders.

Provided that appropriate provision is made with reference to the Council's Purchasing and Policy CP/FIN-3204.

13. DISPOSAL OF PROPERTY

LEGISLATIVE POWER Local Government Act 1995 Section 3.58

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

That the Council delegate authority to the Chief Executive Officer to dispose of property by public tender or public auction where the individual value of the property disposal is greater than $20,000 but less than $100,000 per item or land valued at an amount not exceeding $500,000, provided that appropriate provision is made in the Council's Adopted Budget. Property can be disposed of by other means than public tender or public auction, if before agreeing to dispose of the property, local public notice is given of the proposed disposition or if the market value is less than $20,000.

That the Council delegate authority to the Chief Executive Officer to gift or donate property with a maximum written down value of $500.

14. PRIVATE WORKS

LEGISLATIVE POWER Local Government Act 1995, Section 5.42 and 5.43(b)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.

Conditions

This authority must be exercised in accordance with the Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the *Local Government Act 1995.*

15. APPOINTMENT OF CONSULTANTS

LEGISLATIVE POWER Local Government Act 1995, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to engage consultants including architects, surveyors, valuers, planning and engineering consultants and the like.

Conditions

In exercising this function:

1. delegates must comply with all relevant Council policies;
2. funds for the engagement must be within the budget adopted by the Council;
3. the engagement must be for a project approved by the Council; and
4. the cost to the Shire of the engagement must not exceed $100,000.

16. EXPENSES OF COUNCILLORS AND STAFF

LEGISLATIVE POWER	Local Government Act 1995 Sections 5.98, 5.101, 5.102 & 5.42
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to:

1. approve expenses which are to be reimbursed to Council members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3));
2. approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire;
3. reimburse an employee for an expense that was incurred in relation to a matter affecting the Shire; and
4. make a cash advance to a person for an expense which can be reimbursed.

17. WAIVING/GRANTING CONCESSIONS FOR FEES AND CHARGES (Other Than Rates or Service Charges)

LEGISLATIVE POWER Local Government Act 1995 Section 6.12(b)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges) or grant concessions.

The Chief Executive Officer will determine what conditions apply to granting of a concession.

This delegation is subject to section 6.12(2) of the Local Government Act 1995.

18. WRITE OFF DEBTORS (Rates and Others) UP TO $200.00

LEGISLATIVE POWER Local Government Act 1995 Section 6.12

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to write off debtors (rates and others) with an account balance of $200 or less.

This delegation is subject to section 6.12(2) of the Local Government Act 1995.

19. PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

LEGISLATIVE POWER — Local Government Act 1995 Section 5.42 and Local Government (Financial Management) Regulations 1996, Regulations 12 and 13

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to make payments from the municipal fund and trust fund.

Note: regulation 13 of the Local Government (Financial Management) Regulations 1996 states –

'**13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting'.

20. RATE BOOK

LEGISLATIVE POWER Local Government Act 1995 Section 5 and 6

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to perform the following functions:

1. compile and amend the rate record under section 6.39 of the *Local Government Act 1995* and reassess rates and service charges payable under section 6.40;

2. the service of rate notices under section 6.41 of the *Local Government Act 1995*;

3. enter into an agreement under section 6.49 of the *Local Government Act 1995* for the payment of a rate or service charge;

4. determine the date that a rate or service charge becomes due and payable under section 6.50 of the *Local Government Act 1995*;

5. the recovery of rates and service charges under sections 6.54 to 6.62 of the *Local Government Act 1995*;

6. lodge a caveat on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the *Local Government Act 1995*.

7. grant an extension of time for making an objection to the rate record under section 6.76(4) of the *Local Government Act 1995*; and

8. allow or disallow, under section 6.76(5) of the *Local Government Act 1995*, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6).

21. INVESTMENTS

LEGISLATIVE POWER	Local Government Act 1995 Section 5.42 and Local Government (Financial Management) Regulations 1996, Regulation 19
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority:

1. to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and

2. to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:

    (a) the nature and location of all investments, and

    (b) transactions related to each investment.

22. EXPENDITURE BEFORE ADOPTION OF BUDGET

LEGISLATIVE POWER Local Government Act 1995 Section 5 and 6

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Corporate Business Plan from the municipal fund prior to the adoption of the annual budget.

Condition

The CEO must include the expenditure in the draft budget to be presented to the Council.

Expenditure must be in accordance with CP/FIN-3204 Purchasing and Tendering Policy and Delegation 25. Authorisation of Expenditure.

23. CONTRACT VARIATIONS

LEGISLATIVE POWER	Local Government Act 1995, Section 5.42
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to approve variations within 10% or up to $100,000 for contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.

24. RECOVERY OF DEBTS

LEGISLATIVE POWER	Local Government Act 1995, Part 6 Financial Management
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to take action to recover any outstanding debts pursuant to the Local Government Act 1995, Part 6.

25. AUTHORISATION OF EXPENDITURE

LEGISLATIVE POWER Local Government Act 1995, Section 6.10(d)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to purchase goods and services with unlimited purchasing authority; where expenditure has been approved in the annual budget and in accordance with Policy CP/FIN - 3204 Purchasing Policy.

26. ENVIRONMENTAL HEALTH

LEGISLATIVE POWER	Health Act 1911 Section 26, Food Act 2008, Litter Act 1979, Caravan and Camping Grounds Act 1995 & Environmental Protection Act 1986
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

In accordance with section 26 of the *Health Act 1911*, delegates have the capacity to exercise and discharge all or any of the powers and functions of the local government.

Delegated authority to exercise all of the functions conferred or imposed on the Shire of Wyndham East Kimberley, as an enforcement agency, under and subject to section 118(2) of the *Food Act 2008*.

Authorisation to administer:

- the *Food Act 2008* and associated regulations and local laws;
- the *Litter Act 1979* and regulations;
- the *Caravan Parks and Camping Grounds Act 1995*
- the *Environmental Protection Act 1986;*
- the 2003 Shire of Wyndham East Kimberley Local Laws; and
- the 2004 Shire of Wyndham East Kimberley Health Local Laws.

27. APPOINT AUTHORISED PERSONS (SWIMMING POOL INSPECTORS)

LEGISLATIVE POWER Building Regulations 2012, Regulation 53(1)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The local government must arrange for authorised person(s) to inspect private swimming pools containing water more than 300mm deep at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulation 50 and 52 are complied with pursuant to Building Regulations 2012 r. 53(1).

CONDITIONS

The authorisations must be in writing and recorded on the appropriate file and the person's personal file.

Copies of all reports on swimming pools inspected are to be retained on the appropriate file or record.

28. RECOVER THE CHARGE IMPOSED FOR PRIVATE SWIMMING POOL INSPECTIONS

LEGISLATIVE POWER Building Regulations 2012, Regulation 53(2)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated power to recover the amount of a charge imposed for the inspection of a private swimming pool in a court of competent jurisdiction, pursuant to the Building Regulations 2012, Regulation 53(2).

29. IMPOUNDING GOODS

LEGISLATIVE POWER	Local Government Act 1995 Section 3.39, 4.42, 3.44, 3.46, 3.47, 3.48 & 5.42
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to:

1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the *Local Government Act 1995*, any goods that are in involved in a contravention that can lead to impounding;

2. take action under section 3.42(1) of the *Local Government Act 1995* in respect of removal and impounding of non-perishable goods;

3. give the notice, required under section 3.44 of the *Local Government Act 1995*, to an alleged offender to collect goods that have been removed and impounded;

4. refuse, under section 3.46 of the *Local Government Act 1995*, to allow impounded goods to be collected until costs have been paid;

5. sell or otherwise dispose of confiscated goods under section 3.47 of the *Local Government Act 1995*; and

6. take action under section 3.48 of the *Local Government Act 1995* to recover costs and expenses.

30. SALE OF IMPOUNDED OR CONFISCATED VEHICLES, ANIMALS OR GOODS

LEGISLATIVE POWER Local Government Act 1995 Section 3.47

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to exercise the powers under section 3.47 of the *Local Government Act 1995* to dispose of any vehicles, animals or goods that have been impounded or confiscated.

Condition

If a disposal is by way of a public tender or public auction or private treaty or expressions of interest, the CEO cannot accept any per item amount exceeding the sum of $100,000 – which must be referred to the Council for determination.

31. ENFORCEMENT AND INFRINGEMENT NOTICES

LEGISLATIVE POWER	Local Government Act 1995, Part 9, Division 2, Subdivision 1 and 2
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 9.10 of the Local Government Act 1995 to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions under the following sections of the said Act:

- 9.11 Persons found committing breach of Act to give name on demand
- 9.13 Onus of proof in vehicle offences may be shifted
- 9.16 Giving a notice
- 9.17 Content of notice
- 9.19 Extension of time
- 9.20 Withdrawal of notice

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

LEGISLATIVE POWER — Planning and Development Act 2005 & Shire of Wyndham East Kimberley Town Planning Schemes

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegation of the following powers and duties under Town Planning Scheme No. 7 (**TPS 7**):

1. LAND USES

1.1 Approve all development applications where the proposed use is a 'P' use including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;

1.2 Approve all development applications where the proposed use is an 'IP' use;

1.3 Approve the following development applications where the proposed use is an 'AA' use;

i. Grouped Dwellings in Residential and Town Centre Zones;
ii. Offices and Warehouses in Mixed Business Zones;
iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones;
iv. building extensions to existing buildings;
v. Industrial Uses in Composite, Light and General Industry zones;
vi. Home Occupation and Home Business in all zones;
vii. variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and

1.4 Impose conditions on development approval.

2. ADVERTISING OF 'SA' USES 2.1 Initiate advertising for an application involving a proposed 'SA' use and refer the application and submissions to Council.

3. MISCELLANEOUS

3.1 All matters which arise out of the imposition of conditions on development approvals;

3.2 Determine the Shire's position with respect to any mediation process resulting from an appeal to the State Administrative Tribunal following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and

3.3 Issue and serve notices, and take any other enforcement action, against a person who is suspected to be in breach of TPS 7.

Conditions and Exceptions

1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
2. Every applicant who received notification of a conditional approval of a development application that was determined by delegation and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
3. All applications where the recommendation is for refusal must be presented to Council for consideration;
4. Legal action in relation to breaches of planning conditions and/or breaches of TPS 7 can only be undertaken in accordance with Council Policy.

33. DEMOLITION PERMITS

LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

34. BUILDING ORDERS

LEGISLATIVE POWER	Building Act 2011, Divisions 5 of Part 8
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the *Building Act 2011*.

35. BUILDING PERMITS

LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

36. OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES

LEGISLATIVE POWER	Building Act 2011, Divisions 3 of Part 4
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the *Building Act 2011*.

37. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

LEGISLATIVE POWER — Local Government Act 1995 Sections 3.24, 3.25, 3.26, 3.27, 3.31, 3.34, 3.36 & 5.42

DELEGATE — Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority as an Authorised Person in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 'Certain Provisions About Land' of the Local Government Act 1995 and as prescribed in Schedule 3.1 'Powers under notices to owners or occupiers of land'.

Schedule 3.1 – Things a notice may require to be done

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
   (a) is suitably enclosed to separate it from the public place; and
   (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.

   (2) The notice cannot be given to an occupier who is not an owner.
5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.

   (2) In this item —

   unsightly, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

   (3) The notice cannot be given to an occupier who is not an owner.

5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

   (2) In this item —

   disused material includes disused motor vehicles, old motor vehicle bodies and old machinery.

5B. Ensure that graffiti that is —
   (a) applied with the consent of the owner or occupier; and
   (b) visible from a public place; and
   (c) considered by the local government to be unsightly or offensive,

   is obliterated in a manner acceptable to the local government.

6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10. Take specified measures for preventing or minimizing —

    (a) danger to the public; or

    (b) damage to property,

    which might result from cyclonic activity.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13. Take specific measures to prevent —

    (a) artificial light being emitted from the land; or

    (b) natural or artificial light being reflected from something on the land,

    creating a nuisance.
14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.

    (2) In this item —

    private thoroughfare has the same meaning as in Schedule 9.1 clause 7(1).

    [Division 1 amended in Gazette 29 Apr 1997 p. 2144; amended by No. 49 of 2004 s. 72; No. 17 of 2009 s. 46.]

In addition, authority is delegated to:

1. do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;
2. undertake works that are not carried out by the owner or occupier and recover the costs as a debt;
3. go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;
4. authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;
5. enter land in an emergency without notice or consent; and
6. make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.

38. PUBLIC THOROUGHFARES

LEGISLATIVE POWER Local Government Act 1995 Sections 3.5, 3.51 & 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to:

1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;
2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and
3. give notice of proposal and invite and consider submissions before –
    (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or
    (b) draining water from a public thoroughfare or other public place onto adjoining land.

Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.

39. GATES ACROSS PUBLIC THROUGHFARE

LEGISLATIVE POWER	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 9
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

40. DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

LEGISLATIVE POWER	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 11
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the powers –

1. to fill in or fence an excavation;

2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and

3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.

41. CROSSOVERS

LEGISLATIVE POWER	Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 12 and 13
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority:

1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant;

2. to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; and

3. if the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

42. PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET

LEGISLATIVE POWER	Local Government Act 1995, Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.

43. EVENTS ON ROADS

LEGISLATIVE POWER	Local Government Act 1995, Section 5.42
DELEGATE	Chief Executive Officer Director Infrastructure Manager Engineering Services

FUNCTION TO BE PERFORMED

Delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the *Road Traffic (Events on Roads) Regulations 1991* in relation to the temporary closure of a road for the purpose of conducting an event.

Note: In exercising this function, delegates may be required to comply with the requirements of sections 3.50 of the *Local Government Act 1995.*

44. ROAD TRAINS & EXTRA MASS PERMITS

LEGISLATIVE POWER Local Government Act 1995 Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to determine any application to use road trains and for extra mass permits on any local road within the district, recommending approval or refusal, with or without conditions, for referral to Main Roads WA. Taking regard to any Council policy on the issue that may be established from time to time.

45. TRAFFIC REGULATORY SIGNS

LEGISLATIVE POWER Local Government Act 1995 Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to install appropriate traffic regulatory signs at such places as considered necessary.

Conditions
In exercising this function approval from Main Roads and other Statutory bodies is to be gained where relevant. All signs are to be in accordance with relevant legislation, guidelines and standards.

46. LIQUOR – SALE & CONSUMPTION ON COUNCIL PROPERTY

LEGISLATIVE POWER Local Government Act 1995, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

47. LICENCES, SIGNS AND HOARDINGS

LEGISLATIVE POWER Local Government Act 1995, Section 5.42

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to approve the erection and/or licensing of signs and hoardings that comply with the Local Laws and policies of the Council. Where an application for a sign or hoarding does not comply with the Local Laws and the policies of the Council the application is to be refused.

48. POWERS OF ENTRY

LEGISLATIVE POWER	Local Government Act 1995, Part 3, Division 3, Subdivision 3
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 3.31(2) of the Local Government Act 1995 to authorise persons on behalf of the local government for the purposes of discharging the following duties:

- 3.31 General procedure for entering property
- 3.32 Notice of entry
- 3.33 Entry under warrant
- 3.34 Entry in an emergency
- 3.36 Opening fences

49. VARIATION TO FIREBREAK ORDERS

LEGISLATIVE POWER Bush Fires Act 1954, Section 48

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to determine applications to provide firebreaks in alternative positions and to determine applications to provide alternative fire protection measures on the land.

50. VARIATION TO PROHIBITED BURNING TIMES

LEGISLATIVE POWER Bush Fires Act 1954

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated power to undertake the powers and duties under Section 17(7) and 17(8) of the Bush Fires Act 1954 in respect to varying the prohibited burning times, in accordance with Section 17(10) of the Act.

51. ADMINISTRATION OF OTHER ACTS

LEGISLATIVE POWER	Dog Act 1976, Cat Act 2011, Control of Vehicles (Off Road Areas) Act 1978, Bush Fires Act, Caravan Parks and Camping Grounds Act 1995, Health Act 1911, Strata Titles Act 1985, Food Act 2008, Planning and Development Act 2005
DELEGATE	Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated power to administer the following Acts:

Dog Act 1976
Cat Act 2011
Control of Vehicles (Off Road Areas) Act 1978
Bush Fires Act
Caravan Parks and Camping Grounds Act 1995
Health Act 1911
Strata Titles Act 1985
Food Act 2008
Planning and Development Act 2005

52. AUDIT & FINANCE COMMITTEE

LEGISLATIVE POWER Local Government Act 1995, Section 5.18

DELEGATE Audit and Finance Committee

FUNCTION TO BE PERFORMED

The Council provides delegated authority to the Audit and Finance Committee to meet annually with the Shire of Wyndham East Kimberley's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.



Government of **Western Australia**
Department of **Local Government and Communities**

Local Government Operational Guidelines

Number 17 – January 2007

Delegations

1. Introduction

This guideline has been developed in response to enquiries from local governments regarding the nature of delegations, how to go about determining whether to use delegations and other related matters.

Within the context of government administration and administrative law, this guideline:

- explains the concept of delegation;
- explains how delegations relate to or are derived from legislation;
- explains and illustrates the associated concept of 'acting through';
- provides guidance on determining which powers and duties should be delegated;
- explains the procedure for making delegations; and
- provides examples of delegations from selected powers and duties set out in the *Local Government Act 1995*.

This guideline also contains a listing of various powers and duties in the *Local Government Act 1995* and its associated regulations, and identifies powers and duties capable of delegation and to whom.

2. Definition of 'Delegate'

The Macquarie Dictionary Second Edition (1991), The Macquarie Library Pty Ltd, Macquarie University, New South Wales (Australia), p. 469, defines 'delegate' as follows:

- to send or appoint (a person) as deputy or representative;
- to commit (powers, duties, etc.) to another as agent or deputy; and
- to commit powers or duties to others.

The Oxford Shorter English Dictionary Third Edition (1978), Oxford University Press, Oxford (England), p. 511, defines 'delegate' as follows:

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

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

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

The definitions and judicial commentary above illustrate that:

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

3. The Nature of Delegation – Decision Making

Delegations are most commonly used in organisations where:

- A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation;
- That person or officer has either:
  (i) a multitude of authorities to exercise a discretion to enforce rights or discharge powers; or
  (ii) many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties;
- The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the rights or discharge all the duties; and
- Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation.

Whilst there is a requirement for local government delegations to be authorised by statute (as is explained in section 6 of these guidelines), there is no limitation (unless expressly stated to the contrary by statute) on appointing a person to act on behalf of the local government or the CEO, provided that appointment does not include the power of delegation (see section 15 of these guidelines for details).

There is a legal distinction between:

- the delegation to a person to exercise a right or discharge a duty on behalf of an organisation; and
- appointing a person to act on behalf of an organisation or another employee of that organisation.

In most circumstances, where a person:

- Is appointed only to carry out the express instructions of an employee or the governing body of an organisation; and
- Is provided with only limited discretion in carrying out those instructions,

that appointment does not constitute a delegation and does not need to be formally delegated. Please see section 4 of these guidelines which explain the concept of 'acting through'. Section 3 of this guideline has illustrated that when determining whether an appointment is a delegation or simply an appointment to act on behalf of another person, it is critical to consider whether or not the person is appointed to exercise a broad discretion to exercise a power or discharge a duty.

4. The Concept of 'Acting Through'

In addition to covering delegations, the *Local Government Act 1995* introduces the concept of 'acting through'. Section 5.45 of the Act states that in relation to delegations, nothing prevents a 'local government from performing any of its functions by acting through a person other than the CEO' or 'a CEO from performing any of his or her functions by acting through another person'. The Act does not specifically define the meaning of the term 'acting through'. However, the key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter in his or her name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers, is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

It is critical in understanding the types of functions that are appropriate for 'acting through' another person in preference to delegation. This can be demonstrated through the following example. In this case, the Council gives the CEO the power to call tenders subject to certain cost parameters. If that power is delegated, the CEO could call tenders if the CEO believed the cost parameters had been satisfied (even if the Council's opinion was different to the CEO's opinion). However, under an 'acting through' arrangement, the CEO could only call tenders if the Council was satisfied about the cost parameters.

There are several advantages in using 'acting through' rather than delegation which include:

- it will better suit particular operational processes;
- it may decrease bureaucratic arrangements;
- it will reduce additional recording; and
- it will reduce reporting requirements placed on employees who are given delegated authority.

5. Legislative Powers for Delegations in Local Government

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

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

6. *Local Government Act 1995*

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

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

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

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

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

Section 2 states that:

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

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

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

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

8. *Bush Fires Act 1954*

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

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

9. *Planning and Development Act 2005*

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

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

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

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

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

10. Legislative Powers to Delegate Relate Only to the Act in which they are Contained

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

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

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

11. The Rule Against Sub-delegation

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

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

Another example is the *Bush Fires Act 1954*. Unlike the *Local Government Act 1995*, the *Bush Fires Act 1954* does not provide for a CEO to delegate to another employee to exercise the powers

delegated by council to the CEO under section 48 of that Act. Therefore, only the CEO may exercise the powers delegated by council to the CEO under that Act.

12. Statutory Limitations on Delegations

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

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

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

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

13. Delegations to Committees

Section 5.17 of the *Local Government Act 1995* provides limitations on what powers and duties a local government can delegate to its committees. Section 5.17(1) limits the powers and duties which can be delegated to committees, according to the types of members which constitute the committees eg:

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

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

14. Delegations to the CEO

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

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

(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

(c) appointing an auditor;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;

(f) borrowing money on behalf of the local government;

(g) hearing or determining an objection of a kind referred in section 9.5;

(h) any power or duty that requires the approval of the Minister or the Governor; or

(i) such other powers or duties as may be prescribed.'

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

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

(a) Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
   (i) Sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
   (ii) Regulations 18C and 18D (relating to the selection and appointment of CEOs and reviews of their performance).

(b) Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

15. Delegations to Other Local Government Employees

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

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

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

16. Powers Under the *Interpretation Act 1984*

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

'Construction of Power to Delegate

(1) Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –

   (a) such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;

(b) such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;

(c) if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;

(d) such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;

(e) such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;

(f) in the case of a power conferred upon a person by reference to the term designating an office, such a delegation shall not cease to have effect by reason only of a change in the person lawfully acting in or performing the functions of that office.

(2) The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

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

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

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

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

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

17. Records of Delegations

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

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

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

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

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

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

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

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

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

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

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

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

18. Delegates to Disclose Interests and Lodge Returns

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

Section 5.71 states that:

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

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

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

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

5.75 Primary Returns

(1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.

(2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.

(3) This section does not apply to a person who:

(a) has lodged a return within the previous year; or
(b) has, within 3 months of the start day, ceased to be a relevant person.

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

5.76 Annual returns

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

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

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

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

Section 5.78 of the *Local Government Act 1995* prescribes the information which must be included in the primary and annual returns.

Where an officer acts temporarily in a position with delegated power, that person will need to complete a financial interest return unless they have only acted in that position for less than 3 months.

19. Determining What Should Be Delegated

A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

A local government council is unable to deal with all of the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealing with higher level policy matters for their local governments.

Duties and powers which are operational in nature, but exercise a discretion should be delegated to the CEO.

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

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

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

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

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

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

It is important to again note the difference between a delegation of a power or duty and the implementation of a council or CEO decision – see section 4 of this guideline in relation to 'acting through'.

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

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

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

20. Procedure for Delegations by Council

Section 19 of this guideline considers how a local government can determine whether it should delegate particular powers and duties. This part considers the procedure for council to make a delegation.

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

As the earlier example from the Local Laws Manual (in section 19) demonstrates, a recommendation to council for a delegation is relatively straightforward. The essential elements of a delegation recommendation are:

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

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

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

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

21. Procedure for Delegations by CEO

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

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

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

22. Schedule of Powers and Duties

The attached schedule lists the powers and duties under the *Local Government Act 1995* (with associated regulations) which cannot be delegated, those that can be delegated, and to whom the powers and duties can be delegated. It also lists those matters where 'acting through' may be the most practical way of carrying out those functions.

It is not suggested that all of the powers and duties which can be delegated should be delegated – the schedule is provided only as an indication of what can be delegated if it is appropriate for a particular local government.

Examples of Delegations

23. Issuing Notices to Owners or Occupiers of Land

Section 3.25(1) of the *Local Government Act 1995* provides for a local government to provide notice to a person requiring that person to do certain things in relation to land, stating that:

'A local government may give a person who is the owner … of land a notice in writing relating to the land requiring the person to do anything specified in the notice that:

(a) is prescribed in Schedule 3.1, Division 1; or
(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.'

If a council determines that the efficiency of its local government operations will be improved if its CEO is delegated to exercise the powers under section 3.25(1), the council may so delegate to the CEO either with or without any conditions.

The following is an example of a recommendation for such a delegation:

'That, under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer be delegated to exercise the powers under section 3.25(1) of the *Local Government Act 1995*.'

As with all delegations by council:

(a) any delegation to a CEO to exercise the powers under section 3.25 must be:
    (i) by way of absolute majority decision;
    (ii) recorded in the delegations register; and
(b) the CEO must keep records of the exercise of the delegated power or discharge of the delegated duty.

For reasons of policy and/or to maintain uniformity, it may be inappropriate for a CEO to delegate to other employees to exercise any section 3.25(1) powers which have been delegated to the CEO. However, other employees can be appointed to carry out a CEO's exercise of powers delegated to the CEO, without those other employees needing to be delegated.

By way of example, in times when a cyclone is approaching a district, if the CEO is delegated to exercise section 3.25(1) powers, the CEO may decide that certain items must be tied down to prevent them from causing a hazard when the cyclone hits the district, and that section 3.25(1) notices must be issued in relation to those items. Once the CEO has decided this, the CEO may then appoint any number of employees to survey the district and, when they identify items which the CEO has decided must be tied down, complete the section 3.25(1) notices and issue them to the relevant person, on behalf of the CEO.

24. Calling for and Accepting Tenders

Section 3.57(1) of the *Local Government Act 1995* states that:

'A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.'

Section 5.43 of that Act states that:

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

(a) …
(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.'

Part 4 of the *Local Government (Functions and General) Regulations 1996* regulates and provides the procedures for local government tenders for providing goods or services.

A council may delegate to its CEO to invite tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996,* without the necessity of setting a maximum limit on the tenders which the CEO may invite.

However, the effect of section 5.43(b) is that if a council wishes to delegate to its CEO to accept tenders under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*, it may attach a condition to the delegation that specifies the maximum limit of the tenders which the CEO may accept.

Following is an example of a recommendation to council to delegate to its CEO to invite any tenders (in accordance with council's selection criteria) and accept tenders up to a limit of $200,000 under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*:

'That, under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer be delegated to:

(a) Invite any tenders; and
(b) Accept tenders up to an amount of $200,000 in total value,

under section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996.'*

Local Government Act 1995

Relevant Exercisable Powers and Dischargeable Duties of a Local Government

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

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

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 2 – Constitution of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
2.11(2)	A local government may change the method of filling the office of mayor or president		✓				
2.12A(1)(b)	Council, by motion passed by it, proposes to change method of filling office of mayor or president		✓				
2.12A(1)(c)	Local government to give public notice (of proposal to change method of filling office of mayor or president)	✓					
2.17(3)	A council with 15 councillors may retain those 15 even if a decision is made to elect the mayor/president by the electors		✓				
2.25(1)	A council may by resolution grant leave of absence to a member		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.5	A local government may make local laws to perform any of its functions under the Act		✓				
3.6(1)	With the Governor's approval, a local government can apply a local law to an area that is not in a district		✓				
3.12(3)	Local government must give Statewide public notice (in relation to proposed local laws)	✓					
3.12(4)	Local government may adopt a local law		✓				
3.12(5)	Local government must publish (adopted local law in the Government Gazette)	✓					
3.12(6)	Local government must give local public notice (that a local law has been adopted)	✓					
3.15	A local government must ensure that people of its district are informed (of the purpose and effect of all its local laws)	✓					
3.16(1)	Within 8 years from the day a local law commences, a local government must review the operation of each local law following the process set out in section 3.16	✓					
3.16(2)	Local government must give Statewide public notice (in relation to the review of its local laws)	✓					
3.16(3)	After the last day for submissions in relation to the review of its local laws, a local government must consider submissions and cause a report to be submitted to council	✓					
3.16(4)	Local government may determine whether or not it considers that any of its local laws should be repealed or amended		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.21	In performing its executive function, the local government must ensure that the obligations set out in section 3.21 are complied with	✓					
3.22(1)	A local government that causes damage through the performance of its function must pay compensation to the owner or occupier						✓
3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner						✓
3.26(2)	In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given	✓					✓
3.26(3)	A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt	✓					✓
3.27(1)	A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner	✓					✓
3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry	✓					✓
3.34(1)	A local government may enter land in an emergency without notice or consent	✓					✓
3.34(5)	A local government must give notice (to the owner or occupier of an intended entry in an emergency whenever it is practical)	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.36(3)	A local government may make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice	✓					✓
3.39	Local government may authorise an employee to remove and impound any goods	✓					✓
3.40(2)	If a local government impounds a vehicle to remove and impound goods, it must allow the offender to resume control of the vehicle as soon as practicable after the goods have been removed	✓					
3.40(3)	If the person entitled to resume control of the vehicle is not present, the local government must give notice (to the holder of a licence in respect of the vehicle, stating from where and when the vehicle may be collected)	✓					
3.40A(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck	✓					✓
3.40A(2)	Local government to provide notice (to the owner of a removed abandoned vehicle wreck, advising that the vehicle may be collected	✓					
3.40A(4)	Local government may declare that a vehicle is an abandoned vehicle wreck	✓					✓
3.42(1)	If a local government impounds non-perishable goods, it must either begin a prosecution against the offender or give them a notice stating from where and when the goods may be collected	✓					
3.44	Where non-perishable goods have been removed and impounded and a prosecution instituted, if the offender is not convicted or is convicted but it is not ordered that the goods be confiscated, the local government must give the alleged offender notice stating from where and when the goods may be collected	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.46(1)	A local government may refuse to allow goods impounded under sections 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid	✓					
3.46(2)	A local government may refuse to allow goods removed under sections 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid	✓					
3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43	✓					✓
3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck	✓					✓
3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44	✓					✓
3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass	✓					✓
3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods	✓					✓
3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	✓					✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks						✓
3.50(6)	An order to close a thoroughfare may be revoked by the local government	✓					✓
3.50(8)	If a thoroughfare is closed without local public notice, the local government must give such notice as soon as practicable after its closure	✓					
3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare	✓					✓
Functions & General Reg 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive	✓					✓
3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	✓					✓
3.52(2)	Except if they are closed or have restricted use, local governments are to ensure that public thoroughfares are kept open for public use	✓					
3.52(3)	When fixing, altering or realigning a public thoroughfare, the local government must ensure vehicle access to adjoining land is provided	✓					
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.54(1)	A local government may do anything it could do under the *Parks and Reserves Act 1895* if it were a Board appointed under that Act, to control and manage any land reserved under the *Land Act 1933* and vested in or placed under the control and management of the local government	✓		✓	✓	✓	✓
3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of $100,000 or more (Functions and General Reg 11)			✓ Limited	✓ Limited		✓ Limited
Functions & General Reg 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepted tenders			✓	✓		✓
Functions & General Reg 11(2)(d)	Tenders do not have to be publicly invited if the contract is to be entered into by auction after being expressly authorised by a resolution of the council		✓				
Functions & General Reg 14(4)(a)	Such information as a local government decides should be disclosed to those interested in submitting a tender		✓				
Functions & General Reg 18(4) & (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender			✓ Limited	✓ Limited		✓ Limited
Functions & General Reg 19	The local government must give each tenderer written notice stating the successful tender or advising that no tender was accepted	✓					
Functions & General Reg 20	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer	✓	Limited	✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
Functions & General Reg 20 (2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer			✓ Limited	✓ Limited		✓ Limited
Functions & General Reg 21 (1)	A local government may seek expressions of interest before entering the tender process			✓ Limited	✓ Limited		✓ Limited
Functions & General Reg 21(3)	A local government must give statewide public notice (that it seeks expressions of interest before entering the tender process)	✓					
Functions & General Reg 23(3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services			✓ Limited	✓ Limited		✓ Limited
Functions & General Reg 24	A local government must give each person who submitted an expression of interest written notice (of the outcome of its decision)	✓					
Functions & General Reg 24E(1)	Where local government intends to give a regional price preference the local government is to prepare a regional price preference policy	✓		✓	✓		✓
Functions & General Reg 24(E)(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received	✓		✓	✓		✓
3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender			✓ Limited	✓ Limited		✓ Limited

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 3 – Functions of Local Government	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3)			✓ Limited	✓ Limited		✓ Limited
Functions & Gen Reg 30(2)(a)(ii)	A disposition of land is an exempt of disposition of the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee	✓					✓
3.59(2)	A local government must prepare a business plan before it enters into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction	✓					
3.59(4)	A local government must give Statewide public notice (stating its proposal to enter into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction, where the plan may be inspected or obtained, and call for submissions on the plan within 6 weeks)	✓					
3.59(5)	The local government must consider submissions and then decide whether to proceed with the major trading undertaking, major land transaction or land transaction that is preparatory to a major land transaction		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 4 – Elections and Other Polls	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
4.9(1)	If the mayor or president has not already done so, the council must fix the day on which a poll is held for an extraordinary election		✓				
4.16(4)	The council may decide, with the Electoral Commissioner's approval, that the election day for a vacancy that has occurred under section 2.32 before the first Saturday in August in the year prior to an ordinary election but after the first Saturday in February in an ordinary election year, is to be on the ordinary election day for that year		✓				
4.17(2)	The council may decide, with the Electoral Commissioner's approval, that a vacancy may remain unfilled if it occurred under section 2.32 before the first Saturday in August in the year prior to the election year in which the term would have ended under the Table to section 2.28, but after the first Saturday in February in that election year		✓				
4.20(2)	A local government may, with the approval of the person concerned and the Electoral Commissioner, appoint a person as the returning officer instead of the CEO		✓				
4.20(4)	A local government may, with the Electoral Commissioner's agreement, declare the Electoral Commission to be responsible for the conduct of an election		✓				
4.57(3)	A local government may appoint an eligible person (who is willing to accept the appointment) to any unfilled office if, at the close of nominations for an extraordinary election, under section 4.57(1) or (2), the number of candidates is less than the number of offices		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 4 – Elections and Other Polls	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
4.61(2)	Local government may decide to use postal voting for an election		✓				
Elections Reg 9(1)	The fees to be paid to an electoral officer for conducting an election are those agreed between the local government and the electoral officer	✓					
Elections Reg 28(1b)(b)	If a candidate's deposit has not been refunded within 28 days after notice is given of the result of the election, the local government is to credit that amount to a fund of the local government	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 5 – Administration	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
5.2	The council of a local government must ensure there is an appropriate structure for administering the local government		✓				
5.3(1)	The council must hold ordinary meetings and may hold special meetings		✓				
5.4	The council may decide to hold an ordinary or special meeting		✓				
5.8	A local government may establish committees of 3 or more people to assist the council in exercising its powers and duties		✓				
5.15	A local government may reduce the quorum for a committee meeting		✓				
5.16(1)	A local government may delegate to a committee, under and subject to section 5.17, any of its powers and duties other than this power of delegation		✓				
5.18	A local government must keep a register of all delegations made to a committee (at least once each financial year)	✓					
5.18	A local government must review all delegations made to a committee	✓		✓	✓		✓
Admin Reg 12(1)	At least once every year a local government must give local public notice (of the date, time and place of all its ordinary council meetings and any committee meetings that must or are proposed to be open to the public, that are to be held in the next 12 months)	✓					
Admin Reg 12(2)	A local government must give local public notice (if any of the dates, times or places in the notice under regulation 12(1) change)	✓					
Admin Reg 12(3)	A local government must give local public notice (of the date, time and place of a special meetings of council that must be open to the public)	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 5 – Administration	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
Admin Reg 14(1)	A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents tabled at the meeting or which have been produced for presentation at the meeting are made available to the public at the same time as they are available to council and committee members	✓					
Admin Reg 14A(1)(c)	A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if the council has approved of the arrangement by absolute majority		✓				
5.27(2)	General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year	✓					✓
5.36(1)	A local government must employ a CEO		✓				
5.36(4)	If the position of CEO becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	✓					
5.37(1)	A local government may designate any employee to be a senior employee			✓	✓		✓
5.37(2)	The council may reject or accept a recommendation by the CEO to employ or dismiss a senior employee. If it rejects a recommendation it must provide the CEO with its reasons		✓				
5.37(3)	If the position of a senior employee becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	✓					✓
5.38	The performance of each employee employed more than 1 year, needs to be reviewed	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 5 – Administration	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
Admin Reg 18C	A local government is to approve a process for selection and appointment of the CEO			✓	✓		
Admin Reg 18D	A local government is to consider, accept or reject a review of the CEO's performance			✓	✓		
5.42(1) & 5.43	A local government may delegate to the CEO any of its powers and duties under this Act except those in section 5.43 and this power of delegation		✓				
5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy			✓	✓		✓
5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given			✓	✓		✓
5.53(1)	A local government must prepare an annual report for each financial year	✓					
5.54(1)	A local government must accept the annual report by 31 August after that financial year		✓				
5.56	A local government is to prepare a Plan for the Future	✓		✓	✓		✓
Admin Reg 19C(4)	A local government is to review its current plan for the future every 2 years			✓	✓		
Admin Reg 19C(7)	A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future and when preparing any modifications of a plan	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 5 – Administration	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
Admin Reg 19D(1)	After a plan for the future, or modifications to a plan, are adopted a local government is to give local public notice	✓					
Admin Reg 19D(5)	A Council is to adopt the plan for the future		✓				
Admin Reg 29A(2)	Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves			✓	✓		✓
5.98(1)(b)	A local government may set a fee, within the prescribed range, to be paid to a council member who attends a council or committee meeting		✓				
5.98(2)(b)	A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement [subject to section 5.98(3)]			✓	✓		✓
5.98(4)	A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case			✓	✓		✓
5.98A	A local government may decide to pay its deputy mayor or deputy president an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5)		✓				
5.99	The local government may decide to pay council members attending council and committee meetings an annual meeting fee instead of an individual meeting fee		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 5 – Administration	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
5.99A	A local government may decide that instead of reimbursing council members, under section 5.98(2), for all of a particular type of expense, it will instead pay all council members an allowance for that type of expense		✓				
5.100(2)	A local government may decide to reimburse expenses to committee members who are not council members or employees			✓	✓		✓
5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government			✓	✓		✓
5.102	A local goverment may make a cash advance to a person for an expense which can be reimbursed			✓	✓		✓
5.103(1)	A local government must prepare or adopt a code of conduct to be observed by council members, committee members and employees			✓	✓		✓
5.103(2)	A local government must review its code of conduct within 12 months of every ordinary elections day			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
Financial M'gment Reg 8(1)	A local government must maintain separate accounts for monies required to be held in the municipal fund, the trust fund, the reserve accounts, or monies relating to major land or major trading undertakings that will or are expected to span more than 2 financial years	✓					
Financial M'gment Reg 11(1)	A local government must develop procedures for cheques, credit cards, computer encryption devices and passwords, purchasing cards and petty cash systems	✓					
Financial M'gment Reg 11(2)	A local government must develop procedures for the approval of accounts	✓					
Financial M'gment Reg 13(2)	A list of accounts for approval to be paid must be prepared for each month, including the date of the meeting of council to which the list is to be presented	✓					
Financial M'gment Reg 19(1)	A local government must establish and document internal control procedures to ensure control over investments	✓		✓	✓		✓
6.2(1)	A local government must prepare by 31 August in each financial year, an annual budget for its municipal fund for the next financial year	✓					
6.2(1)	A local government must adopt the budget prepared		✓				
6.3	A local government must prepare a budget if a general valuation or a rate or service charge is quashed by a court or the State Administrative Tribunal, or if it intends to impose supplementary general rate or specified area rate for the remainder of a financial year	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.3	A local government must adopt the budget prepared (Budget for other circumstances)		✓				
6.4(1)	A local government must prepare an annual financial report for the preceding financial year and such other reports as are required	✓					
6.4(3)	By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor the accounts of the local government and the annual financial report	✓					
Financial M'gment Reg 33A(3)	A council is to consider a budget review submitted to it and is to determine by absolute majority whether or not to adopt the review, any parts of the review on any recommendations made in the review		✓				
Financial M'gment Reg 34(2)(c)	Each statement of financial activity is to be accompanied by documents containing such other supporting information as is considered relevant by the local government	✓					
Financial M'gment Reg 34(1)	A local government must prepare monthly financial reports	✓					
6.9(3)	A local government must pay or deliver to the person entitled to it any money and its interest and any property	✓					
6.9(4)	A local government may transfer money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment	✓					✓
6.11(1)	A local government must establish and maintain a reserve account for each purpose for which it wishes to set aside money	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.11(2)	A local government may change the purpose of a reserve account or use money held in a reserve account for another purpose		✓				
6.11(2)	A local government must give one month local public notice of a proposal to change the purpose of a reserve account or use money held in a reserve account for another purpose	✓					
6.12(1)(a)	A local government may, when adopting the annual budget, grant a discount or incentive for early payment of any money [subject to section 6.12(2)]		✓				
6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government [subject to section 6.12(2)]			✓	✓		✓
6.12(3)	The local government may determine what conditions apply to the granting of a concession			✓	✓		✓
6.13(1)	A local government may resolve to apply interest to any money that it has been owed [subject to section 6.13(6)], other than for rates and service charges		✓				
6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the *Trustees Act 1962*	✓		✓	✓		✓
6.16(1)	A local government may impose a fee or charge for any goods or services it provides, except for a service for which a service charge has been imposed		✓				
6.16(3)	As well as imposing fees and charges when adopting the annual budget, a local government may impose fees and charges during the year or amend, from time to time, fees and charges throughout the year		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.19	If a local government wishes to impose a fee or charge under Part 6 Division 5 Subdivision 2 after the annual budget has been adopted, it must provide local public notice of its intention to do so and the date from which the amended fees or charges will be imposed	✓					
6.20(1)	A local government may borrow or re-borrow money, obtain credit or extend its financial accommodation in other ways		✓				
6.20(2)	If a local government proposes to exercise its power to borrow but it is not budgeted for, unless the proposal is of a prescribed kind, it must give one month public notice of the proposal	✓					
6.20(2)	If a local government proposes to exercise its power to borrow but it is not budgeted for, it must make the resolution to do so by absolute majority		✓				
6.20(3)(a)	If a local government exercises its power to borrow and then decides not to proceed with the proposal or it does not use all of the money, credit or financial accommodation, after giving one month local public notice it may resolve to use it for another purpose		✓				
6.20(3)(b)	If a local government exercises its power to borrow and then decides not to proceed with the proposal or it does not use all of the money, credit or financial accommodation, it may resolve to use it for another purpose		✓				
6.20(3)	One months public 'notice' must be given	✓					
6.26(3)	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement, under section 6.26(2)(i), the local government may refer the matter to the Minister for determination			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.29(2)	A local government must impose a rate on the basis of unimproved value to any tenement, licence or permit that is located in a district for which only rates on the basis of gross rental value apply		✓				
6.32(1)	When adopting the annual budget, a local government may, in order to make up a budget deficiency, impose a general rate on rateable land within its district, and may impose a specified area rate or a minimum payment on rateable land within its district, and may impose a service charge on land within its district		✓				
6.32(3)	A local government may, in an emergency after rates in a financial year have been imposed, impose a supplementary general rate or specified area rate for the unexpired portion of the current financial year, and is to impose a new general rate, specified area rate or services charge if a court or the State Administrative Tribunal quashes a general valuation, rate or service charge		✓				
6.33(1)	Local government may impose differential general rates		✓				
6.35(1)	Local government may impose on any rateable land in its district a minimum payment		✓				
6.36(1)	A local government must give local public notice (of its intention to impose any differential general rates or minimum payment applying to a differential rate category under section 6.35(6)(c))	✓					
6.37(1)	Local government may impose a specified area rate on rateable land		✓				
6.38(1) Financial M'gment Reg 54	A local government may impose a service charge on owners or occupiers to meet the cost of providing television and radio rebroadcasting, volunteer bush fire brigades, underground electricity etc		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.39(1)	As soon as practicable after a local government resolves to impose rates, it must compile a record of all rateable land in the district and all land which has a service charge imposed	✓					
6.39(2)	A local government must, from time to time, amend the current rate record to ensure it is accurate and correct and may amend the rate record for the 5 years preceding the current financial year	✓					
6.40(1)	If the rateable value, rateability or the rate imposed on any land is amended in the rate record, under section 6.39(2), the local government must reassess the rates payable and give notice to the owner of the land of any change in the amount of rates payable	✓					
6.40(2)	If a service charge on any land is amended in the rate record, under section 6.39(2), the local government must reassess the service charge and give notice to the owner of the land of any change of the amount of service charge payable	✓					
6.40(3)	If rates are reduced, under section 6.40(1), a local government must refund the owner of the land on request or credit the amount for rates or service charges	✓					
6.40(4)	If a service charge is reduced, under section 6.40(2), and the service charge had already been paid by the owner, the owner may request and then the local government must pay the overpaid amount to the owner or, alternatively, the overpaid portion is credited against any future amounts payable. If the service charge was paid by the occupier, the local government must pay the overcharged portion to the person who paid it	✓					
6.41(1)	A local government must give a rate notice to the owner of rateable land and the owner or occupier (as the case requires) of land on which a service charge is imposed, containing the particulars required	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.45(1) Financial M'gment Reg 64(2)	When adopting its annual budget, a local government must determine the due date for payment of instalments after the first instalment		✓				
6.45(3) & Financial M'gment Reg 67	A local government may impose an additional charge (including by way of interest) where payment of a rate or service is by instalments and that additional charge is taken to be a rate or service charge		✓				
6.46	A local government may, when imposing a rate or service charge, resolve to grant a discount or incentive for its early payment		✓				
6.47	A local government may, at the time of imposing rates and service charges, resolve to waive a rate or service charge or grant a concession	✓					
6.49	A local government may make an agreement with a person to pay their rates and service charges	✓					✓
Financial M'gment Reg 66(2)	If an instalment remains unpaid after the day on which the next instalment becomes due the local government may revoke the ratepayer's right to pay by instalments	✓					
Financial M'gment Reg 66(3)(b)	The local government must in writing immediately notify the ratepayer of the revocation	✓					
6.50(1) and 6.50(2)	A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	✓					✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.51(1) & Financial M'gment Reg 70	A local government may resolve to impose interest (not to exceed 13%) on a rate, service charge and any costs of recovery that remains unpaid		✓				
6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	✓					✓
6.60(2)	A local government may give notice (to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the local government in satisfaction of the rate or service charge)	✓					✓
6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	✓					✓
6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	✓					✓
6.61(1)	A local government may request an occupier, an agent or the person who receives the rent of a property, to give the name and address of the owner to the local government	✓					
6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against a person having an estate or interest in the land, and may lease or sell the land or transfer it to the Crown or itself			✓	✓		✓ subject to 5.43(d)
6.64(2)	A local government that takes possession of land, under section 6.64(1), must give the owner such notice as prescribed and then affix the notice to a conspicuous part of the land in the form prescribed	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	✓					✓
6.69(2)	A local government may accept payment of any outstanding rates or service charges on such terms and conditions as are agreed between the parties, up to the time of actual sale of the relevant land but not more than 7 days prior to same	✓					
6.69(3)	If a local government accepts payment of outstanding rates or service charges, under sections 6.69(1) or 6.69(2), the local government is required to make such notifications and take such measures as are prescribed to cancel the proposed sale	✓					✓
6.71(1)	If a local government is unable to sell land under Part 6 Division 6 Subdivision 6 within 12 months, it may transfer the land to the Crown or itself			✓	✓		✓ subject to 5.43(d)
6.71(3)	If a local government transfers land to itself, under section 6.71(1)(b), it must pay any sum owed under a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency or instrumentality of the Crown	✓					
6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years			✓	✓		✓
Financial M'gment Reg 77(1)	Before applying to have land revested under section 6.74, a local government must give notice to the owner of the land and any other interested persons and publish the notice in the Gazette	✓					
Financial M'gment Reg 77(3)	A local government must consider any objections it receives in relation to a revestment under regulation 77			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 6 – Financial Management	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
6.76(4)	A local government may extend the time for a person to make an objection in relation to the rate record	✓		✓	✓		✓
6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part			✓	✓		✓
6.76(6)	The local government is to provide the person with notice of its decision	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 7 – Audit	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
7.1A(1) & 7.1A(2)	Local government to establish an audit committee, appoint members to the committee with a minimum of 3 members and a majority of which are council members		✓				
7.1B	Despite section 5.16, a local government can delegate to an audit committee only those powers and duties contained in Part 7		✓				
7.3(1) & (2)	A local government must appoint one or more persons, on the recommendation of the audit committee, to be its auditor		✓				
7.6(2)(f)	A local government may terminate the appointment of an auditor by written notice			✓ Audit Ctte			
Audit Reg 8(1)	Where a local government has terminated an agreement with its auditor, it must give notice and reasons for the termination to the Executive Director within 30 days	✓					
7.6(3)	If the auditor's registration as a company auditor is suspended or the auditor is unable or unwilling to carry out their duties, a local government must appoint a person to conduct or complete its audit		✓				
7.12A(2)	A local government must meet with its auditor at least once a year			✓ Audit Ctte			
7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken			✓ Audit Ctte			

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 7 – Audit	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister			✓ Audit Ctte			
Audit Reg 14(1)	A local government must carry out a compliance audit for the period 1 January to 31 December in each year	✓					
Audit Reg 14(3)	A compliance audit return must be presented to the council at a meeting of the council, adopted by the council and recorded in the minutes of the meeting at which it is adopted		✓				

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 8 – Scrutiny of the Affairs of Local Governments	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
8.2(2)	Upon receiving a request from the Minister for information, a local government must provide the information to the Minister within the specified time of the notice	✓					✓
8.14(3)	A local government must give the Minister advice of what things it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report			✓	✓		✓
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Part 9 – Miscellaneous Provisions	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
9.6(1)	An objection under Part 9 is to be dealt with by the council or a committee authorised by council to deal with it		✓				
9.6(5)	The local government must give the person who made the objection notice of how it was disposed of and reasons why	✓					✓
9.9(3)	As soon as a decision under section 9.9(1)(b) is made, the local government must give the affected person written notice stating the reasons for the decision	✓					✓
9.10(1) & (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised	✓		✓	✓		✓
9.60(4)	A local government is to administer any regulation made under section 9.60 as if it were a local law	✓					
9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve			✓	✓		✓
9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68	✓					✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 2.1 – Provisions about Creating, Changing the Boundaries of, and Abolishing Districts	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities			✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 2.2 – Provisions about Wards and Representation	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
4(1)	A local government must consider any submissions made under clause 3			✓	✓		✓
4(2)	If a council believes that a submission is of a minor nature or one which would not require public submissions, it may either propose to the Advisory Board that a submission be rejected or itself deal with it under clause 5(b)		✓				
4(3)	If it is a council's opinion that a submission is substantially similar to a submission in respect of which the local government made a decision in the last 2 years, or the majority of affected electors who made the submission no longer support it, the local government may reject the submission		✓				
4(4)	Unless a local government decides to deal with a submission under clause 5(b) or rejects it or proposes to reject it under clauses 4(1) or 4(2), the local government must carry out a review as to whether or not the order sought should, in the council's opinion, be made		✓				
5	Whether or not it has received a submission, a local government may carry out a review as to whether or not an order under clauses 2.2, 2.3(3) or 2.18, should, in the council's opinion, be made, or propose to the Advisory Board the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3), if, in the opinion of the council, the proposal is of a minor nature or one which would not require public submissions, or propose to the Minister the making of an order changing the name of a district		✓				
6	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board	✓		✓	✓		✓

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 2.2 – Provisions about Wards and Representation	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
7	A local government is to provide local public notice (advising that it is about to review its wards and inviting submissions)	✓					
8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards			✓			
9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3)			✓			

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 6.1 – Provisions Relating to the Phasing-In of Valuation	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
1(1)	When imposing general rates, a local government may resolve that a general valuation, which results in an increase, can be phased in over 3 years		✓				
1(5)	If a local government makes a resolution, under clause 1(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required	✓					
2(1)	When imposing general rates, a local government may resolve that gross rental valuations can be phased in over 3 years		✓				
2(5)	If a local government makes a resolution under clause 2(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required	✓					

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 6.2 – Provisions Relating to Lease of Land where Rates or Service Charges Unpaid	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years	✓		✓	✓		✓ subject to 5.43(d)

Section/ Regulation	Relevant Exercisable Power or Dischargeable Duty of Local Government			Applicable Delegation			
	Schedule 6.3 – Provisions Relating to the Sale or Transfer of Land where Rates or Service Charges Unpaid	Suitable for Acting Through	Delegation Prohibited	To a 5.9(2) (a) Ctte	To a 5.9(2) (b) Ctte	To a 5.9(2) (c) - (e) Ctte	To the CEO
1(1)	Before exercising its power of sale, a local government must give the owner, or any other person who has a recorded interest in the land, opportunity to pay the rates or service charges. It must send them notice by certified mail and place a notice [with the contents prescribed in clause 1(2)] on its notice board for a minimum of 35 days	✓					
1(3)	A local government must give local public notice (if the owner or other interested parties do not have a recorded address)	✓					
1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more that 12 months from the service of the notice under clauses 1(1) or 1(2)			✓	✓		✓
2(1)	The local government must give (Statewide public notice of the sale)	✓					
2(3)	The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice	✓					
4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple			✓	✓		✓ subject to 5.43(d)
7(2)	If the land has not been sold within 12 months, the local government may begin the process again in accordance with this Schedule	✓					

These guidelines are also available on the Department's website at www.dlgc.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 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.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

Department of Local Government and Communities
Gordon Stephenson House, 140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844
Telephone: (08) 6551 8700 Fax: (08) 6552 1555
Freecall (Country only): 1800 620 511
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50

Cr D Spackman declares a financial interest in this item (I work for a company that has another company that trades in opposition to the applicant) and leaves the Chambers at 6.53pm.

13.4.4 Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit

DATE:	25/08/2015
PROPONENT:	Department of Racing, Gaming and Liquor
LOCATION:	37 Messmate Way, Kununurra
AUTHOR:	Louise Gee, Director Community Development
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider whether it wishes to lodge an intervention or objection to the application made by Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) to the Department of Racing, Gaming and Liquor for an extended trading permit from 20 September 2015 to 1 November 2015 for the 2015 Rugby World Cup.

BACKGROUND

Kununurra has had *Section 64 Liquor Control Act* liquor restrictions in place since 7 February 2011 aimed at assisting in addressing community issues. These were implemented to improve the safety, security and health of the whole community. The Kununurra Wyndham Liquor Accord states that "*The sale and supply of liquor for consumption on premises is prohibited before 12 midday, except where it is sold or supplied ancillary to a meal or to a lodger*".

Previously, the Shire has supported requests to extend trading hours for major annual events such as ANZAC Day and Melbourne Cup and when the Moon Fair was held on Messmate Way. It is also understood that Shire support was provided for the FIFA World Cup, and Council recently supported the Main Event Boxing Bout, 'The Fight of the Century' FIloyd Mayweather v Many Pacouiao on Sunday 3 May 2015**.**

STATUTORY IMPLICATIONS

Liquor Control Act 1988

Section 69. Advertising, referring, investigating and intervening in applications

(3) Every advertisement required under section 67(1) and every notice of application displayed under section 67(5)(a) shall be in a form approved by the Director and contain a statement that notices of intention to object to the application should be lodged with the Director by a date specified by the Director and set out in that advertisement or notice.

(4) Except where an application relates to land or premises the subject of a licence which is held by the applicant and is to be surrendered if that application is granted,

or where in other particular circumstances the Director determines that it is not appropriate, the Director may —

(a) refer any relevant particulars as to the applicant or the application to the Commissioner of Police; and

(b) if the application is for the grant or removal of a hotel licence, nightclub licence, casino liquor licence, special facility licence or liquor store licence, and the local government of the district in which the premises or proposed premises are, or are proposed to be, situated, or of any adjoining district appearing to the Director to be likely to have an interest, so requests, give to that local government a copy of the application and of any plans or specifications which accompany it.

(7) A local government to which subsection (4)(b) refers may intervene in proceedings before the licensing authority for the purpose of introducing evidence or making representations —

(a) as to whether premises are suitable to be, or to continue to be, licensed or the subject of a permit; and

(b) as to whether a proposed alteration to, or redefinition of, licensed premises should be approved; and

(c) on the question of whether, if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience,

and may submit a report to the licensing authority on those matters.

(8) A person authorised by the local government may intervene in proceedings before the licensing authority for the purpose of introducing evidence or making representations in relation to the requirements of —

(a) the *Health Act 1911*; or

(aa) the *Food Act 2008*; or

(b) any written law relating to sewerage or drainage; or

(c) the *Local Government Act 1995* or the *Building Act 2011*, in so far as that Act relates to health matters,

and may submit a report to the licensing authority on those matters.

(13) A person who intervenes in any proceedings —

(a) may, unless the licensing authority certifies that that person has no interest in the application other than that of providing argument or fact to enable the licensing authority to reach an informed decision, be held on any appeal to have thereby become a party to the proceedings; and

(b) may be made a respondent to any appeal.

Section 73. Objecting to applications, general right and rules as to

(1) A person who is authorised to intervene in any proceedings relating to an application may instead or in addition exercise that right by way of objection.

(2) Where an application is required to be advertised, a right to object to the application is conferred on any person on any ground permitted by section 74.

(4) Subject to subsections (5) and (6), an objection shall be made by lodging a notice with the Director in the form approved by the Director, not later than the day specified in the advertisements or notices relating to the application as the last day on which objections should be lodged.

(4a) A person who lodges an objection under subsection (4) shall, unless the Director otherwise approves or section 30(4) applies, serve a copy of the notice on the applicant.

(5) The Director may —

(a) permit a notice of objection to be lodged —

(i) by a person on whom, or a body on which, subsection (2) does not confer that right; or

(ii) which is not in the approved form, or is otherwise deficient; or

(iii) at any time before the determination of an application, notwithstanding that a prescribed time limitation has elapsed;

or

(b) permit an objection lodged to be amended or substituted,

and the licensing authority shall determine, in the public interest in each case, whether the objection so lodged, amended or substituted should be heard.

(6) Notwithstanding subsection (4), the licensing authority may, if it considers it proper to do so and subject to any conditions imposed, permit any objection to be taken at the hearing of an application.

(8) If the applicant so requests, where —

(a) a notice of objection —

(i) is lodged under subsection (5)(a)(ii); or

(ii) is amended or substituted;

or

(b) an objection is permitted to be taken at a hearing,

the hearing shall be adjourned for such period as the licensing authority thinks necessary to enable the applicant to reply properly to any matter then raised.

(9) An objection may be made on behalf of an unincorporated body of persons by an agent duly appointed for the purpose.

(10) The burden of establishing the validity of any objection lies on the objector.

Section 74. Objecting to applications, grounds for etc.

(1) No objection shall be made except on one or more of the following grounds —

(a) that the grant of the application would not be in the public interest; or

(b) that the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor; or

(g) that if the application were granted —

(i) undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or

from an existing or proposed place of public worship, hospital or school, would be likely to occur; or

(ii) the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be, situated would in some other manner be lessened;

or

(j) that the grant of the application would otherwise be contrary to this Act.

(3) Where an objection is lodged on the ground that the grant of the application would not be in the public interest —

(a) the notice of objection shall be accompanied by a statement in writing setting out the reasons why the objector considers the objection can be made out; and

(b) if the Director so requires, the objector shall provide further particulars of the matters to which the objection relates; and

(c) the Director may require that notice of any facts or grounds alleged or submission made be given to the applicant in a particular manner.

(4) Where, in relation to any objection, the Director determines —

(a) that any objection —

(i) is frivolous or vexatious; or

(ii) is repetitious of other objections; or

(iii) relates to matters frequently before the licensing authority of which the licensing authority may be presumed to be aware;

or

(b) that any fact or ground alleged is not relevant or cannot be verified; or

(c) that for any reason the objection should not be heard,

the Director shall give notice of the determination to the objector not later than 7 days before the day appointed for the hearing of the application and the objection shall not then be heard.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no Strategic Implications in relation to this report.

COMMUNITY ENGAGEMENT

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

No community engagement is required

COMMENT

On 14 August 2015 an email (Attachment 1) was received from the Department of Racing, Gaming and Liquor for comment on the Extended Trading Permit Application received from Kimberley Accommodation (East) Pty Ltd to televise the following live and replay 2015 Rugby World Cup matches:-

Sunday	21 September	22.00 - 03.00	New Zealand v Argentina
Thursday	24 September	00.00 - 03.00	Australia v Fiji
Sunday	4 October	00.00 – 06.00	Australia v England
Sunday	11 October	00.00 – 03.00	Australia v Wales
Sunday	11 October	22.00 – 03.00	France v Ireland
Sunday	18 October	00.00 – 06.00	QF 1 and QF 2
Sunday	18 October	22.00 – 06.00	QF 3 and QF 4
Sunday	25 October	00.00 – 04.00	SF 1 and SF 2
Sunday	1 November	00.00 – 04.00	Final

In accordance with *Section 69 (3) and Section 73 (4) of the Liquor Control Act 1988* the lodgement of either an intervention or objection to the above application is due by 26 August 2015.

It is considered that the Council (the local government) in accordance with *Section 74 (1) of the Liquor Control Act 1988* should raise an objection on the following grounds:-

1. That the Kununurra Wyndham Liquor Accord aims to minimise alcohol-related problems in Kununurra and promote responsible practices in the sale, supply and service of liquor to provide a safe environment for the community. To achieve this aim the Accord has prohibited the sale and supply of liquor for consumption on premises before 12 midday. The Extended Trading Permit Application by Kimberley Accommodation (East) Pty Ltd requests the sale of alcohol before midday and this is not considered to be in the public interest.
2. That the sale of alcohol outside of the trading hours agreed in the Kununurra Wyndham Liquor Accord may cause undue harm or ill-health to people, due to the increased availability and consumption of liquor.

ATTACHMENTS

Attachment 1 - Notice of Application for Extended Trading Permit for Special Occasion or Function

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council requests the CEO advise the Director of Liquor Licensing that it objects to the Extended Trading Permit Application from Kimberley Accommodation (East) Pty Ltd on the following grounds:-

1. That the Kununurra Wyndham Liquor Accord aims to minimise alcohol-related problems in Kununurra and promote responsible practices in the sale, supply and service of liquor to provide a safe environment for the community. To achieve this aim the Accord has prohibited the sale and supply of liquor for consumption on premises before 12 midday. The Extended Trading Permit Application by Kimberley Accommodation (East) Pty Ltd requests the sale of alcohol before midday and this is not considered to be in the public interest.
2. That the sale of alcohol outside of the trading hours agreed in the Kununurra Wyndham Liquor Accord may cause undue harm or ill-health to people, due to the increased availability and consumption of liquor.

MOTION

Cr G Taylor moves that Council requests the CEO to advise the Director of Liquor Licensing that it supports the Extended Trading Permit Application from Kimberley Accommodation (East) Pty Ltd.

COUNCIL DECISION

Minute No. 11085

Moved: Cr G Taylor
Seconded: Cr B Robinson

That Council requests the CEO to advise the Director of Liquor Licensing that it supports the Extended Trading Permit Application from Kimberley Accommodation (East) Pty Ltd.

Carried Unanimouslv 7/0

Reason for the decision differing to the Officer's Recommendation: Council has a different position to the Officer.

Cr D Spackman enters the Chambers at 6.55pm.

Government of **Western Australia**
Department of **Racing, Gaming and Liquor**

Our Ref A000184888
6010016048

Enquiries

Attention: Local Government – Environmental Health
WA Police – Licensing Enforcement

Attached is an extended trading permit application for the following event:

Licensee: **Kimberley Accommodation (East) Pty Ltd**

Applicant: **Kimberley Accommodation (East) Pty Ltd**

Phone: **0418937817 / 0891955200**

Email: **stay@hotelkununurra.com.au**

Postal Address: **PO Box 611**
KUNUNURRA WA 6743

Event: **Rugby World Cup 2015**

Premises: **Kununurra Hotel**
Messmate Way KUNUNURRA WA 6743

Event Dates
20/09/2015 from 22:00 until 03:00
24/09/2015 from 00:00 until 03:00
04/10/2015 from 00:00 until 23:59
11/10/2015 from 00:00 until 23:59
11/10/2015 from 22:00 until 23:59

Ss 69, 73 and 74 of the *Liquor Control Act 1988* ("the Act") provided both the WA Police and relevant Local Government with the authority to lodge either an Intervention or Objection to this application.

The due date for an intervention or objection is [redacted].

Please quote activity number: A000184888 when responding to this request.

Extensions may only be considered more than 7 days from the event date.

Please do not hesitate to contact me on (08) 9425 1888 (or if country caller 1800 634 541) should you require any further information.

Regards,

14 August 2015

[Enc]

Government of **Western Australia**
Department of **Racing, Gaming and Liquor**

FORM 7

Office Use Only	
Paid Date	
Receipt No.	
Amount Paid	

NOTICE OF APPLICATION FOR EXTENDED TRADING PERMIT FOR SPECIAL OCCASION OR FUNCTION

LIQUOR CONTROL ACT 1988

Sections 60 and 76

Please print neatly in **BLOCK LETTERS** with a *black* pen only

1. DETAILS OF APPLICANT LICENSEE

(a) Licence number: 60100160648

(b) Name of Licensee: HOTEL KUNUNURRA KIMBERLEY ACCOMMODATION GROUP

(c) Name of Licensed Premises: HOTEL KUNUNURRA

(d) Premises Address: 37 MESSMATE WAY KUNUNURRA W.A.

Post Code: 6743

(e) Postal Address: PO BOX 611

Post Code:

(f) Daytime contact Name: BRADLEY RAWSON

Daytime Telephone number: (08) 91680400 Mobile: 0498579866

Fax number: ( ) E-mail: Manager@hotelkununurra.com

(g) If the applicant is not the licensee, describe either the relationship to the licensee or the position in the organisation: _

2. IF YOUR APPLICATION IS FOR **EXTENDED TRADING HOURS**

(a) What part of the defined licensed premises will be used? SPORTS BAR

(b) Date and times of function/s:- ATTACHED SCHEDULE

Date: ___/___/_____ Commencing _____am/pm Finishing _____am/pm

Date: ___/___/_____ Commencing _____am/pm Finishing _____am/pm

[**NOTE:** questions continued at question 4 over page]

3. IF YOUR APPLICATION IS FOR AN **EXTENDED AREA**

(a) Is the extended area adjacent to the defined licensed area of the premises? YES ☐ NO ☐

If **YES**, describe the area: _____

(b) Where the extended area sought is "off-site" from the defined licensed premises:

(i) Provide the name of the venue: _____

(ii) Provide the address of the venue: _____

(c) Name of the owner of the adjacent or "off-site" venue: _____

(d) Has the owner of the adjacent or "off-site" venue consent to this application? YES ☐ NO ☐

3. IF YOUR APPLICATION IS FOR AN **EXTENDED AREA continued**

(e) Date and times of function/s:-

Date/s: ___/___/_____ Commencing: _____am/pm Finishing:_____ am/pm

Date/s:___/___/_____ Commencing: _____am/pm Finishing:_____ am/pm

(f) Local Government Authority in which licensed premises is located: _____

(g) Has the Local Government Authority consented to the application? YES ☐ NO ☐

4. GENERAL DETAILS OF APPLICATION - **TO BE COMPLETED FOR BOTH EXTENDED HOURS AND AREA**

(a) Describe the special occasion or function: Rugby World Cup

(b) Will entertainment be provided? YES ☑ NO ☐

If **YES**, what type of entertainment, and who will provide it? Rugby World Cup Live Television & Replays

(c) How will be the liquor be sold? Direct ☑ Part of entry/cover charge ☐

How will the liquor be served? Unsealed containers ☑ Sealed containers ☐ (ie for take away)

(d) How many persons are expected to attend the event? Less than 500

(e) How many persons will be in the licensed area at any one time? Less than 500

(f) Does the applicant seek approval to share profits from the function? YES ☐ NO ☑

If **YES**, give details of other person/s concerned:

(i) Name: _____

(ii) Address: _____

_____

(iii) Describe the arrangement and amount of benefit: _____

_____

(g) Local Government Authority in which licensed premises is located: Shire of Wyndham & East Kimberley

(h) Has the Local Government Authority consented to the application? YES ☐ NO ☐

5. DECLARATION

I declare that all details are true and correct and no relevant information is omitted.

Name of person lodging application (please print) Bradley Rawson Telephone: (08) 91680400

Signature of person lodging application _____ 8/8/2015

Director of Liquor Licensing
07.08.2015
Email: rgl@rgl.wa.gov.au

RE: Hotel Kununurra, License # 6010016048
Extended Trading Permit (Rugby World Cup 2015)

Dear Sir,

We would like to apply for an Extended Trading Permit allowing us to trade during certain Rugby World Cup fixtures.

Group Matches:

Sunday September 21st:	22:00pm – 0300am New Zealand v Argentina
Thursday September 24th:	0000am – 0300am Australia v Fiji
Sunday October 4th:	0000am – 0600am Australia v England
Sunday October 11th:	0000am – 0300am Australia v Wales
Sunday October 11th:	2200pm – 0300am France v Ireland
Sunday October 18th:	0000am – 0600am QF 1 And QF 2
Sunday October 18th:	2200pm – 0600am QF 3 and QF 4
Sunday October 25th:	0000am – 0400am SF 1 and SF 2
Sunday November 1st:	0000am – 0400am Final

Strictly no entertainment apart from Rugby WC in the form of television, live or replayed will be provided during the extended trading permit.
Free drinking water and non alcoholic beverages will be available.
Hot and cold food will be available.
If you require any additional information, please don't hesitate to contact me on the contact details below.

Kind Regards
Bradley Rawson

General Manager
Hotel Kununurra.

Kimberley Accommodation Group (East)
M: 0498579866
E: manager@hotelkununurra.com.au

13.4.5 Outstanding Items from Council Resolutions

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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 1.4.2: Improve the efficiency and productivity of Shire services

COMMUNITY CONSULTATION

None required.

COMMENT

This report includes actions from July resolutions (Attachment 1). Attachment 2 summarises all actions that are outstanding from previous Council resolutions (before July 2015).

ATTACHMENTS

Attachment 1 - Actions from July Council resolutions
Attachment 2 – Outstanding actions from previous Council resolutions

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding actions from Council resolutions.

COUNCIL DECISION

Minute No. 11086

Moved: Cr S Cooke
Seconded: Cr D Learbuch

That Council notes the report - Outstanding actions from Council resolutions.

Carried Unanimously 8/0

COUNCIL ACTION ITEMS

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
SCM 08/07/15	Mediterranean Fruit Fly Eradication Program	That Council: Considers DAFWA to be the lead agency in any medfly eradication program and 1) Pursuant to section 6.8 of the Local Government Act, authorises expenditure of $10,000 from the biosecurity reserve to be paid to DAFWA Kununurra Regional Office to initiate an eradication program immediately 2) Authorise additional expenditure to a maximum of $10,000 from the biosecurity reserve, subject to all SWEK contributions being matched by DAFWA on a dollar for dollar basis, with DAFWA to confirm its contribution in writing. 3) Requests the CEO to write to the Minister and requests that DAFWA immediately develop an eradication plan for future outbreaks, including appropriate financial commitment.	Resolution was revoked at the July OCM	28-Jul-15	Yes
OCM 28/07/15	2015/16 Budget – Differential General Rates and Minimum Payments – Consideration of Public Submissions	That Council: 1. Note the five (5) formal submissions received along with the late submissions regarding the advertised 2015/16 Rating Model and Strategic Rating Policy and thanks the community for their input; 2. Endorse the revised 2015/16 Rating Model as follows, with the intention of striking the rates as part of the 2015/16 Budget adoption, subject to receiving Ministerial approval where required by legislation: Rating Category Total Properties Total Rateable Value of Properties Proposed Minimum Payment Proposed Rate in the Dollar % of Properties on Minimum Payments Proposed Budget Rates Revenue 2015/16 GRV - Residential 1,652 47,495,614 $ 1,085 9.2992 cents 2.72% $4,430,938 GRV - Other Vacant 144 993,680 $ 1,085 13.9488 cents 77.78% $ 198,615 GRV – Commercial 174 14,745,782 $ 1,085 12.0890 cents 9.77% $1,790,984 GRV – Industrial 174 8,753,500 $ 1,085 11.1590 cents 4.02% $ 980,959 UV - Rural Res 185 51,149,000 $ 1,085 0.9795 cents 0.00% $ 501,004 UV – Pastoral 24 6,188,271 $ 1,085 5.3057 cents 4.17% $ 328,489 UV – Com/Ind 46 13,930,040 $ 1,085 0.6719 cents 21.74% $	Submissions considered. Ministerial approval being sought.		In progress
OCM 28/07/15	Funeral Directors Licence Renewal	That Council approves the issuing of an annual Funeral Directors licence to Derby Funeral Services for a period of one year in accordance with the Cemeteries Act 1986.	licence approved	10-Aug-15	Completed
OCM 28/07/15	Sealing Program – Ord Stage 2 Expansion Roads	That Council; 1. Endorses the Chief Executive Officer's intention to sign the Memorandum of Understanding between the Shire of Wyndham East Kimberley and Main Roads WA, with the inclusion of an upper expenditure limit of $2,889,313 (plus interest) for the Ord East Kimberly Stage 2 Expansion Road Seal Project, 2. Endorses the Chief Executive Officer's intention to sign a Memorandum of Understanding between the Shire of Wyndham East Kimberley and Main Roads WA for the spray sealing of Mills Road (3500m2), Research Station Road (1000m2), and Egret Close (945m2), and 3. Commit from the Supplementary R2R program ($1,245,775), additional funds of $95,916 for Mills Road and $23,638 for Research Station Road for inclusion in the proposed 2015/16 budget.	Tender process complete, appointment of a contractor is imminent		
OCM 28/07/15	Appointment of Authorised Officers	That Council authorise Lindsay Allan Baker, Department of Parks and Wildlife, Senior Ranger and John Laurence Hayward, Department of Parks and Wildlife, Ranger to perform the functions of the Activities in Thoroughfares and Public Places and Trading Local Law 2005 section 2.19(1).	Officer appointment letters being drafted	28-Jul-15	in progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	Tender Evaluation T10 14-15 Lease of Aircraft Hangarage at Wyndham Airpot	That Council; 1. Reject all tenders, and 2. Authorise the Chief Executive Officer to negotiate with the tenderer and to execute a lease on behalf of the Shire for all or part of the Airport Hangar at Wyndham Airport for an amount that represents a reasonable return to the Shire in accordance with the confidential tender assessment report.	Meeting arranged to commence discussions	28-Jul-15	in progress
OCM 28/07/15	Development Application for Telecommunication Infrastructure at Lot 26 Bluegrass Avenue, Kununurra	That Council grants planning consent for Telecommunication Infrastructure at Lot 504 Coolibah 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 Shire. 2. An amended detailed site plan is be submitted and approved by the Shire to show the proposed location of the equipment enclosure. 3. Additional plans must be submitted and approved by the Shire to show the dimensions of proposed equipment enclosure. When approved the plans will be endorsed and form part of the approval. The plans must be drawn to scale and be in line with the amended site plan to be submitted. 4. The proposed light tower (monopole) should be similar in appearance and materials to, and a maximum of 6.2m in height in accordance with, existing street lighting in the Coolibah Estate. 5. This approval is valid only until 13 February 2016. A new application for planning approval for a mixed use development on the lot, in accordance with the Coolibah Estate Development Guide Plan, is required to be submitted to the local government	Planning Approval issued.	06-Aug-15	Yes
OCM 28/07/15	Draft East Lily Creek and Kununurra Civic Centre and Structure Plans	That Council: 1. Supports in principle the draft East Lily Creek and draft Kununurra Civic Centre Structure Plans. 2. Requests the Chief Executive Officer to facilitate meetings with major stakeholders to discuss the draft Structure Plans and provide a report back to Council on the outcomes of these meetings.	Draft Structure Plan documents to be forwarded to the MG Corporation and meeting to be arranged with major stakeholders.	17-Aug-15	No
OCM 28/07/15	Kununurra Race Club Temporary Caravan Park Licence	That Council grant a temporary caravan park licence to the Kununurra Race Club for 3 short stay sites and 11 camp sites from 5 August to 31 August 2015 subject to the following conditions: 1. Only event participants and staff associated with the Kununurra Race Club events are to be accommodated in the park. 2. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 2 hand basins and 2 showers. 3. All wastewater (including sullage water) is to be collected and disposed of at an approved wastewater dump point. 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site. 5. Fire extinguisher/s are to be located within 90 metres of every site.	Licence issued.	06-Aug-15	Yes
OCM 28/07/15	Request for Lease – Kimberley Action Sports Inc	That Council request the Chief Executive Officer to commence negotiations with Kimberley Action Sports Inc. for a 10 year lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kimberley Action Sports Inc. advising of Council resolution.	17-Aug-15	In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	Request for Lease – Kununurra Dragon Boat Club Inc	That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Dragon Boat Club Inc. for a 10 year lease over a portion of Reserve 41812, Lot 2371 Old Darwin Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kununurra Dragon Boat Club Inc.advising of Council resolution.	17-Aug-15	In progress
OCM 28/07/15	Request for Pre Budget Expenditure – Ewin Centre Repairs	That Council, pursuant to section 6.8 of the Local Government Act 1995, authorise in advance, the expenditure of up to $8,937 for repairs to the Ewin Early Learning Centre to be funded from the Childcare Reserve.	Required works have been completed.	17-Aug-15	Yes
OCM 28/07/15	Transient Accommodation – Lot 411 Minjiljirrga Lane, Kununurra	That the July 2015 OCM Agenda item 13.4.8 Transient Accommodation – Lot 411 Minjiljirrga Lane, Kununurra be deferred to the August 2015 Briefing Session and subsequent Ordinary Council Meeting.	Application to again be considered at the August OCM.	17-Aug-15	No
OCM 28/07/15	Media and Corporate Communications Policy	That Council: 1. Repeals policy CPMC13 Public Relations 2. Adopts the Media and Corporate Communications Policy	Council Policy Manual has been updated to reflect the amendments	01-Aug-15	Yes
OCM 28/07/15	Mediterranean Fruit Fly Eradication Program	That Council revokes its decision Minute number 11021 of 8 July 2015 reproduced below; That Council considers DAFWA to be the lead agency in any medfly eradication program and 1) Pursuant to section 6.8 of the Local Government Act, authorises expenditure of $10,000 from the biosecurity reserve to be paid to DAFWA Kununurra Regional Office to initiate an eradication program immediately 2) Authorise additional expenditure to a maximum of $10,000 from the biosecurity reserve, subject to all SWEK contributions being matched by DAFWA on a dollar for dollar basis, with DAFWA to confirm its contribution in writing. 3) Requests the CEO to write to the Minister and requests that DAFWA immediately develop an eradication plan for future outbreaks, including appropriate financial commitment.	Letter sent to DAFWA advising of the decision to revoke	11-Aug-15	Yes
OCM 28/07/15	Mediterranean Fruit Fly Eradication Program	That Council consider entering into a Memorandum of Understanding with DAFWA and industry on the following basis: 1. DAFWA continues to fund and maintain the current medfly surveillance program. 2. SWEK will fund medfly eradication programs from its biosecurity reserve, with a maximum exposure being those funds available in the reserve in excess of $200,000 i.e. currently approximately $67,000. 3. If an eradication program reduces the reserve balance to below $200,000, industry will make good the difference to restore the reserve to a balance of $200,000 (mechanism yet to be determined). 4. The biosecurity reserve be maintained with a balance for now of a minimum $200,000, to serve as a form of insurance against future pest or disease incursions. 5. A reference group to be established with members from SWEK, DAFWA and industry. The role of the group would be to recommend expenditure from the reserve and to formulate policy in the event of future pest crises. SWEK Council approval would still be required before the reserve could be accessed for response to threats other than medfly.	Letter sent to DAFWA advising of the decision and requesting advice on how to proceed with the eradication program, inlcuding indicative cost, and an invoice. Advice also given that SWEK will be in contact shortly to commence the consideration of entering into a MOU.	11-Aug-15	In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	Rates Assessment A1160 - Request To Write Off Penalty Interest and Request for a Rates Concession For 2015/16	That the Council: 1. Refuses the request for a write off of penalty interest of $1,229.79 for Rates Assessment A1160. 2. Requests the CEO, or their delegate to offer a special payment arrangement to rates debtor A1160 on the condition that: (a) The period does not extend beyond 1 April 2016; (b) The special payment arrangement is negotiated and signed by the rates debtor A1160 prior to 31 August 2015. 3. If the special payment arrangement is not adhered to, that the Council authorises officers to proceed through to Rates and Charges Debt Collection Policy procedures. 4. Refuses the request for a rates concession for the 2015/16 financial year as Council Policy CP FIN 3209 Rates Concession Policy (Rateable Land) does not allow a rates concession to be provided if there is an outstanding rate debt on the property. 5. Encourages the rates debtor to ensure the special payment arrangement is adhered to in order for a rates concession application to be considered for the 2016/17 financial year.	Correspondence sent to rates debtor A1160 and a subsequent meeting held. Early indications are that the ratepayer intends to make full payment prior to 31 August 2015 therefore there a special payment arrangement will not be required. Will be monitored to ensure this occurs, otherwise a special payment arrangement will be required.		In progress
OCM 28/07/15	Tourism House	That Council: 1) Not approve the request from ANW to allow a sub-lease of Suite 3, 1 Agate Lane Kununurra to a prospective tenant as outlined by ANW, on the basis that both the current purpose of the Reserve and Head Lease conditions do not allow for the proposed use. 2) Request the CEO to notify ANW of Council's decision.	Letter sent to ANW advising of the decision.	10-Aug-15	Yes
OCM 28/07/15	Management and Operation of Kununurra Youth Centre	That Council: 1. Request the Chief Executive Officer to write to the Department for Child Protection and Family Support to seek approval to offer a lease for the Management and Operation of the Kununurra Youth Centre, based on the proposal received. 2. If authorisation is received from the Department for Child Protection and Family Support, request the Chief Executive Officer to enter into negotiations for a 3 year lease with 3 year option, for the Management and Operation of the Kununurra Youth Centre, Ron Hodnett Drive, Kununurra to Save the Children with terms based on the proposal received 11 June 2015 including: • A term of 3 years, with an option of a 3 year extension. • Annual Lease fee of $18,250.00 inclusive of GST, indexed for CPI annually. • Shire to maintain responsibility for fixtures and fittings. • Lessee to provide general maintenance including cleaning and gardening. • The primary use of the facility will be the provision of services for Young people at risk. • The facility will continue to be available to the community for hire.	the Department for Child Protection and Family Support have been approached (5 August) regarding trhis matter. Officers are awaiting formal response. Save the Children have been updated on the progress of this approval on 17 August.	05-Aug-15	In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	RFQ 1 15/16 KALUMBURU ROAD RECONSTRUCTION, RE-SHEETING, FLOOD-WAYS AND CULVERT PROGRAM	That the Council:- 1. Pursuant to section 6.8 of the Local Government Act 1995, authorise in advance, the budget allocation of $1,178,468 to be allocated for the Kalumburu Road Reconstruction, Re-Sheeting, Floodways and Culvert program for 2015/16, along with the funding allocation of $1,266,715 (being the allocation remaining to be claimed); 2. Notes the Chief Executive Officer's intention to accept the submission from Plant Hire Services for RFQ1 15/16 Kalumburu Road Reconstruction, Re-Sheeting, Cement Stabilised Floodways and Culvert program in accordance with Section 3.3 Schedule of Rates as submitted with the proposed scope of works to be adjusted to accommodate the remaining funding allocation.	Contractor appointed, expected start date 18 Aug 2015.	28-Jul-15	in progress
OCM 28/07/15	DISPOSAL OF ABANDONED VEHICLES AND SURPLUS PLANT	That Council; a) Accept the following submitted Tenders; 1. T18 - 14-15, Trailer with corrugated iron submitted by Chris Latsarnos for $310.00 ex GST. 2. T20 –14-15, Purple Holden Station Wagon submitted by Mr George Lewis $52.75 ex GST. 3. T22 – 14-15, 2002 Howard 6' EHD Slasher submitted by Mr Andy Lovell for $2,135.00 ex GST. 4. T23 – 14-15, 2006 Kubota M6800 Tractor submitted by Mr Duncan Palmer $16,500.00 ex GST. 5. T24 – 14-15, 2011 Silvan 6' Slasher submitted by Mr Andy Lovell for $3,063.00 ex GST. 6. T26 – 14-15, Trailer mounted 1000lt fuel tank submitted by Martinjinni Pty Ltd for $1,000.00 ex GST. 7. T27 – 14-15, 3 – 6 Tilt Plant Trailer submitted by W.A. Machinery Brokers for $1,100.00 ex GST. 8. T28 – 14-15, White Toyota Hilux Ute Tray Back submitted by Phillip Sproull for $12,200 ex GST. b) Authorise the disposal for recycling of the following vehicles as no tenders were received for the following vehicles; T12 – 14-15, Purple Holden Sedan, T13 – 14-15, White Hyundai Sedan,T14 – 14-15, Red Mitsubishi 4 x 4 ,T15 – 14-15, Daihatsu Sedan,T16 – 14-15, Subaru Station Wagon,T17 – 14-15, Ford Sedan and T21 – 14-15, Silver Holden Sedan.	All disposals completed.	28-Jul-15	completed

COUNCIL ACTION ITEMS

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
Aug-12	Matters arising from committees of council	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	President provided further update after meeting with their members. Agenda was considered by the Audit (Finance and Risk) Committee on 11 August and will be considered by Council on 25 August 2015.	Ongoing	In progress
Oct-14	East Kimberley Marketing Group Funding Request	That Council will continue to fund the East Kimberley Marketing Group for the next phase of implementing their Marketing Plan on the following conditions: a) that incorporation is achieved, ABN registered (for GST compliant invoices) and the Bank Accounts established before any more funding is provided; and b) that the next grants are in two stages iii. $10,000 provided when the marketing fund has reached a balance of $10,000 from contributions from business; and iv. a further $5,000 provided when that amount is also matched.	Invoice for $10,000 received and paid (August 2015). Will supply further $5,000 once we receive advice that contributions from business have been received to this amount.	01-Aug-15	No
Nov-14	Proposed pedestrian refuge island and associated pavement markings, Konkerberry Drive and Banksia Street Intersection following asphalt overlay	That Council approve Option 1 as shown on Concept Drawing KON-14-1 including provision of a dedicated right turn pocket for vehicles entering Coles shopping car park area and the provision of a refuge island for pedestrians/cyclists crossing Konkerberry Drive.	Pavement line markings and regulatory signage installed by MRWA contractor when in town likely late 2015. Contractor due to start on 27/7/2015.	18-Nov-14	In Progress
OCM 16/12/14	Waste and Green Waste at Crossing Falls	That Council: 1) sends a letter to Crossing Falls residents advising them that all household waste must be placed in their wheely bin or taken directly to the licenced Shire landfill facility, that green waste should not be deposited at the disused gravel pit on Crown Land at the corner of Crossing Falls Road and Cherubin Road and that residents may dump up to 1 m3 per day without charge at the licenced Shire landfill facility; 2) approaches the Crossing Falls Fire Brigade with a request to supervise the once off burning of the current pile of green waste at the site; and 3) places a rock barrier at the entrance to the disused gravel pit, using waste maintenance funds.	Letters sent to Crossing Falls residents and to the Crossing Falls Fire Brigade. Crossing Falls Brigade have requested this item not be progressed while it seeks State approval to undertake training at the site. The Department of Lands and Planning has requested further information on the location prior to consideration of any approval.	13-Jan-15	In Progress
OCM 24/02/15	Management of Proposed Reserve - Packsaddle Creek	That item 13.4.7 Management of Proposed Reserve – Packsaddle Creek be deferred to a briefing session.	Matter was discussed at March Briefing Session. Subsequent information to be sought from Department of Lands.	10-Mar-15	In progress
OCM 24/02/15	Minutes of Council Committee Meetings	That Council accepts the unconfirmed Minutes of the Audit (Finance and Risk) Committee Meeting held on 10/02/2015 with an amendment to: Minute AC330 – to include current ratios where available Minute AC343 – to be amended to: That the Council: 1) Directs the A/CEO, or their delegate, to legally defend the Shire in the abovementioned minor case claim; 2) Approves sufficient provision in the Mid- Year Budget Review to allow for associated legal fees; and 3) Directs the A/CEO, or their delegate, to provide a report to the next Audit (Finance and Risk) Committee meeting outlining the current status of the matter.	Update provided to the 11 August meeting of the Audit (Finance and Risk) Committee. Recommendation to be considered by Council on 25 August 2015.		In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 24/03/15	Outdoor Dining Permit at Lot 614 Messmate Way, Kununurra	That Council:- APPROVES the request submitted by Guillaume Tollec for an outdoor dining permit at Lot 641 (shop 5) Messmate Way, subject to compliance with the following conditions, to the satisfaction of Shire officers: 1. The permit is valid for 12 months. 2. The applicant shall make payment of an Outdoor Dining permit fee, upon completion of the local public notice process and imposition of the fee into the Shire's Fees and Charges schedule. 3. The applicant shall be responsible for: i. Indemnifying the Shire in writing with regard to any claims that may arise in this public place. As such, the onus remains with the applicant to ensure that adequate Public Liability Insurance Cover is provided to a minimum of $10 million. A copy of the trader's public liability insurance must be provided to the Shire of Wyndham East Kimberley prior to the trading date; ii. Ensuring that the dining use is conducted at all times in accordance with the provisions of the Shire's local laws; iii. Maintaining the furniture in the public place in a good, clean and serviceable condition at all times; iv. Removing all waste after trading hours conclude; and v. All costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the dining area.	Applicant advised on 9 April 2015 of outcome of the March 2015 Ordinary Council Meeting and of the new fees adopted by Council. New form provided to applicant and outdoor dining area (21m²) and fee amount confirmed to be paid. Invoice for fee sent.	03-Aug-15	In progress
OCM 24/03/15	Unnamed Creek Crossing - Victoria Highway	That Council: 1. Directs the Acting Chief Executive Officer to write to the MG Corporation to seek advice from the relevant Traditional Owners on the proposed formal naming of 'Philchowski Crossing', and potential indigenous naming of the creek. 2. Directs the Acting Chief Executive Officer to undertake research and compile supporting documentation to demonstrate Philchowski's contribution to the community or historical significance. 3. Endorses the proposed formal naming of 'Philchowski Crossing', and advises the Geographic Names Committee of its endorsement, subject to adequate supporting documentation being compiled and no objection being received from Traditional Owners.	Letter sent to MG Corporation dated 20 April to seek advice from relevant Traditional Owners. MG Corporation have acknowledged receipt of this letter and advised that the matter will be referred to the relevant MG Entity and Traditional Owner for comment, and a response will be provided in due course.	20-Apr-15	In progress
OCM 24/03/15	CONFIDENTIAL Ord River Sports Club Lease	That Council directs the Acting CEO or their delegate to offer a special payment arrangement with Ord River Sports Club Inc. for a period which does not extend beyond July 2020, being approximately 5 years, for the payment of outstanding rates and charges ($19,799.71), if requested by the Club.	Notification of offer of special arrangement has been sent to the Ord River Sports Club. Awaiting a response.		In progress
OCM 28/04/15	Tender T04 14/15 Design and Construct Storage and Amenities Shed, Depot, Wyndham	That Council accept the tender submitted from East Kimberley Constructions, 35 Poinciana Street, Kununurra WA 6743, for Tender T04 -14/15 Design and Construction of Storage and Amenities Shed, Shire Depot, Wyndham, in accordance with the tender documentation for the Lump Sum Price of $218,033 ex GST.	Contract in place and work commenced.	01-May-15	In Progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/04/15	WALGA Preferred Supplier eQuotes - ET02 14/15 Kununurra Airport Asphalt Surfacing Runway an	That Council: 1. Accept the submission from Downer Infrastructure, 5 Marion Road, Maddington WA 6109 for ET02 14/15 Kununurra Airport Asphalt Surfacing Runway and Taxiway Intersections, in accordance with the tender document and their submitted schedule of prices for the lump sum price of $4,684,813.60 ex GST; 2. Accept the Downer Infrastructure offer to transport B380 Binder using road tankers, resulting in savings to Council of $95,000 ex GST off the lump sum price of $4,684,813.60 ex GST; 3. Transfer $200,000 from Airport Reserve Account to GL 04120734, Runway Asphalt Overlay, to cover contingencies and potential variations	The asphalting component of these works were completed in June 2015. Runway grooving is scheduled to commence on 31st August for about 5 nights.	05-Jun-15	In Progress
OCM 28/04/15	Confidential - Legal Claim	That Council; 1. Notes the officer's confidential report and the progress of the General Procedure Claim, 2. Directs the CEO, or their delegate, to legally defend the matter on behalf of the Shire in the abovementioned General Procedure Claim, 3. Approves sufficient provision in the budget to allow for associated legal fees, and 4. Directs the CEO, or their delegate, to provide a report to Council on the status of the matter at the earliest opportunity.	Court orders obtained from the Court at the Pre-trial conference on 26 June 2015.	26-Jun-15	In Progress
OCM 28/04/15	Confidential - Disposal of Shire Residential Property	That Council 1. Direct the Chief Executive Officer or their delegate to engage one or more real estate agents to market 6 Eugenia Street, Kununurra and 67 Koojarra Street, Wyndham and bring forward an offer to Council to dispose of the property(s) by private treaty. 2. Direct the Chief Executive Officer or their delegate to lease vacant Shire residential properties.	6 Eugenia Street on the market; no property viewings to date. Tenancy Agreement being finalised for the rental of Shire residential properties.	20-Jul-15	In progress
SCM 12/05/15	Endorsement of the 2015/16 Rates in the Dollar and Minimum Payments for Advertising	That Council notes: a. That approval from the Minister for Local Government and Communities will need to be sought subsequent to the consideration of public submissions for: i. Imposing a minimum payment on the GRV Other Vacant rating category which result in more than 50% of the properties in this category being subject to minimum payments, in accordance with section 6.35(5) of the Local Government Act 1995; and ii. Imposing a rate in the dollar for UV Mining, UV Mining Vacant and UV Pastoral which will result in it being more than twice the lowest differential general rate imposed, in accordance with section 6.33(3) of the Local Government Act 1995. b. That the 2015/16 rates in the dollar and minimum payments proposed, cannot be adopted by the Council for incorporation into the budget until after Ministerial approval has been granted.	Ministerial approval for minimum payments provided on 13 August 2015, with approval still pending (at the time of writing this report) for the differential general rates. Advice from DLGC indicates that Ministerial approval will be provided prior to 25 August OCM.		In progress
SCM 12/05/15	Endorsement of the 2015/16 Rates in the Dollar and Minimum Payments for Advertising	That Council: 1. Approves the allocation of 3% of the additional rating revenue to be transferred to the Asset Management Reserve to be utilised for its stated purpose, being to "provide for the ongoing maintenance, renewal, upgrade, replacement or development of Shire owned assets within the Shire of Wyndham East Kimberley".	This will be incorporated into the 2015/16 Budget Process		In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 26/05/15	Consideration of Recommendations Contained Within the Minutes of the Audit (Finance and Risk) Committee Meeting of 12 May 2015	That the Audit (Finance and Risk) Committee recommends to the Council that: 1. The Council grant an extension of time for the special payment arrangement plan to be negotiated and signed by the rates debtor A501 until 31 July 2015.	President provided further update after meeting with their members. Agenda was considered by the Audit (Finance and Risk) Committee on 11 August and will be considered by Council on 25 August 2015.	Ongoing	In progress
OCM 26/05/15	Annual General Electors Meeting 28 April 2015	That Council: a) Does not support the Elector Motion that the Shire convenes a public meeting of all interested persons, business, private, departmental, police and anybody that may have input into the problem to discuss the ever increasing problem that methamphetamine is posing to our community and seeking ways to find cooperative solutions to address the issue in our community. b) Requests the CEO to arrange a briefing of Council from key agencies to gain advice regarding best practice for Local Government in addressing methamphetamine use within the community.	A suitable presenter has been identified by the Drug and Alcohol Office. Discussions have taken place with this presenter to organise a suitable time. These discussions are ongoing.	16-Jul-15	In progress
OCM 23/06/15	East Kimberley Regional Airport Proposed Runway Extension Business Case	That Council notes the Chief Executive Officer's intention to appoint GHD Consulting Engineers for the Lump Sum price of $140,740.00 ex GST in accordance with the current budget to: 1. Prepare a Business Case to support grant opportunities including an application to a future round of the National Stronger Regions Fund; 2. Investigate the ground soil conditions for the proposed runway extension and associated taxiways and passenger terminal apron at East Kimberley Regional Airport to determine their structural adequacy to accommodate B737 and A320 aircraft.	The consultant has commenced work	25-Jun-15	In progress
OCM 23/06/15	Draft Policy – Leasing of Council Managed/Owned Land – Commercial	That Council endorse the draft Policy CP_PMG-3781 Leasing of Council Managed/Owned Land – Commercial for public advertisement for a period of 28 days. With the following amendments to the policy: Section 8.10 is to read: The Lessee is to advise the Shire in writing at least six months prior to the expiry of the lease whether or not a new Lease is requested. Create another dot point that says "Leases will only be granted over areas required for exclusive use".	Draft policy currently being advertised on website and facebook, and will be advertised in SWEK news on 16 July 2015. Council to consider adoption of the draft Policy at the August OCM.	08-Jun-15	In progress
OCM 23/06/15	Draft Shire of Wyndham East Kimberley Play Space Plan	That Council endorse the Draft Shire of Wyndham East Kimberley Play Space Plan for community consultation	Engagement Plan being developed	09-Jul-15	No
OCM 23/06/15	Lakeside Resort Lease	That Council requests the Chief Executive Officer to give one month's notice to Ingle Pty Ltd terminating the existing tenant at will arrangement if the Lease over Reserve 51637, Lot 506 on Deposited Plan 401069 to Ingle Pty Ltd is not executed within 3 months of this resolution, being on or before the 23 September 2015.	Subject to the lease not being executed by 23 September 2015.	03-Jul-15	No. Cannot be completed until 23 September 2015.
OCM 23/06/15	Lakeside Resort Lease	That Council delegates the power to sign the lease to the Chief Executive Officer and Shire President, subject to receiving no objections during the advertising period.	Proposed disposition of lease has been advertised. Council to consider submissions at the August OCM.	14-Aug-15	No
OCM 23/06/15	Lakeside Resort Lease	That Council offers Ingle Pty Ltd a Lease over Reserve 51637, Lot 506 on Deposited Plan 401069, subject to the following: a) Lease term to be 21 years; b) Commencement date to be 1 July 2015; c) Lease rent to be set at the Market Net Rental Value as of 1 July 2015 as determined by a licenced valuer, plus GST; d) Rent to be reviewed by CPI annually; e) Minister of Lands approval.	Letter sent advising of OCM decision. Copy of valuation provded along with copy of updated lease document.	24-Jul-15	No

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 23/06/15	T09 – 14/15 KALUMBURU RD – PORT WARRENDER ROAD OPENING GRADE, AND MAINTENANCE GRADE	That Council; 1. Notes the officer's comments, 2. Notes that the Tender T09 14/15 Kalumburu Road - Port Warrender Road, Opening Grade includes provision for maintenance grading works to Kalumburu Road and Port Warrender Road for the 2015 dry season, 3. Notes that maintenance grading works on Kalumburu Road and Port Warrender Road are proposed to commence late in the week of 22 June 2015.	Existing contract (T09 2014/15), works in progress.	25-Jun-15	In progress
OCM 23/06/15	CAR HIRE BOOTH RENTAL AT EAST KIMBERLEY REGIONAL AIRPORT	That Council revokes that part of its decision Minute number 10823 of 24 February 2015 reproduced below; "execute a lease agreement with Tuffy's Pty Ltd trading as East Kimberley Hirings and known as Hertz for a concession booth and 6 designated car parking bays at the East Kimberley Regional Airport subject to the following conditions: 1) for record purposes, Tuffy's Pty Ltd shall satisfactorily complete a copy of the tender return documents for tender T3 14/15 TENDER FOR THE LEASE OF CONCESSION BOOTHS AT THE EAST KIMBERLEY REGIONAL AIRPORT in full and return these documents to the Shire prior to execution of the lease; 2) the lease shall contain similar conditions to and have the same termination date as the other concession booth leases at the airport; 3) the initial lease payment by Tuffy's Pty Ltd shall be adjusted to account for the lower lease fees charged to Tuffy's Pty Ltd after 1st February 2015 such that there is no commercial advantage to Tuffy's Pty Ltd in lease fees over the fees applicable to the other concession booth lessees;"	The lessee has been notified of termination of the lease.	30-Jun-15	In progress

13.5 CORPORATE SERVICES

13.5.1 List of Accounts paid under Delegation

DATE:	25 August 2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Victoria Nakamya, Creditors Officer Felicity Heading, Coordinator Financial Operations
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DECLARATION OF FINANCIAL INTERESTS:	Nil

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

In accordance with the Delegations Register 2014/15 adopted by the Council on the 26th of August 2014, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.42

Local Government (Financial Management) Regulations 1996 – regulations 12 and 13

POLICY IMPLICATIONS

CD\GOV6113 – Payments from Municipal Fund and Trust Fund.

FINANCIAL IMPLICATIONS

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

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 1.4.3: Maintain Council's long term financial viability

COMMUNITY ENGAGEMENT

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

No community engagement is required

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 the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid from Municipal Fund and Trust Fund.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 124063 – 124334 (02 July – 29 July 15)	$ 3,244,405.44
Municipal cheques 51058 - 51106 (02 July – 29 July 15)	$ 137,621.97
Trust cheques 787 – 793 (08 July – 24 July 15)	$ 10,466.60
Trust EFT 500977 – 500992 (01 July – 31 July 15)	$ 13,356.65
Payroll (08 July 15 – 30 July 15)	$ 416.711.81
Direct bank debits (01 July 15 – 31 July 15)	$ 53,196.05
TOTAL	$ 3,875,758.52

COUNCIL DECISION

Minute No. 11087

Moved: Cr S Cooke
Seconded: Cr B Robinson

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

Municipal EFT 124063 – 124334 (02 July – 29 July 15)	**$ 3,244,405.44**
Municipal cheques 51058 - 51106 (02 July – 29 July 15)	**$ 137,621.97**
Trust cheques 787 – 793 (08 July – 24 July 15)	**$ 10,466.60**
Trust EFT 500977 – 500992 (01 July – 31 July 15)	**$ 13,356.65**
Payroll (08 July 15 – 30 July 15)	**$ 416.711.81**
Direct bank debits (01 July 15 – 31 July 15)	**$ 53,196.05**
TOTAL	**$ 3,875,758.52**

Carried Unanimously 8/0

ATTACHMENT 1

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 25 AUGUST 2015

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT124063	02/07/2015	ALLGEAR MOTORCYCLES & SMALL ENG.	PARTS - CHAINSAW CHAINS - P356	132.00
EFT124064	02/07/2015	ARGYLE ENGINEERING	REPAIRS TO LOADER BUCKET - P390	2,338.49
EFT124065	02/07/2015	ASSN OF WA COMMUNITY CENTRES	MEMBERSHIP FROM 1ST JULY 2015 - 30TH JUNE 2016 - WYNDHAM CRC	600.00
EFT124066	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	169.40
EFT124067	02/07/2015	BLACKWOODS ATKINS PTY LTD	BATTERY LANTERN, NIFTY NABBERS, CROSS OVER HARNESS - EKR AIRPORT	790.35
EFT124068	02/07/2015	BUSHCAMP SURPLUS STORE	PROTECTIVE CLOTHING - STAFF	108.40
EFT124069	02/07/2015	C & S JOLLY ELECTRICS PTY LTD	REPAIRS TO CHLORINE PROBES & INSTALL NEW DIFFUSERS - KLC, KYC	1,281.50
EFT124070	02/07/2015	CABCHARGE	CABCHARGES - STAFF MEMBER ATTEND TRAINING	15.20
EFT124071	02/07/2015	CAM MANAGEMENT SOLUTIONS	ANNUAL LICENSE FEE - INTERPLAN, IRM, CUSTOMER CARE - JUL 2015 TO JUN 2016	14,388.11
EFT124072	02/07/2015	CDM HYDRAULICS PTY LTD	REPAIRS - P333 , P354 , P372	7,476.21
EFT124073	02/07/2015	CENTURION TRANSPORT	FREIGHT - CLEANING SUPPLIES KUNUNURRA DEPOT	196.89
EFT124074	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	105.65
EFT124075	02/07/2015	CITY OF KARRATHA	CERTIFICATION OF SHIRE BUILDING PLANS & ISSUE CERT. OF DESIGN COMPLIANCE	99.00
EFT124076	02/07/2015	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - KELLYS KNOB WALKING TRACK MAINTENANCE	64.15
EFT124077	02/07/2015	COMFORT HOTEL PERTH CITY	ACCOMODATION AND MEALS - STAFF MEMBER - TRAINING -11 JUNE 2015	155.00
EFT124078	02/07/2015	CR BEAU ROBINSON	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124079	02/07/2015	CR DARREN SPACKMAN	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124080	02/07/2015	CR GARY KING	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124081	02/07/2015	CR GLENN MATTHEW TAYLOR	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124082	02/07/2015	CR JOHN HAMILTON MOULDEN	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES/PRESIDENTS ALLOW.	11,153.50
EFT124083	02/07/2015	CR KEITH WRIGHT	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124084	02/07/2015	CR SOPHIE ANN COOKE	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
EFT124085	02/07/2015	CROCODILE SIGNS PTY LTD	PRICE DECALS FOR TIP CHARGES SIGN - KUNUNURRA LANDFILL	95.70
EFT124086	02/07/2015	DATACOM SYSTEMS WA	NETWORK CONNECTIVITY AND UPGRADE - KUNUNURRA ADMINISTRATION	5,181.75
EFT124087	02/07/2015	DAVEY TYRE & BATTERY SERVICE	PUNCTURE REPAIRS, FITTING AND DISPOSAL - P382, P479 , P372 & P478	1,686.00
EFT124088	02/07/2015	EK ENGINEERING	REPAIR SPARE WHEEL CARRIER ON GRADER - P477	1,342.00
EFT124089	02/07/2015	EAST KIMBERLEY CONSTRUCTION P/L	T07 13/14 -CROSSING FALLS BUSH FIRE SHED – CONST. GRAVEL PARKING AREA	16,176.00
EFT124090	02/07/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KNX DEPOT, KNX ADMIN, P133 ,KELLY'S KNOB	495.15
EFT124091	02/07/2015	EAST KIMBERLEY PLUMBING	REPAIRS - REPOSITIONED SOLAR VALVES - STAFF HOUSING	562.43
EFT124092	02/07/2015	ENVIRONMENTAL HEALTH AUSTRALIA	ANNUAL SUBSCRIPTION RENEWAL - I'M ALERT FOOD SAFETY TRAINING PROGRAM	330.00

EFT124093	02/07/2015	FORPARK AUSTRALIA	TODDLER SWING SEAT AND CHAINS - CELEBRITY TREE PARK	157.30
EFT124094	02/07/2015	GHD PTY LTD	CONSULTANCY - EKRA RUNWAY WORKS APPROVAL APPLICATION	9,555.70
EFT124095	02/07/2015	GUERINONI & SON	TIPPER HIRE - ASPHALT RESURFACING - VARIOUS STREETS INCL. MESSMATE WAY	10,251.23
EFT124096	02/07/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - VARIOUS INCL. SHOWER AT POOL CHANGE ROOMS-KLC	1,936.66
EFT124097	02/07/2015	IXOM OPERATIONS PTY LTD	STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS	3,089.87
EFT124098	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	387.57
EFT124099	02/07/2015	KUNUNURRA MEDICAL	STAFF WELLBEING PROGRAM - 2015 FLU SHOTS - STAFF MEMBERS	968.00
EFT124100	02/07/2015	KIMBERLEY KOOL REFRIG. & AIRCON	REPAIRS TO AIRCONDITIONER - EAST KIMBERLEY TOURISM HOUSE	2,090.00
EFT124101	02/07/2015	KIMBERLEY MOTORS	FUEL COSTS - MAY 15, SUPPLIES - VARIOUS INCL. ICE, RAGS, CEMENT - WYN DEPOT	2,139.57
EFT124102	02/07/2015	KIMBERLEY TREE SERVICES PTY LTD	TREE REMOVAL - STAFF HOUSING KUNUNURRA	1,100.00
EFT124103	02/07/2015	KUNUNURRA DISTRICT HIGH SCHOOL	SWEK CONTRIBUTION TO LIBRARY ELECTRICITY CHARGES - MAY15 KNX LIBRARY	3,792.96
EFT124104	02/07/2015	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS -KNX DEPOT AND KLC	111.00
EFT124105	02/07/2015	KUNUNURRA PANEL BEATING WORKS	SUPPLY & FIT REPLACEMENT WINDSCREEN - P309	484.00
EFT124106	02/07/2015	LANGFORD MACHINERY PTY LTD	REPAIRS - P482	220.00
EFT124107	02/07/2015	LANDGATE	ANNUAL SUBSCRIPTION - LANDGATE SLIP SERVICE - 28/5/2015 -27/5/2016	1,363.20
EFT124108	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	164.96
EFT124109	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	321.39
EFT124110	02/07/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	3,474.68
EFT124111	02/07/2015	NGNOWAR-AERWAH ABORIG. CORP	CONTRIBUTION TOWARDS SPECKY DREAMING FOOTY FRENZY EVENT - JUNE 2015	1,100.00
EFT124112	02/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	40.01
EFT124113	02/07/2015	OFFICE NATIONAL KUNUNURRA	OFFICE SUPPLIES - KNX AIRPORT & KLC	114.95
EFT124114	02/07/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION FITTINGS - KUNUNURRA DEPOT	803.40
EFT124115	02/07/2015	ORD FUEL SUPPLIES	FUEL COSTS - JUNE 15	10,066.78
EFT124116	02/07/2015	PIVOTEL	SATELITE PHONE COSTS - JUNE 15	65.00
EFT124117	02/07/2015	SGS ENVIRONMENTAL SERVICES	TESTING OF WATER SAMPLES - KUNUNURRA LANDFILL	708.40
EFT124118	02/07/2015	SJR CIVIL CONSULTING PTY LTD	CONSULTANCY- DETAILED DESIGN, TRAFFIC CALMING DEVICES VAR.LOCS.- KNX	2,200.00
EFT124119	02/07/2015	STATE LAW PUBLISHER	GOVERNMENT GAZETTE ADVERTISING - CEMETERY FEES & CHARGES	111.20
EFT124120	02/07/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	ADVERTISING IN THE BASTION NEWSPAPER - MOSQUITO NOTICE FEB 2015	209.35
EFT124121	02/07/2015	SIMPLY UNIFORMS	SUPPLY OF FITNESS TOWELS, UNIFORMS AND EMBROIDERY - KNX ADMIN & KLC	736.72
EFT124122	02/07/2015	TOLL IPEC PTY LTD	FREIGHT - COMPUTER RESOUCES - KUNUNURRA ADMINISTRATION	167.22
EFT124123	02/07/2015	TOX FREE AUSTRALIA PTY LTD	REFUSE & LITTER COLLECTION, STREET SWEEPING - MAY 15, KUNUNURRA & WYN.	66,446.65
EFT124124	02/07/2015	TUCKERBOX/RETRAVISION KUNUNURRA	TELEVISION FOR CHILDREN'S LIBRARY ACTIVITIES - KNX LIBRARY	299.00
EFT124125	02/07/2015	TYREPLUS KUNUNURRA	PUNCTURE REPAIRS AND BATTERY - P116 & P490	230.00
EFT124126	02/07/2015	VANDERFIELD NORTHWEST PTY LTD	PARTS - P135	101.83

EFT124127	02/07/2015	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	1,249.51
EFT124128	02/07/2015	WA LOCAL GOVERNMENT ASSN	MARKETFORCE ADVERTISING - INCL. OPERATION OF KNX YOUTH CENTRE	2,412.43
EFT124129	02/07/2015	WESTRAC EQUIPMENT PTY LTD	ASSEMBLE TRACKS WITH NEW PARTS - P390	19,419.43
EFT124130	02/07/2015	WAVE1 PTY LTD	LINE OF SIGHT SURVEY & REPORT - INTER OFFICE CONNECTIVITY - KNX ADMIN	8,002.50
EFT124131	02/07/2015	WESTERN AUST. TREASURY CORP.	LOAN REPAYMENT	87,411.67
EFT124132	09/07/2015	ABCO PRODUCTS	CLEANING SUPPLIES - EAST KIMBERLEY REGIONAL AIRPORT	983.83
EFT124133	09/07/2015	AMP SUPER SAVINGS ACCT	SUPERANNUATION CONTRIBUTIONS	238.38
EFT124134	09/07/2015	AMPAC DEBT RECOVERY PTY LTD	DEBT COLLECTION COMMISSIONS AND COSTS - JUNE 15	19.25
EFT124135	09/07/2015	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,430.63
EFT124136	09/07/2015	AUSTRALIAN AIRPORTS ASSOCIATION	MEMBERSHIP RENEWAL - AUSTRALIAN AIRPORTS ASSOCIATION JUL 15 - JUN 15	3,949.00
EFT124137	09/07/2015	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES - MAY 15	2,343.00
EFT124138	09/07/2015	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	150.60
EFT124139	09/07/2015	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	66,726.00
EFT124140	09/07/2015	BADGELINK	NAME BADGES - STAFF MEMBERS - KUNUNURRA ADMINISTRATION	248.30
EFT124141	09/07/2015	BEST KIMBERLEY COMPUTING	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMIN - JUNE 15	2,186.99
EFT124142	09/07/2015	BLACKWOODS ATKINS PTY LTD	TOILET SIGNAGE, STORAGE CABINET - KUNUNURRA LEISURE CENTRE	1,893.88
EFT124143	09/07/2015	BUSHCAMP SURPLUS STORE	UNIFORMS - OUTDOOR WORKFORCE - KUNUNURRA	1,392.95
EFT124144	09/07/2015	C & S JOLLY ELECTRICS PTY LTD	VARIOUS ELECTRICAL WORKS - WYN POOL, KLC, STAFF HOUSING	2,784.84
EFT124145	09/07/2015	CENTURION TRANSPORT	FREIGHT - KNX - PERTH - BANNER IN A BAG	16.01
EFT124146	09/07/2015	CHEFMASTER AUSTRALIA	BIN LINERS - EAST KIMBERLEY REGIONAL AIRPORT	752.10
EFT124147	09/07/2015	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	520.29
EFT124148	09/07/2015	COMMERCIAL CLEANING & MAINT.	CLEANING AND CALCIUM TREATMENT - STAFF HOUSING	220.00
EFT124149	09/07/2015	DSC CONTRACTING	MONTHLY TESTING OF FIRE ALARM SYSTEM - JUNE 15 - EKR AIRPORT	132.00
EFT124150	09/07/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KNX ADMIN , KNX DEPOT	350.20
EFT124151	09/07/2015	EAST KIMBERLEY PLUMBING	MONTHLY TESTING OF FIRE PUMP - KUNUNURRA AIRPORT- JUNE 15	300.30
EFT124152	09/07/2015	ECOWEST	CLEANING SUPPLIES - KUNUNURRA LEISURE CENTRE	118.80
EFT124153	09/07/2015	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES - JUNE 15	63.07
EFT124154	09/07/2015	FIGLEAF POOL PRODUCTS	HYDRO EJECTOR KIT - KUNUNURRA LEISURE CENTRE	314.60
EFT124155	09/07/2015	GEMECOM	ANNUAL SUBSCRIPTION RENEWAL - DESTINY LIBRARY MANAGER 31/5/15-31/5/16	1,295.00
EFT124156	09/07/2015	HART SPORT	SUPPLIES - BALLS, YOGA MAT, BALL RACK, ICE PACK COVER - KLC	2,366.90
EFT124157	09/07/2015	IMAGESOURCE	SHIRE BUSINESS CARDS X 500 - KUNUNURRA ADMIN	1,078.00
EFT124158	09/07/2015	IXOM OPERATIONS PTY LTD	STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS	560.92
EFT124159	09/07/2015	JSW HOLDINGS PTY LTD	6 WHEELER HIRE - KUNUNURRA LANDFILL	5,148.00
EFT124160	09/07/2015	JAB INDUSTRIES	MOBILISATION OF LOADER TO PARRY CREEK RD, LOADER HIRE - KNX LANDFILL	8,431.50

EFT124161	09/07/2015	JORRITSMA H & CO	PARTS - KLC GAS SYSTEM, PARTS - SWIM BEACH TOILETS	305.60
EFT124162	09/07/2015	KIMBERLEY COMMUNICATIONS	REPAIRS INCL. SECURITY SYSTEM - WYN YOUTH CTR, UHF RADIO - KNX LANDFILL	913.00
EFT124163	09/07/2015	KIMBERLEY EXCAVATIONS PTY LTD	LOCATE SERVICES & INVESTIGATE ELECT. SUPPLY - OLD DARWIN RD BOAT RAMP	935.00
EFT124164	09/07/2015	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	256.92
EFT124165	09/07/2015	KIMBERLEY TREE SERVICES PTY LTD	TREE LOPPING - TOWN OVAL - KUNUNURRA	1,500.00
EFT124166	09/07/2015	KINDY MANAGER PTY LTD	PROGRAM SET UP & SUPPORT - INSTALLATION OF SOFTWARE	110.00
EFT124167	09/07/2015	KUNUNURRA GYMNASTICS CLUB	KIDS SPORT SPONSORSHIP	640.00
EFT124168	09/07/2015	KUNUNURRA JUNIOR FOOTBALL	KIDS SPORT SPONSORSHIP	540.00
EFT124169	09/07/2015	KUNUNURRA NETBALL ASSOCIATION	KIDS SPORT SPONSORSHIP	6,735.00
EFT124170	09/07/2015	KUNUNURRA RURAL TRADERS	FIRE SAFETY CHECK - KNX & WYN CHILD CARE, WYN REC CENTRE, WYN LANDFILL	405.00
EFT124171	09/07/2015	L3 COMMUNICATIONS AUST. PTY LTD	SAMPLE TRAPS & FAN FILTER - KNX AIRPORT	963.60
EFT124172	09/07/2015	LAWRENCE & HANSON GROUP	SUPPLY OF LAMPS - KLC	35.49
EFT124173	09/07/2015	LANDGATE	SOFTWARE LICENSING - LIBRARY ACCESS TO CLOUD SERVER 2015/16	3,575.00
EFT124174	09/07/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE - INCL. DISCLOSURE OF PROBITY REPORT, LEASE CONTRACTS	4,599.87
EFT124175	09/07/2015	MAXXIA	PAYROLL DEDUCTIONS	7,035.11
EFT124176	09/07/2015	MCLEAN ENTERPRISES PTY LTD	FREIGHT - HITACHI - KNX DEPOT - PARTS - P136	132.00
EFT124177	09/07/2015	MONCRIEFF TECHNOLOGY SOLUTIONS	LABOUR TO INSTALL & CONFIGURE CITRIX XENAPP & NETWORK SUPPORT	2,640.00
EFT124178	09/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	413.00
EFT124179	09/07/2015	ORDCO	SUPPLY OF WEED CONTROL CHEMICALS	82.50
EFT124180	09/07/2015	OUTBACK CLEANING	CLEANING - VACANT STAFF HOUSING	165.00
EFT124181	09/07/2015	OFFICE NATIONAL KUNUNURRA	OFFICE SUPPLIES EAST KIMBERLEY REGIONAL AIRPORT	147.15
EFT124182	09/07/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION FITTINGS - STAFF HOUSING , KUNUNURRA DEPOT	1,141.58
EFT124183	09/07/2015	ORD FUEL SUPPLIES	GREASE - P390 & FUEL COSTS - JUNE 15	2,568.41
EFT124184	09/07/2015	PLANNING INSTITUTE AUSTRALIA	MEMBERSHIP AS PER EMPLOYMENT CONTRACT	590.00
EFT124185	09/07/2015	PRITCHARD BOOKBINDERS	BINDING - 6 COPIES OF COUNCIL MINUTES	452.10
EFT124186	09/07/2015	ROYAL LIFE SAVING (WA BRANCH)	ENROLMENT FEES - TRAINING 21/09/2015-25/09/2015 - STAFF MEMBER	1,920.00
EFT124187	09/07/2015	TOLL EXPRESS	FREIGHT PERTH - KNX - POOL CHEMICALS WYNDHAM POOL	971.40
EFT124188	09/07/2015	TOTAL SAFETY & FIRE SOLUTIONS	STAMP, CERTIFY & CHECK FIRE EXTINGUISHER - WYNDHAM AIRPORT OFFICE	121.00
EFT124189	09/07/2015	THE TRUSTEE PATRICK MLAMBO SUPER	SUPERANNUATION CONTRIBUTIONS	176.00
EFT124190	09/07/2015	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	22,581.50
EFT124191	09/07/2015	WEATHERWORKS AUST	WINDSOCK - KUNUNURRA LEISURE CENTRE	225.50
EFT124192		CANCELLED	CANCELLED	-
EFT124193	15/07/2015	AMPAC DEBT RECOVERY PTY LTD	DEBT COLLECTION COMMISSIONS AND COSTS - JUNE 15	7,726.74
EFT124194	15/07/2015	ASK WASTE MANAGEMENT	WASTE MANAGEMENT CONSULTANCY - COUNCIL MEETING, KNX LANDFILL VISIT	10,219.00

EFT124195	15/07/2015	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	2,906.00
EFT124196	15/07/2015	BEING THERE SOLUTIONS PTY LTD	VIDEO CONFERENCING SUBSCRIPTION - JULY 15	715.00
EFT124197	15/07/2015	CAM MANAGEMENT SOLUTIONS	QUARTERLY CLOUD HOSTING FEE - JULY 2015 - SEPT 2015	1,980.00
EFT124198	15/07/2015	CJ PEARSON PAINTING	PAINTING WORKS - KUNUNURRA TOWN OVAL TOILETS	5,170.00
EFT124199	15/07/2015	DOWNER EDI WORKS PTY LTD	ET02 14/15 ASPHALT RESURFACING EKR AIRPORT & KONKERBERRY DVE KNX	1,851,688.76
EFT124200	15/07/2015	HART SPORT	GYM EQUIPMENT PARTS - KUNUNURRA LEISURE CENTRE	58.90
EFT124201	15/07/2015	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTER	237.33
EFT124202	15/07/2015	KUNUNURRA JUNIOR FOOTBALL	KIDS SPORT SPONSORSHIP	1,800.00
EFT124203	15/07/2015	KUNUNURRA LOCK & KEY	SUPPLY & INSTALL STAINLESS DOOR COVER PLATE ON KITCHEN - KNX YTH CENTRE	807.50
EFT124204	15/07/2015	LAWRENCE & HANSON GROUP	SUPPLY OF SOCKET OUTLET - KUNUNURRA LEISURE CENTRE	164.69
EFT124205	15/07/2015	MGC BUILDING AND MAINT. PTY LTD	SUPPLY AND INSTALL NEW WATER TANK - WYNDHAM SWIMMING POOL	9,559.00
EFT124206	15/07/2015	QUBE LOGISTICS (AUST) PTY LTD	STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS	2,798.45
EFT124207	15/07/2015	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - JUNE 15 - KUNUNURRA ADMINISTRATION	400.51
EFT124208	15/07/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	800.00
EFT124209	15/07/2015	TELFORD INDUSTRIES	POOL CHEMICALS - KUNUNURRA POOL	1,279.74
EFT124210	15/07/2015	TNT AUSTRALIA PTY LIMITED	FREIGHT - KUNUNURRA TO PERTH - HEALTH SAMPLES	233.79
EFT124211	15/07/2015	TOLL NORTH PTY LTD	FREIGHT - LIBRARY SUPPLIES - KNX LIBRARY	160.37
EFT124212	15/07/2015	WYNDHAM COMMUNITY EVENTS INC.	ECONOMIC GRANT - EVENT SPONSORSHIP FOR 2015 STARS ON THE BASTION	4,250.00
EFT124213	15/07/2015	WESTERN AUST. TREASURY CORP.	GOVERNMENT GUARANTEE FEE ACCRUED 01/07/2014-30/06/2015	948.46
EFT124214	22/07/2015	ABCO PRODUCTS	CLEANING SUPPLIES - KUNUNURRA AIRPORT	81.97
EFT124215	22/07/2015	ALCOLIZER PTY LTD	SERVICE AND RECALIBRATION OF HH2 BREATH TESTER - EKR AIRPORT	114.40
EFT124216	22/07/2015	ALLGEAR MOTORCYCLES & SMALL ENG.	CHAINSAW PARTS - P356	87.50
EFT124217	22/07/2015	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL- JUNE 15	410.43
EFT124218	22/07/2015	BLACKWOODS ATKINS PTY LTD	SUPPLIES-VARIOUS INCL. SPILL PALLETS, GAS FILTER, SIGNAGE - KLC	1,454.10
EFT124219	22/07/2015	C & S JOLLY ELECTRICS PTY LTD	SUPPLY & INSTALL RANGEHOOD & DUCT, WIRING & FITTINGS - STAFF HOUSING	1,984.32
EFT124220	22/07/2015	CABCHARGE	CABCHARGES -STAFF MEMBERS - ATTEND TRAINING -JUNE 15	87.25
EFT124221	22/07/2015	COATES HIRE OPERATIONS PTY LTD	GENERATOR & CHERRY PICKER HIRE - STREET TREE MAINTENANCE - KNX	531.93
EFT124222	22/07/2015	DOWNER EDI WORKS PTY LTD	SUPPLY OF ASPHALT LAKE ARGYLE ROAD, PROFILED RD SPOILS - EKRA	17,875.00
EFT124223	22/07/2015	DAVEY TYRE & BATTERY SERVICE	PUNCTURE REPAIRS - P123 , P482	70.00
EFT124224	22/07/2015	DELRON CLEANING PTY LTD	CONTRACT CLEANING - KNX ADMIN, KYC, KLC, CHANGE RMS & TOILETS KNX	15,297.46
EFT124225	22/07/2015	AUTO TOW & REPAIR	SERVICE - P379	1,012.55
EFT124226	22/07/2015	DRYSDALE RIVER STATION	DIESEL - P388	140.00
EFT124227	22/07/2015	E & MJ ROSHER PTY LTD	EXCESS ON INSURANCE - P382	300.00
EFT124228	22/07/2015	EK ENGINEERING	FABRICATE ANIMAL TRANSPORT CAGE - P387	1,011.50

EFT124229	22/07/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA ADMIN, WYN DEPOT	266.15
EFT124230	22/07/2015	EAST KIMBERLEY PLUMBING	ANNUAL BACKFLOW REPORT -TESTING OF TERMINAL VALVES - EKR AIRPORT	248.60
EFT124231	22/07/2015	EASY GUIDES AUSTRALIA PTY LTD	DAILY INSPECTION CHECKLIST- VARIOUS PLANT INCL. P135, P138, P492, P491,P382	740.00
EFT124232	22/07/2015	FIGLEAF POOL PRODUCTS	POOL EQUIPMENT PARTS - KUNUNURRA LEISURE CENTRE	1,006.50
EFT124233	22/07/2015	FRONTIER POST & NEWS	POSTAGE - WYNDHAM ADMINISTRATION	5.50
EFT124234	22/07/2015	GALVINS PLUMBING SUPPLIES	SUPPLY OF FLOW CARTRIDGE- CELEBRITY TREE PARK	188.66
EFT124235	22/07/2015	GARY HOLBEN T/A PANDANUS HOMES	REPAIRS TO CEILING - STAFF HOUSING	165.00
EFT124236	22/07/2015	GUERINONI & SON	CONSTRUCTION OF SPLASH PADS & RESHEET SULLAGE PITS - KNX LANDFILL	31,845.00
EFT124237	22/07/2015	HAYS RECRUITING	PROFESSIONAL RECRUITMENT SERVICES	20,350.00
EFT124238	22/07/2015	HITACHI CONSTRUCTION MACHINERY	SEAL & HYDRAULIC CYLINDER KITS - P479	470.06
EFT124239	22/07/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - SODA ASH INJECTOR POINT - WYNDHAM POOL	692.27
EFT124240	22/07/2015	IT VISION AUSTRALIA PTY LTD	STAND BY ASSISTANCE FOR SYNERGY SOFT UPGRADE	343.20
EFT124241	22/07/2015	JSW HOLDINGS PTY LTD	CONSTRUCTION WORKS INTERSECTION - MANGALOO ST/COOLIBAH DR KNX	167,976.60
EFT124242	22/07/2015	KIMBERLEY COMMUNICATIONS	REPAIRS TO 2 WAY RADIOS - P390	120.00
EFT124243	22/07/2015	KIMBERLEY KOOL REFRIG & AIRCON	REPAIRS - FIT NEW REPLACEMENT FILTERS INTO AIR CONDITIONER - KNX AIRPORT	1,980.00
EFT124244	22/07/2015	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	34.10
EFT124245	22/07/2015	KIMBERLEY MOTORS	FUEL COSTS - JUNE 15	2,277.50
EFT124246	22/07/2015	KUNUNURRA BETTA ELECTRICAL & GAS	KETTLE - WYNDHAM POOL	39.95
EFT124247	22/07/2015	KUNUNURRA LOCK & KEY	KEY CUTTING - WYNDHAM LANDFILL	114.00
EFT124248	22/07/2015	KUNUNURRA PLAYGROUP WA (INC)	COMMUNITY QUICK GRANT TO INCREASE THE RANGE OF CHILDREN'S ACTIVITIES	500.00
EFT124249	22/07/2015	KUNUNURRA SECURITY SERVICE	SECURITY PATROL & ALARM MONITORING - VARIOUS INCL.KNX ADMIN, KLC, KYC	3,157.50
EFT124250	22/07/2015	LAWRENCE & HANSON GROUP	SUPPLY OF LIGHTS & SENSOR MOTION - STAFF HOUSING	413.39
EFT124251	22/07/2015	MCMULLEN NOLAN GROUP PTY LTD	CONSULTANCY – INCL. CONSTRUCTION PEGGING - MANGALOO STREET KNX	2,860.00
EFT124252	22/07/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	3,474.68
EFT124253	22/07/2015	OFFICE NATIONAL KUNUNURRA	LAMINATOR - KUNUNURRA LEISURE CENTRE	115.00
EFT124254	22/07/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION FITTINGS - WYNDHAM, KUNUNURRA, STAFF HOUSING & EKRA	2,588.00
EFT124255	22/07/2015	ORD FUEL SUPPLIES	OIL AND GREASE - P390, P354, P331, P372, P331, P135, P382, P384 & P356	1,529.40
EFT124256	22/07/2015	ORD VALLEY EVENTS INC	REFUND DUE TO OVERPAYMENT OF DEBTORS INVOICE	382.00
EFT124257	22/07/2015	PLANT HIRE SERVICES PTY LTD	HIRE OF WATER TANKER - KUNUNURRA LANDFILL MAINTENANCE	2,112.00
EFT124258	22/07/2015	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - JUNE 15 - KUNUNURRA ADMINISTRATION	9.90
EFT124259	22/07/2015	SHELF SUPPLY	DOG FOOD - KNX POUND, PROTECTIVE CLOTHING - OUTDOOR WORKFORCE - KNX	311.00
EFT124260	22/07/2015	SIMPLY UNIFORMS	SUPPLY OF UNIFORMS AND EMBROIDERY - KUNUNURRA ADMINISTRATION	102.30
EFT124261	22/07/2015	STAPLES AUSTRALIA PTY LIMITED	MICROSOFT ANNUAL MAINTENANCE AND LICENSING RENEWAL	26,477.00
EFT124262	22/07/2015	TELFORD INDUSTRIES	PALINTEST MACHINES -WYNDHAM POOL & KUNUNURRA LEISURE CENTRE	2,304.06

EFT124263	22/07/2015	TNT AUSTRALIA PTY LIMITED	FREIGHT -KUNUNURRA TO PERTH - PROJECTOR REPAIRS - KUNUNURRA ADMIN	502.58
EFT124264	22/07/2015	TOLL EXPRESS	FREIGHT - WYNDHAM POOL SLIDE	2,337.63
EFT124265	22/07/2015	TOTAL SAFETY & FIRE SOLUTIONS	SERVICE OF FIRE EXTINGUISHER - EAST KIMBERLEY REGIONAL AIRPORT	3,351.70
EFT124266	22/07/2015	THINK WATER KUNUNURRA	RETICULATION FITTINGS - KUNUNURRA PARKS AND GARDENS	126.19
EFT124267	22/07/2015	TOX FREE AUSTRALIA PTY LTD	SKIP EMPTIES - JUN 15 & ROAD SWEEPING ASPHALTING WORKS KNX	8,650.50
EFT124268	22/07/2015	TUCKERBOX/RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS - KUNUNURRA ADMINISTRATION	781.29
EFT124269	22/07/2015	TYREPLUS KUNUNURRA	TYRE DISPOSAL AND FITTING - P388	730.00
EFT124270	22/07/2015	WA LOCAL GOVERNMENT ASSN	MARKETFORCE ADVERTISING - LEASE OF HANGARAGE -WYNDHAM AIRPORT	837.18
EFT124271	22/07/2015	WESTRAC EQUIPMENT PTY LTD	REPAIRS AND PARTS - P488 & P390	3,702.32
EFT124272	24/07/2015	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,430.63
EFT124273	24/07/2015	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT124274	24/07/2015	AUSTRALIAN TAXATION OFFICE	PAYROLL DEDUCTIONS	68,253.00
EFT124275	24/07/2015	MAXXIA	PAYROLL DEDUCTIONS	7,035.11
EFT124276	24/07/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	125.00
EFT124277	29/07/2015	CAMLISMAR INVESTMENTS PTY LTD	HIRE OF SIDE TIPPER - 15/07/15 TO 17/07/15 - KUNUNURRA LANDFILL	6,534.00
EFT124278	29/07/2015	4D LANDSCAPING SOLUTIONS	INSPECTION OF RETICULATION SYSTEM - STAFF HOUSING	55.00
EFT124279	29/07/2015	BLACKWOODS ATKINS PTY LTD	SUPPLIES – INCL. EARPLUGS, GAS KIT, SIGNAGE - KLC, EKRA, KNX LANDFILL	4,913.62
EFT124280	29/07/2015	CENTURION TRANSPORT	FREIGHT - BIN LINERS	90.79
EFT124281	29/07/2015	CITY OF KARRATHA	BUILDING LICENCE FEES - CERTIFICATE OF DESIGN COMPLIANCE - CIRCUS TENT	165.00
EFT124282	29/07/2015	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE, WYN LANDFILL, EXCAVATOR HIRE - DRAIN MAINT. KNX	1,948.57
EFT124283	29/07/2015	COMFORT HOTEL PERTH CITY	ACCOMODATION & MEALS - STAFF MEMBER - ATTEND TRAINING -JUN 15	514.00
EFT124284	29/07/2015	DSC CONTRACTING	TEST FIRE ALARMS - EKRA, REPAIRS TO SENSOR & ALARM - WYN ADMIN, KLC	493.46
EFT124285	29/07/2015	DAVEY TYRE & BATTERY SERVICE	NEW TYRES, FITTING AND DISPOSAL - P477 & P367	2,102.00
EFT124286	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	297.41
EFT124287	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	47.90
EFT124288	29/07/2015	DRYSDALE RIVER STATION	T09 14/15 GRADING WORK & SIGN MOVEMENT - KALUMBURU RD	46,662.00
EFT124289	29/07/2015	EAST KIMBERLEY HARDWARE	DOOR REDICOTE & DOOR KNOB - REPAIRS -KUNUNURRA YOUTH CENTRE	97.60
EFT124290	29/07/2015	FRONTIER POST & NEWS	POSTAGE AND NEWS PAPER PURCHASES - WYNDHAM ADMIN	26.30
EFT124291	29/07/2015	GHD PTY LTD	CONSULTANCY - HYDROGEOLOGICAL ASSESSMENT OF 3 LANDFILL SITES	4,312.00
EFT124292	29/07/2015	GARY HOLBEN T/A PANDANUS HOMES	REPAIRS TO BATHROOM, ROOF, CEILING & REPAINT - KNX CHILDCARE CENTRE	1,815.00
EFT124293	29/07/2015	GUERINONI & SON	DELIVERY OF POLY TANK , WATER TRUCK AND LOADER HIRE - KNX LANDFILL	14,577.75
EFT124294	29/07/2015	HYDRAMET PTY LTD	CHLORINE GAS EMERGENCY SHUT DOWN EQUIPMENT - WYNDHAM POOL	13,813.72
EFT124295	29/07/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - WATER LEAK IN CHEMICAL AREA - WYNDHAM POOL	736.89
EFT124296	29/07/2015	IT VISION USER GROUP (INC) ITVUG	IT VISION USER GROUP MEMBERSHIP SUBSCRIPTION 2015/2016	715.00

EFT124297	29/07/2015	INSYNC SURVEYS	FINAL INSTALMENT - INSYNC EMPLOYEE OPINION SURVEY 2014	9,900.00
EFT124298	29/07/2015	J. CAV ELECTRICAL	MINOR ELECTRICAL REPAIRS - PETER REID MEM. HALL, WYN YOUTH CENTRE	330.00
EFT124299	29/07/2015	JORRITSMA H & CO	SUPPLY OF SINK MIXER SWIVEL, PIPE FITTINGS - KNX ADMIN & MESSMATE WAY	265.00
EFT124300	29/07/2015	KIMBERLEY COMMUNICATIONS	PORTABLE PA SYSTEM, MP3 RECORDER & WIRELESS MICROPHONE - GYM - KLC	1,449.00
EFT124301	29/07/2015	KIMBERLEY HYDRAULICS	REMOVAL AND INSPECTION OF POOL CHAIR LIFT - KUNUNURRA POOL	385.00
EFT124302	29/07/2015	KUNUNURRA DIESEL SERVICE	ELECTRICAL REPAIRS - SUPPLY & FIT NEW FRONT HAND LAMP - P309	596.75
EFT124303	29/07/2015	KUNUNURRA DISTRICT HIGH SCHOOL	SWEK CONTRIBUTION TO LIBRARY ELECT. & OPERATING COSTS - JUL15 -JUN16	80,398.65
EFT124304	29/07/2015	KUNUNURRA HOME & GARDEN	PLUMBING PARTS - STAFF HOUSING	45.00
EFT124305	29/07/2015	KUNUNURRA PANEL BEATING WORKS	TOW CAR FROM KNX DEPOT TO LANDFILL, INSURANCE EXCESS - P391,P133	710.00
EFT124306	29/07/2015	KUNUNURRA PEST MANAGEMENT	ANNUAL TERMITE INSPECTION & REPORT - KUNUNRRA DEPOT	250.00
EFT124307	29/07/2015	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING AND PATROL - KUNUNURRA ADMINISTRATION	160.00
EFT124308	29/07/2015	LENNYS LANDSCAPE	GARDEN MAINTENANCE - STAFF HOUSING	82.50
EFT124309	29/07/2015	LGIS INSURANCE BROKING	INSURANCE 2015/16 - INCL. AIRPORT, LIABILITY, MOTOR VEHICLE	113,338.33
EFT124310	29/07/2015	LOCAL GOV'T SUPERVISORS ASSN WA	TRAINING CONFERENCE - STAFF MEMBERS	1,821.00
EFT124311	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	181.25
EFT124312	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	210.00
EFT124313	29/07/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	8,100.36
EFT124314	29/07/2015	MIRACLE RECREATION EQUIPMENT	SUPPLY OF AUSPLAY CURVED SLIDE - WYNDHAM POOL	275.00
EFT124315	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	37.34
EFT124316	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	148.46
EFT124317	29/07/2015	ORD RIVER ELECTRICS	REPAIRS TO FAULT LIGHT ACTIVATED ON TOILET EXHAUST - EKR AIRPORT	267.45
EFT124318	29/07/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION SPRINKLERS AND FITTINGS - KUNUNURRA	1,340.35
EFT124319	29/07/2015	PHONOGRAPHIC PERFORMANCE CO. LTD	PPCA-MUSIC LICENSE - KUNUNURRA LEISURE CENTRE & PETER REID HALL WYN	387.56
EFT124320	29/07/2015	PRD NATIONWIDE BROOME	ADVERTISING - SALE OF SHIRE PROPERTY	200.00
EFT124321	29/07/2015	PLANNING INSTITUTE AUSTRALIA	REGISTRATION FEES - STAFF MEMBERS - REGIONAL CONFERENCE BROOME-1/7/15	500.00
EFT124322	29/07/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	256.00
EFT124323	29/07/2015	SEARLES HOLDINGS T/A AUTO PRO	COOLANT - P492, P391, P367 & P138	32.00
EFT124324	29/07/2015	STATE LAW PUBLISHER	GOVERNMENT GAZETTE ADVERTISING - HEALTH ACT FEES & CHARGES 26/06/15	55.60
EFT124325	29/07/2015	TNT AUSTRALIA PTY LIMITED	FREIGHT - KUNUNURRA TO PERTH - HEALTH SAMPLES	792.02
EFT124326	29/07/2015	WEST AUST. NEWSPAPERS LTD	ADVERTISING - RECRUITMENT, SWEK NEWS - JUNE 15	1,483.58
EFT124327	29/07/2015	THORLEY'S STORE - WYNDHAM	SUPPLY OF FOOTBALLS FOR WYNDHAM YOUTH PROGRAM	60.00
EFT124328	29/07/2015	TOP END (AUST) PTY LTD	SUPPLY AND WIRING OF EMERGENCY LIGHTS TO TOP OF ROLL BAR - P387	492.44
EFT124329	29/07/2015	TOWN CARAVAN PARK	RELOCATION EXPENSES - STAFF - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	707.20
EFT124330	29/07/2015	TOX FREE AUSTRALIA PTY LTD	REFUSE COLLECTION, STREET SWEEPING - KNX & WYN - JUNE 2015	58,756.48

EFT124331	29/07/2015	TROPICAL PEST CONTROL	TERMITE INSPECTION AND REPORT - KUNUNURRA CHILDCARE CENTRE	275.00
EFT124332	29/07/2015	WILD MANGO	CATERING FOR COUNCIL BRIEFING - 8TH JUNE 15	330.00
EFT124333	29/07/2015	WORLEY PARSONS SERVICES PTY LTD	CONSULTANCY- DESIGN BOAT RAMP, TRAILER PARKING - LILY CREEK LAGOON	42,191.60
EFT124334	29/07/2015	WYNDHAM SUPERMARKET	PROVISIONS AND MATERIALS - WYNDHAM ADMINISTRATION	137.52
			TOTAL MUNICIPAL EFT PAYMENTS	**3,244,405.44**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
51058	02/07/2015	CR DON LEARBUCH	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES	3,770.00
51059	02/07/2015	CR RAYMOND DESSERT	MEMBER PAYMENT 1/04/2015-30/06/2015-MEETING FEES, DEPUTY PRES. ALLOW.	5,645.00
51060	02/07/2015	HORIZON POWER	ELEC. INCL. EKR AIRPORT, KLC, NICOLSON PARK PUMP - 9/05/2015-9/06/2015	31,813.66
51061	02/07/2015	TELSTRA	EXECUTIVE BROADBAND SERVICE - 08 MAY - 07 JUNE 15	125.43
51062	02/07/2015	WATER CORPORATION	WATER USE VAR.INCL. STAFF HOUSING 23 /03/2015-26/05/2015	1,072.26
51063	09/07/2015	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	644.12
51064	09/07/2015	AMP LIFE LTD (FLEXIBLE SUPER)	SUPERANNUATION CONTRIBUTIONS	212.70
51065	09/07/2015	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	3,628.23
51066	09/07/2015	BT LIFETIME SUPER - EMPLOYER PLAN	SUPERANNUATION CONTRIBUTIONS	432.44
51067	09/07/2015	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	254.99
51068	09/07/2015	CASH - PETTY CASH KNX AIRPORT	PETY CASH REIMBURSEMENT - KUNUNURRA AIRPORT	88.55
51069	09/07/2015	CBUS	SUPERANNUATION CONTRIBUTIONS	384.05
51070	09/07/2015	COMMONWEALTH ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	375.26
51071	09/07/2015	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	469.72
51072	09/07/2015	COMMONWEALTH SUPER SAVINGS A/C	SUPERANNUATION CONTRIBUTIONS	258.98
51073	09/07/2015	DEPARTMENT OF TRANSPORT	REGISTRATION - P128 & P126	190.95
51074	09/07/2015	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
51075	09/07/2015	HESTA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	135.52
51076	09/07/2015	HORIZON POWER	ELEC. BOOBIALLA PARK - 01/04/2015 - 03/06/2015	27.42
51077	09/07/2015	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	305.31
51078	09/07/2015	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	290.08
51079	09/07/2015	LG SUPER	SUPERANNUATION CONTRIBUTIONS	474.78
51080	09/07/2015	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	1,243.16
51081	09/07/2015	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	248.84
51082	09/07/2015	NORTH PERSONAL SUPER & PENSION	SUPERANNUATION CONTRIBUTIONS	327.41
51083	09/07/2015	REI SUPER	SUPERANNUATION CONTRIBUTIONS	435.18
51084	09/07/2015	REST SUPER	SUPERANNUATION CONTRIBUTIONS	1,396.97

51085	09/07/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	125.00
51086	09/07/2015	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	151.11
51087	09/07/2015	SUPERANNUATION SAVINGS ACCOUNT	PAYROLL DEDUCTIONS	20.77
51088	09/07/2015	TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	594.77
51089	09/07/2015	UNISUPER	SUPERANNUATION CONTRIBUTIONS	203.45
51090	09/07/2015	VICSUPER	SUPERANNUATION CONTRIBUTIONS	254.99
51091	09/07/2015	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	692.43
51092	09/07/2015	WATER CORP. SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	185.79
51093	15/07/2015	DEPARTMENT OF TRANSPORT	REGISTRATION - P128 & P126	565.50
51094	15/07/2015	HORIZON POWER	ELEC. VAR. INCL. RETICULATION, IVANHOE PUMP - 01/05/2015-29/06/2015	1,160.48
51095	15/07/2015	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	113.79
51096	15/07/2015	REST SUPER	SUPERANNUATION CONTRIBUTIONS	268.76
51097	15/07/2015	TELSTRA	MOBILE PHONE, EXECUTIVE LANDLINES - JUNE 2015	2,910.39
51098	15/07/2015	WATER CORPORATION	ANNUAL INDUSTRIAL WASTE CHARGE -2015/16 - WYN CHILDCARE CENTRE	225.19
51099		CANCELLED	CANCELLED	-
51100	22/07/2015	TELSTRA	LANDLINE PHONE COSTS - JULY 15	7,949.89
51101	22/07/2015	WATER CORPORATION	WATER USE INCL. INDOOR SPORTS, CEMETERY, STAFF HOUSING 9/5/15-7/7/15	5,185.96
51102	23/07/2015	HORIZON POWER	ELEC. INCL. STREET LIGHTING, EKR AIRPORT, KLC, MESSMATE PUMP-10/6-8/7/15	51,861.91
51103	24/07/2015	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
51104		CANCELLED	CANCELLED	-
51105	29/07/2015	TELSTRA	EXECUTIVE BROADBAND SERVICE - 08 JUNE - 07 JULY 15	121.43
51106	29/07/2015	WATER CORPORATION	WATER USE INCL.TENNIS COURTS , KNX DEPOT, KNX AIRPORT14/05/15-14/07/15	10,693.85
			TOTAL MUNICIPAL CHEQUE PAYMENTS	**137,621.97**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
787	08/07/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	BUILDING SERVICES LEVY COMMISSIONS - JUNE 15	90.00
788	08/07/2015	WA DEPT.OF COMMERCE	BUILDING SERVICES LEVY COLLECTIONS - JUNE 15	2,208.60
789	30/06/2015	BUILDING & CONST. INDUSTRY FUND	BCITF COLLECTIONS - JUNE 15	6,307.25
790	30/06/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	BCITF COMMISSIONS - JUNE 15	90.75
791	24/07/2015	KUNUNURRA VISITORS CENTRE	KERB BOND REFUND BP 020/2013	500.00
792	24/07/2015	SKILL HIRE WA PTY LTD	BOND REFUND - YOUTH CENTRE HIRE KUNUNURRA	1,000.00
793	24/07/2015	TEGGAN MOORE	BOND REFUND - HIRE & KEY PETER REID HALL WYNDHAM	270.00
			TOTAL TRUST CHEQUE PAYMENTS	**10,466.60**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500977	01/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 01/07/15	1,452.25
500978	02/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 02/07/15	81.90
500979	03/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 03/07/15	60.70
500980	06/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 06/07/15	770.50
500981	07/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 07/07/15	1,082.20
500982	08/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 08/07/15	72.00
500983	09/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 09/07/15	2,989.70
500984	10/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 10/07/15	75.00
500985	13/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 13/07/15	1,776.55
500986	14/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 14/07/15	305.60
500987	15/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 15/07/15	644.15
500988	16/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 16/07/15	1,207.45
500989	17/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 17/07/15	700.00
500990	29/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 29/07/15	343.85
500991	30/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 30/07/15	364.80
500992	31/07/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 31/07/15	1,430.00
			TOTAL DIRECT DEBIT TRANSPORT PAYMENTS	**13,356.65**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	08/07/2015	PAYROLL	PAYROLL	203,831.08
	09/07/2015	PAYROLL	PAYROLL	2,397.34
	16/07/2015	PAYROLL	PAYROLL	1,799.58
	22/07/2015	PAYROLL	PAYROLL	205,037.81
	30/07/2015	PAYROLL	PAYROLL	3,646.00
			TOTAL PAYROLL PAYMENTS	**416,711.81**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	01/07/2015	NATIONAL AUSTRALIA BANK	BPAY FEES	94.15
	01/07/2015	BANKWEST	EFTPOS FEES	576.25
	01/07/2015	BANKWEST	BANK FEES	143.35
	07/07/2015	MESSAGES ON HOLD	MESSAGES ON HOLD SERVICE	507.00
	23/06/2015	BANKWEST	TRANSFER TO MASTERCARD*	5,000.00

20/07/2015	BANKWEST	PERIODICAL PAYMENT TO MASTERCARD*	7,664.52
21/07/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES JUNE 2015	1,233.26
21/07/2015	DIRECT DEBIT	AUDIT CERTIFICATE FEE	60.00
28/07/2015	CLICKSUPER	EMPLOYEE SUPERANNUATION PERIOD ENDING 20/7/15	37,419.03
28/07/2015	DIRECT DEBIT	AUDIT CERTIFICATE FEE	60.00
31/07/2015	BANKWEST	EFTPOS FEES	438.49
		TOTAL DIRECT DEBIT PAYMENTS	**53,196.05**

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 20/7/15**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	29/05/2015	EAST KIMBERLEY MARINE	TEN YEAR SERVICE GIFT FOR STAFF MEMBER AS PER COUNCIL POLICY CPHR/09	674.00
	29/05/2015	ENGINEERS AUSTRALIA	MEMBERSHIP 2015/16 - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	627.00
	03/06/2015	SHELF SUPPLY	PROTECTIVE CLOTHING - STAFF	56.00
	03/06/2015	BUSH CAMP SURPLUS STORE	PROTECTIVE CLOTHING - STAFF	222.80
	03/06/2015	BUSH CAMP SURPLUS STORE	PROTECTIVE CLOTHING - STAFF	50.95
	03/06/2015	OFFICE NATIONAL KUNUNURRA	OFFICE SUPPLIES - KUNUNURRA ADMININSTRATION	70.95
	04/06/2015	ELECTROLUX HOME PRODUCTS	REPLACEMENT PART FOR OVEN - STAFF HOUSING	86.84
	04/06/2015	SHELF SUPPLY	PROTECTIVE CLOTHING - STAFF	112.00
	04/06/2015	SHELF SUPPLY	CREDIT - PROTECTIVE CLOTHING - ITEMS RETURNED	- 112.00
	04/06/2015	BUSH CAMP SURPLUS STORE	PROTECTIVE CLOTHING – STAFF MEMBER	113.90
	10/06/2015	KINGS PERTH HOTEL	ACCOM.10/6/15 - STAFF MEMBER- ATTEND TRAINING	165.00
	11/06/2015	QANTAS AIRWAYS	FLIGHTS PER-KNX 8/8/15, ELECTED MEMBER, ZONE MEETING & LG CONFERENCE	392.00
	11/06/2015	VIRGIN AIRLINES	FLIGHTS KNX-PER-KNX 31/7-9/8/15, STAFF MEMBER-ZONE MEETING & LG CONF.	1,165.70
	11/06/2015	KINGS PERTH HOTEL	ACCOM. PERTH - 10/6/15 - STAFF MEMBER- ATTEND TRAINING	140.25
	11/06/2015	KINGS PERTH HOTEL	CREDIT - ACCOM.10/6/15 - STAFF MEMBER- ATTEND TRAINING	- 140.25
	14/06/2015	MESSAGE MEDIA	SERVER SMS ALERT NOTIFICATION SERVICE	0.62
	15/06/2015	AIRNORTH	FLIGHTS - KNX-BME-KNX 30/06/15-05/07/15 - STAFF MEMBER ATTEND TRAINING	755.48
	17/06/2015	KNX COMMERCIAL LAUNDRY	CLEANING SERVICES - COUNCIL TEA ROOM LINEN	56.38
	17/06/2015	VIRGIN AIRLINES	FLIGHTS KNX-PER-KNX 26/6/15&12/7/15 STAFF MEMBER AS PER CONTRACT	1,075.70
	17/06/2015	SHELF SUPPLY	FIREARM CLEANING SUPPLIES - EAST KIMBERLEY REGIONAL AIRPORT	91.00
	18/06/2015	MICROSOFT BILLING	MICROSOFT TECHNICAL ASSISTANCE	354.44
	21/06/2015	KIMBERLEY HOTEL HALLS CREEK	ACCOM. & MEALS -20/6/15 - STAFF MEMBER - ART CENTRE OPENING - HALLS CK	213.50
	22/06/2015	TIME MAGAZINE	SUBSCRIPTION - TIME MAGAZINE - KUNUNURRA LIBRARY	125.00

23/06/2015	COLES	SUPPLIES FOR ORDINARY COUNCIL MEETING - 23/06/15	11.60
23/06/2015	VIRGIN AIRLINES	FLIGHTS KNX-PER-KNX 11&12/7/15 - STAFF MEMBER - ATTEND CONFERENCE	1,075.70
24/06/2015	QANTAS AIRWAYS	FLIGHTS - KNX-PER-KNX 9/7/15-14/7/15, STAFF MEMBER ATTEND CONFERENCE	1,225.01
24/06/2015	VIRGIN AIRLINES	FLIGHTS - KNX - PER 2/8/15, ELECTED MEMBER-ZONE MEETING & LG CONFERENCE	326.70
24/06/2015	QANTAS AIRWAYS	FLIGHTS KNX-PER-KNX 9-11/7/15 - ELECTED MEMBER-ATTEND CONFERENCE	1,341.00
24/06/2015	ENVIRONMENTAL HEALTH AUSTRALIA	PROFESSIONAL DEVELOPMENT-STAFF MEMBER AS PER EMPLOYMENT CONTRACT	1,650.00
25/06/2015	VIRGIN AIRLINES	FLIGHTS - KNX - PER 2/8/15, ELECTED MEMBERS -ZONE MEETING,LG CONFERENCE	653.40
26/06/2015	SMART PHONE PROTECTION	PHONE CASE - STAFF MOBILE	83.85

PLEASE NOTE THE FOLLOWING DIRECT DEBITS NOT REPORTED ON PREVIOUS REPORTS

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	23/02/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES JANUARY 2015	533.15
	21/04/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES MARCH 2015	995.61
	21/05/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES APRIL 2015	1202.92
	22/06/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES MAY 2015	565.28

13.5.2 Consideration of Recommendations contained within the Minutes of the Audit (Finance and Risk) Committee Meeting of 11 August 2015

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	GN.05.4
DECLARATION OF INTERESTS:	Nil

PURPOSE

The Audit (Finance and Risk) Committee at its meeting of 11 August 2015 made the following recommendations to the Council for its consideration. The background and details supporting the recommendations are detailed in the Committee minutes.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That the Audit (Finance and Risk) Committee reports to the Council that:-

1. The actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate;

2. Notes that the Council's CP/FIN-3214 Sundry Debt Collection Policy is currently under review based upon advice received from the Department of Local Government in relation to the recoupment of legal fees.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That the Audit (Finance and Risk) Committee reports to the Council that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That the Audit (Finance and Risk) Committee reports to the Council:

1. That the overdraft facility has not been utilised to date; and

2. Recommends that this report be removed as a Standing Item on future Audit (Finance and Risk) Committee Agenda until such time as the overdraft is utilised.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That the Audit (Finance and Risk) Committee recommends to the Council that it notes the Claims Register attached.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That the Committee recommends to the Council that it notes the Confidential Lease Schedule attached.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That the Audit (Finance and Risk) Committee recommends to the Council that it:

1. Receives the Interim Audit Visit Year Ended 30 June 2015 – Matters Noted and Requiring Follow Up;

2. Recognises the significant amount of work that has been undertaken to improve systems and processes over the past 18 months or so;

3. Notes that there were no specific weaknesses in the Shire's systems and procedures noted in respect to the Interim Audit undertaken by UHY Haines Norton.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 7

That the Audit (Finance and Risk) Committee recommends to the Council that the Council adopt the amended policy CP/FIN-3214 Sundry Debt Collection.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 8

That the Audit (Finance and Risk) Committee recommends to the Council that:

1. The Council do not approve the request for a write off of outstanding penalty interest for rates debtor A501;

2. The Council do not approve the request for a waiver of future penalty interest charges for rates debtor A501;

3. The Shire enters into a special payment arrangement with rates debtor A501 for a period longer than 2 years, on the condition that:

    a) The period does not extend beyond June 2022, being approximately 7 years;

    b) The special payment arrangement is negotiated and signed by rates debtor A501 prior to 30 September 2015;

    a) All future fees and charges levied under the terms of the Club's lease are paid in full as they fall due in order to minimise interest charges;

4. If the special payment arrangement is not adhered to, that the Council authorises officers to enact clause 5.1 of the lease and enter and repossess the premises, and also claim for liquidated damages.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 9

That the Audit (Finance and Risk) Committee recommends to the Council that it notes that the case it progressing.

COUNCIL DECISION

Minute No. 11088

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council endorses recommendations 1 to 9 of item 13.5.2 Consideration of Recommendations contained within the Minutes of the Audit (Finance and Risk) Committee Meeting of 11 August 2015 en bloc.

Carried Unanimously 8/0

13.5.3 Financial Assistance Grants – ALGA and WALGA Seeking Support to Reverse the Federal Government's Decision to Freeze Indexation

DATE:	11/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.02.13
DECLARATION OF INTERESTS:	Nil

PURPOSE

To consider supporting ALGA (Australia Local Government Association) and state local government associations in advocating to have the Federal Government reverse the decision to freeze the indexation of Financial Assistance Grants (FAGs).

BACKGROUND

FAGs are a vital part of the revenue base of all councils, and this year councils will receive $2.3 billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated $925 million by 2017-18.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including your annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

No financial implications apply in relation to 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

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 ENGAGEMENT

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

No community engagement is required.

COMMENT

There has been much discussion in relation to the Federal Government's decision to freeze the indexation for FAGS, and the Shire of Wyndham East Kimberley has certainly seen reduced grants through FAGS of approximately $0.715 million in the general grant allocation over the two years 2012/13 and 2013/14, let along having to essentially fund the freeze in the indexation factor given that the cost of service delivery will only continue to rise.

The Local Government Managers Association has stated in correspondence that *"persuading the Commonwealth Government to end the indexation freeze early will be challenging but the task is made more difficult by the lack of acknowledgment many councils give to the Financial Assistance Grants funding they receive. This is why ALGA and state associations asked each council to pass a resolution acknowledging the importance of the grants in assisting councils to provide important community infrastructure. Councils have also been asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including annual reports."*

The Council is therefore requested to support the request to assist ALGA and the state associations lobby the Federal Government to end the indexation freeze earlier.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of the Shire's services and infrastructure;

2. Acknowledges that the Shire will receive $4.089 million in 2014-15; and

3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Shire publications, including annual reports.

AMENDMENT

Cr K Wright proposes an amendment to the Officer's Recommendation, that a new point (4) is added that says:

- Supports the removal of the freeze on the indexation of FAGS.

COUNCIL DECISION

Minute No. 11089

Moved: Cr S Cooke
Seconded: Cr K Wright

That the Council:

1. **Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of the Shire's services and infrastructure;**

2. **Acknowledges that the Shire will receive $4.089 million in 2014-15; and**

3. **Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Shire publications, including annual reports.**

4. **Supports the removal of the freeze on the indexation of FAGS.**

Carried Unanimously 8/0

13.5.4 Adoption of 2015/16 Annual Budget

DATE:	25/08/2015
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.05.11
DECLARATION OF INTERESTS:	Nil

PURPOSE

For the Council to consider adopting the 2015/16 Annual Budget, together with the revised *CP/FIN-3200 Strategic Rating Policy*, the revised *CP/FIN-3201 Significant Accounting Policies*, and to rescind *F20 Non-Current Asset Capitalisation and Depreciation Control Policy*.

BACKGROUND

The 2015/16 Annual Budget has been in preparation since early 2015, with at least 4 budget briefings, 2 budget workshops and several Council Meetings conducted with elected members, the Executive Management Team and particular Shire officers.

The fees and charges were adopted at the Ordinary Council Meeting on 28 April 2015 and all debtors of the Shire were notified of the fee increases that would be applied from 1 July 2015 or in the case of some aerodrome fees, 1 January 2016. For completeness, all fees and charges endorsed by the Council have been incorporated into the 2015/16 Annual Budget as per the following resolutions:

COUNCIL DECISION

Minute No. 10891

That Council:

1. ***Pursuant to section 6.16 of the Local Government Act 1995, adopts the fees and charges for 2015/16 outlined in Attachment 1 to be effective from either 1 July 2015 or 1 January 2016, whichever date is indicated in Attachment 1.***

COUNCIL DECISION

Minute No. 10894

That Council:

1. ***Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, imposes the following charges for the 2015/16 financial year effective from 1 July 2015:***

    a. ***An annual waste receptacle charge of $293.90 for one (1) service per week of verge collection waste from a 240 Litre mobile garbage bin;***

b. ***An annual waste receptacle charge of $516.30 for each additional service per week of verge collection waste from one (1) 240 Litre mobile garbage bin;***

c. ***An annual waste collection service charge of $516.30 for each receptacle per annum from one (1) 240 Litre mobile garbage bin for exempt/non-rateable properties.***

COUNCIL DECISION

Minute No. 10897

That Council:

1. ***Pursuant to section 53 of the Cemeteries Act 1986 adopts the fees and charges for the Seven Mile Cemetery, Nine Mile Cemetery, Afghan Cemetery, Pioneer Cemetery, Gully Cemetery, Kununurra Cemetery and other cemetery associated fees as specified in Attachment 1.***

COUNCIL DECISION

Minute No. 10898

That Council:

1. ***Endorse the advertising and gazettal (where required) of the 2015/16 proposed fees and charges commencing from either 1 July 2015 or 1 January 2016, whichever date is indicated in Attachment 1, as per the legislative requirements.***

The elected member allowances were also considered at the 28 April Ordinary Council Meeting, however each motion was lost, therefore there was effectively no decision made at this time. The allowances were then reconsidered at the 23 June Ordinary Council Meeting after the June 2015 determination from Salaries and Allowances Tribunal was handed down, with the following decision made:

COUNCIL DECISION

Minute No.10976

That Council:

1. ***Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:***

    a. ***President*** ***$15,683***
    b. ***Councillors*** ***$15,683***

2. ***Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, adopts the***

following annual local government allowance to be paid in addition to the annual meeting allowance:

a. President $31,200

3. ***Pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33A of the Local Government (Administration) Regulations 1996, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:***

a. Deputy President $7,800

At the Special Council Meeting on 13 May 2014, the Council resolved those rates concessions that would apply for the 2014/15 and 2015/16 financial years in accordance with Council Policy *CP/FIN-3209 Rates Concession Policy (Rateable Land)* as follows:

COUNCIL DECISION

Minute No. 10406

That Council:

1. ***Notes the current rates exemptions outlined in Attachment 1;***

2. ***Approves the following Rates Concessions for the 2014/15 and 2015/16 financial years, therefore waiving rates and waste management charges (WMC) of approximately $32,723.39 for the 2014/15 financial year in accordance with the following table:***

Assessment Number	*Name*	*Officers Recommendation*	*Estimated Rates and WMC by Organisation Based on 2013/14*
A502	*Wyndham Gardens Inc.*	*100% Concession*	*$1,286.89*
A4993	*Lake Kununurra Golf Club Inc.*	*100% Concession*	*$8,132.40*
A7561	*Ord River Sailing Club Inc.*	*100% Concession*	*$2,041.45*
A2859	*Kununurra Race Club Inc.*	*100% Concession*	*$3,033.00*
A5616	*Kununurra Motorcross Club Inc.*	*100% Concession*	*$2,092.44*
A2866	*Ord Pistol Club Inc.*	*100% Concession*	*$2,058.45*
A1072	*Kununurra Progress Association Inc.*	*100% Concession*	*$14,078.76*
TOTAL			*$32,723.39*

3. ***Notes that the rates concession amount will be updated upon adoption of the differential general rates and minimum payments for the adoption of the 2014/15 budget;***

4. ***Notes the estimated savings of $35,138.74 that has been achieved in the adoption of the new rating policies and removal of the general rates discount for 2014/15;***

5. ***Agrees to a transitionary period of 12 months in the application of part (p) of the "Rates Concession Policy (Rateable Land)" Guiding Statements which states "For rates concessions to be considered, an application must be made by the date determined by Council for the rating year that precedes the rating year to which the application relates", therefore any applications received during the 2014/15 financial year, will be considered for a concession commencing in 2014/15.***

Additional rates concessions were approved by the Council at its Ordinary Meeting on 29 July 2014 with the following resolution:

COUNCIL DECISION
Minute No. 10475

That Council:

1. ***Approves the following rates concessions and the waivering of waste management charges for the 2014/15 and 2015/16 financial years, of approximately $7,256.30 for the 2014/15 financial year in accordance with the following table:***

Assessment Number	*Name*	*Officers Recommendation*	*Estimated Rates and WMC by Organisation Based on 2013/14*
A5621	*Kununurra Speedway Inc.*	*100% Concession*	*$2,259.18*
A7620	*Kununurra Agricultural Society*	*100% Concession*	*$2,756.77*
A7566	*Kununurra Ski Club*	*100% Concession*	*$2,240.35*
TOTAL			*$7,256.30*

2. ***Notes that Wunan Foundation Inc is registered as a charitable organisation with the Australian Government and exempt is under section 6.26(2)(g) of the Local Government Act 1995.***
3. ***Notes that rates concessions and charges for 2014/15 now total $40,920.91.***

It should be noted that the amounts outlined above have been updated to reflect the 2015/16 rates that would be applicable and therefore the true concession that has been approved for this financial year. Please refer to the Rates Concessions section of this report for the breakdown of the $46,817.44 in 2015/16 rates concessions.

The Council Policy *CP/FIN-3200 Strategic Rating Policy* outlines the principles which underpin the proposed 2015/16 rating model, including the objects of and reasons for differential rates, along with the differential general rates and minimum payments to be applied from 1 July 2015. The Policy was endorsed for advertising at the 12 May 2015 Special Council Meeting seeking public submissions.

At the 23 June 2015 Ordinary Council Meeting, the Council considered the public submissions received and resolved the following:

COUNCIL DECISION

Minute No.10981

That Council defers the item 13.1.5 2015/16 Budget – Differential General Rates and Minimum Payments – Consideration of Public Submissions to a workshop/s.

Two (2) budget workshops were subsequently held with elected members that discussed the anticipated results of 2014/15 and the 2015/16 Annual Budget in detail. Further information regarding these discussions is provided in the comments section of this report.

On 28 July 2015, the Council reconsidered the public submissions and the proposed rates model and resolved the following:

COUNCIL DECISION

Minute No. 11025

That Council:

1. ***Note the five (5) formal submissions received along with the late submissions regarding the advertised 2015/16 Rating Model and Strategic Rating Policy and thanks the community for their input;***

2. ***Endorse the revised 2015/16 Rating Model as follows, with the intention of striking the rates as part of the 2015/16 Budget adoption, subject to receiving Ministerial approval where required by legislation:***

Rating Category	Total Properties	Total Rateable Value of Properties	Proposed Minimum Payment	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Budget Rates Revenue 2015/16
GRV - Residential	1,652	47,495,614	$ 1,085	9.2992 cents	2.72%	$4,430,938
GRV - Other Vacant	144	993,680	$ 1,085	13.9488 cents	77.78%	$ 198,615
GRV – Commercial	174	14,745,782	$ 1,085	12.0890 cents	9.77%	$1,790,984
GRV – Industrial	174	8,753,500	$ 1,085	11.1590 cents	4.02%	$ 980,959
UV - Rural Res	185	51,149,000	$ 1,085	0.9795 cents	0.00%	$ 501,004
UV – Pastoral	24	6,188,271	$ 1,085	5.3057 cents	4.17%	$ 328,489
UV – Com/Ind	46	13,930,040	$ 1,085	0.6719 cents	21.74%	$ 100,588
UV - Rural Ag 1	80	75,110,309	$ 1,085	0.9502 cents	2.50%	$ 715,393
UV - Rural Ag 2	109	57,360,000	$ 1,085	0.6719 cents	0.00%	$ 385,402
UV - Mining	68	1,637,197	$ 1,085	27.5246 cents	45.59%	$ 472,432
UV Mining Vacant	61	518,351	$543	13.7623 cents	67.21%	$ 85,387
UV - Other	2	526,000	$ 1,085	0.6302 cents	0%	$ 3,315
TOTALS	**2,719**	**278,407,744**				**$9,993,502**
					Concessions	**-$ 46,817**
						$9,946,685

3. ***Requests the CEO, or their delegate to seek approval from the Minister for Local Government and Communities to approve the Shire of Wyndham East Kimberley's application for the above 2015/16 Rating Model as it is proposed:***

    a. ***To impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant and UV Mining Vacant rating categories subject to minimum payments in accordance with section 6.35(5) of the Local Government Act 1995; and***

    b. ***To impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining, UV Mining Vacant and UV Pastoral rating categories, in accordance with section 6.33(3) of the Local Government Act 1995.***

As outlined above, the proposed rates model was endorsed subject to receiving Ministerial approval where required by legislation. Ministerial approval was sought to impose minimum payments for vacant land which would result in more than 50% of the properties in the GRV Other Vacant and UV Mining Vacant rating categories being on minimum rates, along with imposing a rate in the dollar which would result in it being more than twice the lowest differential general rate imposed for the UV Mining, UV Mining Vacant and UV Pastoral rating categories. Ministerial approval for the minimum rate exemption was provided to the Shire on 13 August 2015 and the differential general rate exemption was provided on 18 August 2015.

Section 6.2 of the *Local Government Act 1995* requires a local government to prepare and adopt a municipal budget for the financial year ending on 30 June by the 31st August in that particular financial year, or to such extended time as the Minister allows.

Each of the Council decisions made throughout the process have been captured and form part of the 2015/16 Annual Budget.

STATUTORY IMPLICATIONS

Local Government Act 1995
Part 2 – Constitution of local government
Division 2 – Local governments and councils of local government

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

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

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

6.11. Reserve accounts

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

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

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

(b) uses the money in a reserve account for another purpose,*

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

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

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

(b) in such other circumstances as are prescribed.

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

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

6.12. 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.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

6.13. Interest on money owing to local governments

(1) Subject to any other written law, a local government may resolve to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —*

(a) that person owes to the local government; and

(b) has been owed for the period of time referred to in subsection (6).

** Absolute majority required.*

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

6.2. Local government to prepare annual budget

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

** Absolute majority required.*

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

(a) the expenditure by the local government; and

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

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

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

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government; and

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges; and

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

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

(g) such other matters as are prescribed.

(5) Regulations may provide for —

(a) the form of the annual budget; and

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation [1] is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

(a) be more than 110% of the amount of the budget deficiency; or

(b) be less than 90% of the amount of the budget deficiency.

6.35. Minimum payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —

(a) 50% of the total number of separately rated properties in the district; or

(b) 50% of the number of properties in each category referred to in subsection (6),

on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

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 the sections and/or regulations have been specifically mentioned in the officer's recommendation.

POLICY IMPLICATIONS

Each of the Council Policies outlined below are relevant in the adoption of the annual budget:

- *CP/FIN-3201 – Significant Accounting Policies*
- *F20 – Non Current Asset Capitalisation and Depreciation Control (to be rescinded)*
- *CP/FIN-3200 – Strategic Rating*
- *CP/FIN-3208 – Rates Exemptions for Charitable Organisations (Non Rateable Land)*
- *CP/FIN-3209 – Rates Concession (Rateable Land)*

- *CP/FIN-3211 – Fees and Charges Pricing*

FINANCIAL IMPLICATIONS

The annual budget is the primary means for a local government to manage and allocate its financial resources for 2015/16. The budget also provides the ability to impose rates, which is one of the primary means for a local government to raise income to fund the upcoming year's projects. Should the Council not adopt the budget at this time, the issuing of rates will be delayed and provide additional pressures on the cashflow management of the Shire.

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

Strategy 1.4.2: Improve the efficiency and productivity of Shire services

Strategy 1.4.3: Maintain Council's long term financial viability

COMMUNITY ENGAGEMENT

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

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

The Executive Management Team, Managers and staff across the organisation have been involved in many of the stages outlined below in order to present elected members with each of the proposals throughout the process. The annual budget process itself is significant in terms of its importance and also the time and resources required to be committed to the process to ensure its accuracy and timeliness.

The following outlines the consultation processes that have been undertaken in order to provide the opportunity for both the community and elected members to contribute to the 2015/16 Annual Budget process:

- 24 March 2015 Budget Forum – Timetable, initial budget assumptions and risks were outlined to elected members.
- 14 April Budget Forum – Elected members considered the Pricing Principles and Pricing Basis Policy for Fees and Charges, elected member allowances and rating policies.
- 23 April 2015 Budget Forum – Elected members considered the rating model and Strategic Rating Policy for 2015/16.

- 28 April 2015 Ordinary Council Meeting – Council adopted the fees and charges to commence from 1 July 2014, or 1 January 2015 in the case of some aerodrome fees, along with considering the proposed elected member allowances.

- May 2015 (commencing on 5 May with a closing date of 15 May) – local public notice for community groups to apply for rates concessions via the following methods:-
    - Kimberley Echo;
    - Shires facebook post;
    - Shire's website; and
    - Email to the Shire's community contact list.

- 12 May 2015 Special Council Meeting – Council adopted the proposed Strategic Rating Policy and proposed rates in the dollar for advertising.

- May and June – local public notice via the following methods:-

    - Kimberley Echo for the proposed rates in the dollar on 21 May and 4 June 2015
    - Shire's facebook page post on 17 May;
    - A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2015/16, including the Strategic Rating Policy was placed on the Shire's website on Monday 18 May 2015, including the public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

- 23 June Ordinary Council Meeting – Council adopted the 2015/16 elected member allowances. Council also considered the public submissions in relation to the proposed rates in the dollar and minimum payments and deferred the item to a workshop/s.

- 14 July – Budget Workshop – Elected members were provided an overview of the financial situation and discussed community contributions, the 2015/16 staff establishment, base capital projects, plant replacement program and potential new initiatives.

- 21 July – Budget Workshop – Elected members were advised of the modifications to the 2015/16 budget since the last workshop, and progressed with the proposed new initiatives and potential funding sources, including re-working the proposed rates model to ensure a balanced budget could be achieved in 2015/16.

- 28 July – Council reconsidered the public submissions in relation to the proposed rates in the dollar and minimum payments, and adopted the proposed rating model for inclusion in the 2015/16 budget subject to Ministerial approval.

- 13 August – Ministerial approval of the proposed minimum payments was granted.

- 18 August – Ministerial approval of the differential general rates was granted.

COMMENT

The 2015/16 Budget has again been compiled based on the priorities within the Strategic Community Plan, outcomes from the budget briefings, previous Council resolutions and workshops attended by elected members and staff taking into account the requirements of the *Local Government Act 1995* and associated Regulations.

Given the significant progress that has been made during 2014/15 in attempting to recover the budget deficit, the annual budget setting process for 2015/16 was quite different. It was mentioned during last year's budget that the East Kimberley has seen the benefits of economic development in the past where there have been clear decisions of the State Government in particular, to assist in improving critical infrastructure and service provision to the community which is critical in stimulating economic development.

There were a range of matters that contributed to the initial budget deficit forecast for 2014/15 that had accumulated over the years such as a reduction in the Financial Assistance Grants Scheme payments, rating revenue not sustaining the increases in costs for items such as utilities, insurance and employee costs; and a range of capital projects undertaken that required some level of co-contribution from the Shire, or new developments such as Anthons Landing in Wyndham and the subdivisions in the light industrial area, Lakeside and Coolibah Estate for example, which only led to an increase in ongoing costs for the Shire to manage and fund. It was made clear in 2014/15 that the period of significant development was over and that the Shire needed to return to core service delivery and sustainable asset management.

The 2014/15 year therefore saw the Council make a range of difficult decisions in relation to service level impacts and further reviews were to be undertaken. For example:-

- A total of 21.9 FTE positions were lost. This included 2 new positions proposed that were not endorsed; 4.4 FTE's that were vacant and not filled; 4.5 FTE's that would have normally been filled by various casuals and 11 redundancies;
- The Shire ceased management of the Wyndham Child Care Centre from 31 December 2014;
- Pre-cyclone clean-ups were not continuing as they appeared to be typically used by the community for cleaning up not only green waste but washing machines, fridges and numerous other items that are clearly not in accordance with the intention of a pre-cyclone clean-up;
- It was determined that while Lake Kununurra was a community asset; it is not controlled by the Shire past the water bank edge, therefore while an ongoing spraying program would be contained in the parks and gardens maintenance program, the Shire was not progressing with the flood damage clean-up or future cumbungi harvesting and major eradication program that was initially planned.
- Reduced operating and maintenance across the Shire such as lawn-mowing (reducing this through the dry season and maintaining it through the wet);
- Reducing the hours that rangers have for litter patrols, patrols for campers at night, other inspections and general ranger functions;
- No specific staff resource to assist with the development of sporting clubs;
- The plant replacement program was significantly reduced;
- All leases for staff housing were reviewed and would be exited;
- Community contributions were reduced.

Through these reductions, and the further savings anticipated during 2015/16 (from the 2014/15 base), the officer is proposing to present an initial surplus budget outcome for 2015/16. This will change due to final year-end adjustments for 2014/15 and the final outcome anticipated is a balanced budget by the end of 2015/16 presented as part of the Mid-Year Budget Review.

This does not mean that the Shire is now automatically sustainable nor have funds necessarily available to allocate to other priority projects. Year-end adjustments are currently underway with the auditors anticipated to arrive in October. Once the annual financial statements have been audited, the final position for 2014/15 can be reviewed in

line with the assumptions currently incorporated, and any amendments required can be taken into account during the Mid-Year Budget Review.

There are a range of areas that require close monitoring and management, however with the continued cooperation and assistance from the whole organisation, financial sustainability is something that is now achievable.

REVENUE

Rates
It remains important that the Council ensures that rate increases are in line with the increasing costs of service delivery, however continued efficiencies and improvements are being made across the organisation in order to minimise the rates burden placed upon the ratepayers.

The Shire sought public comment on the proposed Strategic Rating Policy in May 2015 which outlines the principles that underpin the 2015/16 rating model. The principles contained within the Policy, being equity; incentive; administrative efficiency; compliance and sustainability remain unchanged.

This is now year two (2) whereby the differential rating model has attempted to align with the current Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the current Town Planning Scheme No. 6 Wyndham Townsite (TPS6), in an effort to ensure greater equity across the differential rating categories.

The Policy components such as the GRV Residential rating category being classified as the "base rate" from which all other differential rates that holds a GRV value is calculated remains the basis moving into 2015/16. The main change proposed in developing the 2015/16 rates model was the establishment of a UV Mining Vacant rating category.

This has been created for a number of reasons. Firstly, it relates to UV valued land outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences. Both exploration and prospecting are considered to have a minimal impact on the cost of providing services, facilities and infrastructure across the Shire and could be considered to be vacant land. It would only be when minerals are discovered that it is anticipated the property holder would seek to convert the property into a mining lease and therefore have a larger impact. At this point, the property would then transfer to the UV Mining rate in the dollar.

As many of the mining tenements for exploration and prospecting have very small values, it was also impossible to achieve a rating model which resulted in more than 50% of the properties on a differential general rate, hence another reason for the creation of the new category, so that the Shire could seek an exemption from the Minister in considering them to be vacant.

After considering the public submissions regarding the proposed rates in the dollar and the objects of and reasons for the differential rates, the Council suggested modifications to the rating model such that it will now generate $9,951,565 ($9,993,502 plus ex gratia rates of $4,880 less concessions of $46,817) in rates for 2015/16; an increase of $770,950 from those estimated in 2014/15 ($9,221,885 plus ex gratia rates of $4,651 less concessions of $45,921). The recommended increase of 4.93% for GRV Residential is considered the base increase, which is also consistent with the increase in the fees and charges imposed. As outlined in the Strategic Rating Policy, the multipliers are applied to the GRV Other Vacant, GRV Commercial and GRV Industrial rating categories. This is year two (2) of the transition towards GRV Commercial becoming 2 times the GRV Residential base rate and GRV

Industrial becoming 1.7 times the base rate after considering their impacts on services, facilities and infrastructure.

As part of the rating model, the Council also resolved for 3% of the additional rating income, being approximately $23,148 to be transferred into the Asset Management Reserve. At this stage, it is not intended that the Shire will utilise these funds during 2015/16 and they will remain in the Reserve.

Payment Instalment Options
The Shire 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 Shire's annual budget.

Assuming that the budget is adopted at the Ordinary Council Meeting on 25 August 2015 the following rates due dates will apply:

- Rates Issue Date – 11 September 2015
- Rates Due Date (incl. 1st Instalment Due) – 16 October 2015
- 2nd Instalment Due – 18 December 2015
- 3rd Instalment Due – 19 February 2016
- 4th Instalment Due – 22 April 2016

Interest Rates for Rates and Service Charges
The maximum interest rate charge applicable in accordance with Regulation 70 of the *Local Government (Financial Management) Regulations 1996* is 11% per annum calculated on a daily basis on rates and service charges remaining unpaid (excluding eligible pensioners). The rate that was charged in 2014/15 however was only 9%, reflecting the fact that interest rates had dropped and the Council wanted to pass this onto the ratepayers. It is therefore recommended that the 9% interest rate continue to apply for 2015/16.

Instalment Plan Interest Rate and Administration Fee
The 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 (excluding eligible pensioners) in accordance with Regulation 68 of the *Local Government (Financial Management) Regulations 1996*. For at least the last 15 years or so, the maximum of 5.5% was adopted 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 utilising the Council Policy *CP/FIN-3211 Fees and Charges Pricing*, full cost recovery was applied for 2015/16. This resulted in a charge of $11.30 per instalment notice, an initial establishment fee for rates special payment arrangements of $57.60 plus a $9.40 administrative charge for each instalment of the payment arrangement, which was adopted by the Council at its Ordinary Meeting held on 28 April 2015.

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 2013/14 a discount of 2.5% was applied. Upon consideration of the new rating policies at the 18 March 2014 Special Council Meeting, the Council resolved to remove the 2.5% discount for ratepayers who pay their rates in full within 21 days for the 2014/15 financial year onwards.

The 2015/16 budget has therefore not allowed for early payment discounts.

Rates Concessions
In accordance with Council Policy *CP/FIN-3209 Rates Concessions (Rateable Land)* adopted by the Council at the 18 March 2014 Special Meeting of Council, the Policy provides for not for profit community based organisations to apply to Council for a rates concessions annually in accordance with the discretionary powers provided by section 6.47 of the *Local Government Act 1995*.

The Council considered applications from different organisations during the 2014/15 budget process, which provided for a rates concession and waste management charge waiver for a period of two (2) years. During the 2015/16 budget process, advertising occurred on 5 May with a closing date of 15 May to ensure that any new organisations, or those who may now meet the application criteria, could apply for consideration of a rates concession and a waste management charge waiver to commence their two year approval period from 2015/16. There were no new applications received as part of the 2015/16 budget process.

Those organisations currently approved for rates concessions and a waiver of waste management charges for 2015/16 are:

Assess. Number	Address	Rates $	Waste Management Charge $	TOTAL $
A1072	Kununurra Progress Association	20,067.67	200.00	20,267.67
A4993	Lake Kununurra Golf Club	8,822.80	200.00	9,022.80
A7620	Kununurra Agricultural Society	3,487.66	200.00	3,687.66
A2589	Kununurra Race Club	3,151.00	200.00	3,351.00
A2866	Ord River Pistol Club	2,067.06	200.00	2,267.06
A7561	Ord River Sailing Club	2,048.15	200.00	2,248.15
A502	Wyndham Gardens Inc.	1,948.74	200.00	2,148.74
A7566	Kununurra Water Ski Club	1,884.30	200.00	2,084.30
A5616	Kununurra Motocross Club	1,682.63	200.00	1,882.63
A5621	Kununurra Speedway Inc.	1,657.43	200.00	1,857.43
TOTAL		**46,817.44**	**4,000.00**	**50,817.44**

It should be noted that each organisation will need to re-apply next calendar year for any further concessions and waivers to be considered for the 2016/17 financial year.

Operating Grants, Subsidies and Contributions
There has been a significant volatility in operating grants over the past few years demonstrated in the below table:

2013/14 Actuals	2014/15 Original Budget	2014/15 Est. Actuals	2015/16 Original Budget
$2,251,280	$6,849,231	$10,672,038	$2,701,382

An explanation of some of the key variations are outlined below.

2013/14 Actuals compared to 2014/15 Original Budget ($4,597,951 variation):-

1. $2.2 million in Federal Assistance Grants anticipated to be received in 2014/15 as there was to be no further prepayments recognised in 2013/14;
2. $1.573 million in WANDRAA funding provided in 2014/15 that was not received in 2013/14;
3. $0.957 million Kimberley Zone grant received in 2014/15 that was not received in 2013/14;
4. ($0.027) million in reduced operating subsidy relating to the Wyndham Childcare in 2014/15 compared to 2013/14;
5. ($0.086) million as not anticipating further reimbursements from Landcorp in 2014/15 relating to developments.

2014/15 Original Budget compared to 2014/15 Est. Actuals ($3,822,807 variation):-

1. $1.985 million increase as a result of WANDRRA funding associated with works resulting from the flood in February 2014;
2. $1.844 million increase in actuals as a result of the Federal Assistance Grants once again being prepaid – this was not anticipated and the Shire was unaware until advice was received on 29 June 2015;

2014/15 Est. Actuals compared to 2015/16 Original Budget (-$7,970,656 variation):-

1. ($3.724) million reduction in 2015/16 as a result of $1.844 million being pre-paid and the funding for 2015/16 taking this into account;
2. ($3.558) million reduction in 2015/16 as no anticipation of further WANDRRA funding;
3. ($0.948) million reduction as funding relating to key worker housing from the Zone was a once off in 2014/15;
4. ($0.225) million reduction in 2015/16 as contribution for Carlton Hill Road was a once-off in 2014/15;
5. $0.200 million anticipated in 2015/16 for the design and feasibility of a new recreation facility;
6. $0.100 million anticipated in 2015/16 relating to a contribution from the Department of Transport for road works on the Meatworks Road in Wyndham;
7. $0.100 million anticipated in 2015/16 relating to the insurance claim for the Wyndham depot fire;
8. $0.080 million anticipated as a drainage contribution from external parties.

The prepayments received from the Federal Assistance Grants (FAGS) are required to be recognised upon receipt and cannot be accrued to accurately reflect the financial year that they relate to. This can make it quite difficult to explain that by changing methodologies (prepayment to no prepayment, then to prepayment again) it can have effectively a double-impact on the estimates, however if taken into account appropriately and restricted, they can then be applied in the financial year that they relate through other means, and not have an overarching impact on the overall surplus or deficit position of a local government.

The 2015/16 Budget will establish an Unspent Grants and Loans Reserve enabling appropriate restriction of these funds so they can be then allocated in the appropriate

financial year. Any prepaid grants will be transferred to this Reserve as part of the year-end processes.

Given the large impact that the changing methodology has had on the financials of the Shire, an analysis table has been provided below:

	2013/14 Actuals[1] $	2014/15 Original Budget[2] $	2014/15 Est. Actuals[3] $	2015/16 Original Budget[4] $
General Purpose Grant	1,066,352	2,797,996	4,196,013	1,371,836
Local Road Funding Grant	365,448	833,438	1,278,801	378,812
TOTAL	**1,431,800**	**3,681,434**	**5,474,814**	**1,750,648**

1. The 2013/14 Actuals reflect the reduced grant as a result of the prepayment made in 2012/13.
2. 2014/15 Original Budget reflects a "standard" year with no prepayment for either 2014/15 nor potentially for 2015/16. Advice was only received on 29 June that a prepayment would be made applicable to the 2015/16 financial year, which was received by the Shire on 30 June.
3. 2014/15 Est. Actuals reflects a prepayment related to 2015/16.
4. 2015/16 Original Budget reflects a prepayment made in 2014/15 and the reduced grant to be received during this financial year.

It should be noted however, that if prepayments were excluded from the scenario and essentially normalised, the grant funding applicable would appear as follows:

	2013/14 $	2014/15 $	2015/16 $
General Purpose Grant	2,760,091	2,797,996	2,769,853
Local Road Funding Grant	830,157	833,438	824,175
TOTAL	**3,590,248**	**3,681,434**	**3,594,028**

Fees and Charges

The Shire currently has approximately 660 fees (including statutory fees) anticipated to generate approximately $7.691 million in 2015/16, or 37% of the operating income for the Shire. Council adopted the 2015/16 fees and charges in April and the 2015/16 Budget document has taken these into account.

There are however, several fees and charges that were either not incorporated into the initial Schedule of Fees and Charges or need to be modified given more recent reviews to ensure that the Schedule is accurate.

Within Private Works – the Labour Rates and Plant Rates need to reflect that the 15% administration charge is additional to the rates that are quoted as per the Council Policy *CP/OPS-3650 Private Works*.

The labour rate for Inspections less than 1 hour out of the office (currently shown as $91.30) needs to reflect the same rate as that for the Supervisor (per hour) being $148.50; and the Inspection for each additional hour out of the office is required to be the same amount of $148.50 rather than $91.30 also. This is due to the Supervisor generally being the person who would undertake the inspections.

New fees are required for:

1. Assessment of Applications (eg. cattle grids, private works requests) - $148.50 per hour; and
2. Impounding of Non-Perishable Goods Seizure Fee: $92.40
3. Impounding of Non-Perishable Goods – Poundage charge, each day: $17.90.

A Crossover Subsidy should also be reflected within the Fees and Charges Schedule, while it is not technically a fee and charge, Regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996* requires that the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing. A subsidy up to a maximum amount of $2,500 is deemed to be a reasonable estimate for 50% of the cost of construction of a standard crossover.

Each of these amendments have been adjusted in the Fees and Charges Schedule contained within the 2015/16 Budget. The officer is aware that there are further internal reviews currently being undertaken whereby separate agenda items will be presented to the Council in the future to consider amendments to the 2015/16 Fees and Charges Schedule.

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 a 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 the *Local Government Act 1995* 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 a local government by imposing or recovering a fee or charge in respect of waste services under section 6.16 of the *Local Government Act 1995*.

Section 6.35(4) of the *Local Government Act 1995* provides that approval is required to impose a minimum payment on more than 50% of separately rated properties however, section 53 of the *Local Government (Financial Management) Regulations 1996* states that this requirement does not need to be met if the minimum payment is $200.

The officer will therefore be recommending that the Council adopt a Waste Management Charge with a minimum payment of $200 as was the case in both 2013/14 and 2014/15.

Waste Vouchers

The Shire introduced the provision of waste vouchers with the distribution of Rates Notices for the 2013/14 financial year as a result of no longer accepting ‘free’ domestic waste from 1 October 2013.

In 2013/14, waste vouchers were provided only to those properties within the GRV Townsite, UV Rural Residential, UV Rural Agriculture 1 and UV Rural Agriculture 2 rating categories.

All mining, pastoral and UV Other properties did not receive a waste voucher as it was deemed that these properties would generally not generate domestic waste.

Yellow domestic waste vouchers entitle the user to dispose of 1 cubic metre (6x4 trailer plus 1 Sulo bin or 4 Sulo bins or 16 domestic bin bags) of domestic waste.

Red domestic waste vouchers entitle the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo bin) of domestic waste.

In 2014/15, waste vouchers were provided to all properties within the following rating categories:

1. GRV Residential – Yellow voucher
2. UV Rural Residential – Yellow and Red voucher
3. UV Rural Agriculture 1 – Yellow and Red voucher (recognising that there is generally a household on the land)
4. UV Rural Agriculture 2 – Yellow and Red voucher (recognising that there is generally a household on the land)

and any properties that were in the GRV Other Vacant category, upon development, if the property was deemed to be within one of the rating categories above, a waste voucher was then provided.

During the 2014/15 financial year, officers were made aware of several GRV Residential properties in Wyndham whereby their property is located in a rural area of Wyndham and they do not receive a waste collection service. At the Ordinary Council Meeting on 16 December 2014, Council then resolved the following:

COUNCIL DECISION
Minute No. 10752

That the Council approve the provision of a red domestic waste voucher entitling the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo Bin) of domestic waste for the period from 1 October 2014 to 30 September 2015 to all GRV Residential rated properties in Wyndham that do not currently receive a waste collection service.

It is proposed that the issuing of waste vouchers for 2015/16 incorporate similar provisions to those utilised during 2014/15.

Interest On Any Money Owing to the Local Government (other than rates and service charges)
Pursuant to section 6.13 of the *Local Government Act 1995*, the Shire may require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) subject to a range of conditions. The maximum rate allowable to be imposed is 11% in accordance with Regulation 19A of the *Local Government (Financial Management) Regulations 1996*. It is proposed, as outlined in the previously considered Fees and Charges Schedule, that 11% be imposed for 2015/16.

Interest Earnings
Interest earnings have been reducing across the Shire for a number of years now given the reduced interest rates globally. While the Shire invests funds throughout the year in accordance with Council Policy *CP/FIN-3203 Investments*, it is still anticipated that interest earnings will reduce from the forecast actual of $439,515 for 2014/15 to $395,557 for 2015/16 mainly as a result of utilisation of the Goomig Farmlands Roads Reserve in 2015/16 and lower interest rates.

OPERATING EXPENDITURE

Employee Costs
As outlined above, the Shire lost 21.9 FTE positions during 2014/15. This included 2 new positions proposed that were not endorsed; 4.4 FTE's that were vacant and not filled; 4.5 FTE's that would have normally been filled by various casuals and 11 redundancies.

During 2014/15 there was a forecast $0.461 million in redundancy payments along with $0.447 million included for positions that would cease part-way through the financial year. These costs are clearly not required moving into 2015/16. After including the required Enterprise Agreement changes for 2015/16, the Shire has still saved $0.552 million from 2014/15 to 2015/16 as a result of the positon losses.

It should be noted that employee costs incorporate not only salaries and allowances, but also superannuation, workers compensation insurance, protective clothing and safety items, training, fringe benefits tax and other employee costs associated with recruitment and relocation, medicals and police clearances. The figures identified above are only associated with salaries and allowances.

Losing this many positions has a significant impact across the organisation, however it was determined to be a necessity in order to move the organisation forward and start addressing financial sustainability as a whole.

During 2014/15 there were many reviews undertaken, in particular the Probity Review; the CEO's biennial review of systems and procedures associated with risk management, legislative compliance and internal controls; a Procurement Review and the usual interim and year-end financial audits. Out of these reviews were many recommendations, many of which cannot be completed with the current staffing levels. There were several areas identified that pose the largest risk for the organisation, and the only way to reduce that risk is to engage additional staff to assist in the implementation.

Staffing levels and structures were discussed with the elected members, for which there were three out of the four positions identified that were deemed a necessity moving into 2015/16. These positions are:

1. **Senior Contracting Compliance Officer** – this position will provide leadership, direction, support and deliver efficient, effective and compliant procurement and contract management arrangements for the Shire; develop, implement and maintain the Shire's procurement and contract management framework, policies and processes to ensure that all of the Shire's contracts and other procurement arrangements are administered from commencement to finalisation in a manner consistent with legislation, Council approved policies and the Shire's organisational

directives. This role will also act as the Probity Officer in all tender processes (where possible) and be involved in all tender assessments to ensure probity is maintained.

2. **Senior Governance and Risk Officer** – this position will develop, implement and maintain the Shire's governance and risk management framework, policies and processes consistent with legislation and Council approved policies and organisational directives. The role will take a lead role in many functions including:
    - Policy reviews
    - Local Law reviews
    - Compliance Audit Return
    - Corporate Compliance Calendar
    - Ensuring legislative compliance
    - Review of delegations and sub-delegations
    - Ensure appropriate authorisations are provided to officers
    - Development of the Annual Report
    - Risk Management Framework development, implementation, monitoring and review
    - Coordinating the CEO's biennial review of systems and procedures associated with risk management, legislative compliance and internal controls as required by the *Local Government (Audit) Regulations 1996.*
3. **Project Officer, Integrated Planning and Reporting** – this position will ensure the effective coordination of the development, monitoring and review of the Shire's integrated planning and reporting framework compliant with the *Local Government Act 1995* and associated regulations. They will ensure that the informing strategies for the Strategic Community Plan and Corporate Business Plan are integrated and robust along with facilitating the embedding of the Shire's strategic directions throughout the organisation to ensure business excellence underpins all of the Shire's operations. It is envisaged that this will be a three year contract position at this stage to ensure that the major review of the Strategic Community Plan can be facilitated during this time.

The fourth position that was discussed was an Economic Development Officer, however it was determined that this was not a priority over the formerly mentioned roles given the ones outlined clearly have a compliance-type nature to them and are all linked to legislative requirements in one way or another, whereas the Economic Development Officer is not.

After taking into account the savings made moving into 2015/16, and factoring in the three (3) new positions, the Shire is still anticipating a reduction in employee costs from the 2014/15 Budget to the 2015/16 Budget. While the forecast actuals for 2014/15 are lower than budgeted for 2015/16, this is a result of vacancies throughout the year, whereas the 2015/16 budget has not allowed for vacancy savings given their unpredictability.

The budgeted FTE's for 2015/16 are 94.04 with a budget of $10.462 million compared to 94.97 FTE's and an original budget of $10.473 million in 2014/15, still reflecting a reduction from 109.99 FTE's in 2013/14.

If there are savings identified throughout the year as a result of vacancies, these will be captured as part of the Mid-Year Budget Review.

Utility Charges
Utility charges are anticipated to increase in 2015/16 by an average of 7% for electricity and 8% for water costs and street light costs by approximately 5.8% to a total of $1.216 million.

During 2014/15 budget discussions, street lighting was reviewed to determine if the lights could be turned off at midnight in residential areas generating savings for the Shire. Unfortunately without funding for an upgrade, the current street lights do not operate this way. The lights are not on a timing circuit but are controlled by lux (i.e. automated sense of light/darkness). The streetlights effectively switch on at a certain level of darkness and switch off again at a particular level of daylight, therefore the Shire pays for street lighting at a fixed rate per pole based on the wattage and type of globe.

Modelling is going to occur during 2015/16 to determine the feasibility of funding a program to change the type of globes that are used, which may result in a lesser ongoing charge to the Shire. It is believed that the change-over cost may be substantial however there may be a reasonable payback period associated with the initiative that warrants further investigation.

Insurance Expenses
Insurance expenses have reduced in 2015/16 compared to 2014/15 from $632,797 down to $596,424. The reduction is reflective of the strong financial results for the Local Government Insurance Scheme over recent times, together with very competitive market conditions which enabled LGIS to reduce premiums overall. While forming part of the Employee Costs category, it should be noted that the workers compensation premiums have significantly reduced ($0.349 million to $0.252 million) mainly as a result of reduced claims and a focus on assisting staff to come back to work where possible.

Plant Replacement Program
The plant replacement program was significantly reduced in 2014/15 as the Shire did not have the funds to implement it. In 2015/16 however, the Shire is intending to reinstate the plant replacement program recognising that not replacing the fleet at the appropriate time has a flow-on impact on the likely increase in maintenance costs, and also reduced trade-in revenue.

The plant replacement program for 2015/16 has incorporated those vehicles with an excess of 100,000 kms anticipated by 30 June 2015 along with plant items where the maintenance is becoming excessive or they are due for replacement. It is anticipated that after considering the net book value of the items and the trade-in revenue likely to be received that there will be a net profit of $0.029 million for 2015/16.

Leases for Staff Housing
During 2014/15 it was outlined that the leases for staff housing would be reviewed with the aim to exit all leases by 30 June 2015. This occurred prior to 30 June resulting in savings for 2014/15 and further savings of approximately $0.086 million in 2015/16.

Community Contributions
Community contributions were a lengthy discussion with elected members where there were questions raised predominantly around the process for determining which community groups gained contributions or sponsorships, and how the Shire could make this process more open, transparent and equitable across the Shire.

Officers have recently reviewed the Council Policy *CP/COM-3582 Community Grant Scheme* which will be presented to Council for its consideration shortly. It is intended however that there be two mechanisms implemented. The first is for quick grants whereby the grants may be for amounts up to $500 plus GST. These grants are available at any time,

and the application process is relatively basic. Quick grants generally cater for small projects and initiatives that are unlikely to be planned many months in advance.

The second mechanism is for annual grants which are provided for larger projects and provide a process for the Shire to assess all large requests for funding in a manner that is transparent and equitable for all applicants.
As a result of this new process, the economic development and sponsorship allocations have now been removed, and combined into these two mechanisms. Elected members also suggested that the allocation for community contributions is reduced from the previous amount of $0.178 million to $0.100 million. This allocation is considered separate to rates concessions, however all applicants will need to identify if they have received any other support from the Shire, such as rates concessions as part of the application process.

Borrowings
Note 5 of the 2015/16 Budget details the ongoing loan commitments as well as any potential new loans. The principal repayments for 2015/16 reduce by approximately $1.3 million compared to 2014/15 which is mainly associated with repaying the administration building bridging loan in December 2014. A new loan was subsequently taken out over a longer period.

The 2015/16 Budget does not propose any new borrowings be entered into.

Elected Member Allowances
Elected Member allowances were considered at the 28 April Ordinary Council Meeting, and reconsidered at the 23 June Ordinary Council Meeting after the June 2015 determination from Salaries and Allowances Tribunal was handed down. The outcome was a 4% increase which will increase the budget allocation from $172,640 in 2014/15 to $180,147 in 2015/16, being a $7,507 increase overall.

Description	2014/15		2015/16		Variation
	Individual Members	All Members	Individual Members	All Members	Shire Impact
Annual Attendance Fees for a Council Member other than the President	$15,080	$120,640	$15,683	$125,464	$4,824
Annual Attendance Fee for a Council Member who holds the office of President	$14,500	$14,500	$15,683	$15,683	$1,183
Annual Allowance for a President	$30,000	$30,000	$31,200	$31,200	$1,200
Annual Allowance for a Deputy President (25%)	$7,500	$7,500	$7,800	$7,800	$300
TOTAL		**$172,640**		**$180,147**	**$7,507**

Setting of Materiality for Monthly Reporting
The *Local Government Act 1995* and associated 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 established for 2014/15 was +/- 10% and +/- $20,000 at account level (this is the general ledger account number level), and +/- $100,000 at a financial statement level (equivalent to the program level). It is recommended that these materiality levels remain for 2015/16.

Reserves
In accordance with section 6.11 of the *Local Government Act 1995*, a local government is required to establish and maintain a reserve account where it wishes to set aside money for use for a specific purpose in a future financial year. The local government is also required to disclose where a change of the purpose of the use of money is proposed.

During the budget discussions with elected members, officers have highlighted the need for the creation of several new reserves including one to ensure the appropriate restriction of unspent funds, specifically associated with grants and loans. This will ensure that the funds are captured appropriately for future budget purposes, and it is a financially prudent methodology to adopt moving forward.

New reserves are therefore proposed for:

1. Unspent Grants and Loans Reserve – to provide a mechanism for restricting prepaid grants, conditional unspent grants and loan proceeds unspent in a particular financial year where the expenditure will be undertaken in future years.

2. Contiguous Local Authority Group (CLAG) Reserve – whereby any funds received are to be placed into this reserve to be used for the ongoing management, funding and technical aspects of health-driven mosquito control in an effort to reduce the risk of mosquito-borne diseases within the boundaries of the Shire of Wyndham East Kimberley.

3. Kununurra Youth Hub Reserve – to hold lease payments from the Kununurra Youth Hub to provide for the maintenance, renewal and upgrade of the building in accordance with the lease conditions.

It is also proposed to modify the purpose of several reserves in order to improve the understanding of what the reserve funds can be used for in the future. The proposed reserves which are suggested to have their purpose modified are as follows:

1. Waste Management – to provide for the operation, maintenance, renewal and upgrade of existing and new waste management facilities within the Shire of Wyndham East Kimberley.

2. Airport – to provide for the operation, maintenance, renewal and upgrade of existing and new airport facilities within the Shire of Wyndham East Kimberley.

3. Plant and Equipment – to provide for the plant management program.

4. Civic Buildings – to provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley.

5. East Kimberley Tourism – to provide for the significant maintenance, renewal and upgrade of the East Kimberley Tourism House.

6. Foreshore – to hold lease and licence payments from occupiers of Lake Kununurra Foreshore Reserve to provide for the implementation of the specific actions outlined in the Lake Kununurra Foreshore and Aquatic Use Plan 2012.

7. Childcare – to hold lease payments from the Kununurra Childcare Centre to provide for the significant maintenance and renewal of the building.

CAPITAL EXPENDITURE

A capital expenditure program of approximately $15 million is anticipated for 2015/16. The program is outlined in the Capital Expenditure Budget Schedule in the 2015/16 Annual Budget. The predominant areas of expenditure include:

DESCRIPTION	AMOUNT
Runway Asphalt Overlay	$3,282,434
Goomig Roads Reseal Second Coat	$2,889,313
Plant and Equipment Replacement	$1,491,043
Lily Creek Lagoon Boating Facilities	$1,315,918
Kalumburu Road Resheet	$1,177,477
Lake Argyle Road	$555,000
Kununurra Landfill Site – Rehabilitation and Decommission Liquid Waste Lagoon	$340,000
Asphalt Resurfacing Wyndham Townsite	$400,000
Bridge (5116) – D4 Weaber Plain Road	$300,000
Reconstruct Nutwood and Rosewood Streets, and area drainage	$300,000
Runway Upgrade Wyndham Airport	$300,000
Playspace and Playground Equipment	$200,000

Approximately $13.3 million of the $15 million capital program is funded through grants, current loans, reserve funds, roads to recovery, and federal assistance grants. This is still a positive outcome however, in that the Shire can afford to fund some capital without the assistance of loans in 2015/16.

Outcomes of Investigations
At the adoption of the 2014/15 Budget, the Council resolved (in part):

COUNCIL DECISION
Minute No. 10553

That the Council:
2. directs the CEO, or their delegate, to investigate
a. further savings opportunities associated with the operation of the Wyndham Pool, Kununurra Leisure Centre and Library Services that are to be brought back to elected members for consideration prior to the 2014/15 Mid-Year Budget Review;
b. potential leasing opportunities for the Kununurra Youth Centre; and
c. opportunities for the sale, lease or co-location of Shire-owned land and buildings.

Officers have enacted this resolution with the following outcomes:

a. Operation of the Wyndham Pool, Kununurra Leisure Centre and Library Services

- *Kununurra School and Community Library*
  A review of opening hours and rosters for the library was undertaken to reduce staff costs, this review resulted in a reduction of 10 casual hours per week, and has been factored into the 2015/16 Annual Budget. The resultant new operating hours timetable was introduced on 5 February 2015 and library staff

have been monitoring any feedback from customers regarding the new opening hours.

- *Kununurra Leisure Centre and Wyndham Swimming Pool*
  Service Level Reviews have been commenced for both the Kununurra Leisure Centre and Wyndham Swimming Pool; it was intended that these reviews would be completed in 2014/15 however they are resource intensive in terms of staff time, as they involve the analysis of results, making recommendations and being able to implement changes, either in a staffing, process or financial sense and given other priorities, resources have not been available to focus on these reviews.

  A draft Kununurra Leisure Centre Service Level Review Report focused on financial information was prepared and reviewed by the Service Level Review Steering Group in April 2015 prior to the Mid-Year Budget review. Following the review of this draft Report no major cost savings were identified.

  These service level reviews will continue to be developed and finalised over 2015/16.

b. *Potential Leasing Opportunities for the Kununurra Youth Centre*
   Officers sought Requests for Proposals in relation to the leasing out of the Kununurra Youth Centre in May and June 2015. The outcomes were presented to the Council at its Ordinary Council Meeting held on 28 July 2015 with the Shire authorised to enter into a lease with Save the Children subject to approval being provided by the Department for Child Protection and Family Support. The 2015/16 Budget still incorporates the anticipated revenue and expenditure program prior to this resolution. If approval is received from the Department, then the budget forecast will be adjusted in the Mid-Year Budget Review, providing further savings for the Shire.

c. *Opportunities for Sale, Lease or Co-Location of Shire-Owned Land and Buildings*
   A confidential item was presented to the April Ordinary Council Meeting which discussed the opportunities for the disposal of Shire residential property. The Council resolved to engage real estate agents to market two properties in Kununurra and one property in Wyndham. The Council also resolved to lease any vacant Shire residential properties.

   To date, the real estate agents have been engaged, however given the property market has plateaued, it is unlikely that these properties will sell quickly. To date there has been very little interest expressed in relation to the properties in Kununurra, with some interest expressed in the property at Wyndham. As a result of this, sale proceeds have not been incorporated into the 2015/16 Budget and will not be included until the properties are actually sold or leased.

Adoption of Accounting Policies

The 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. This is particularly important given the number of changes in the legislative requirements that the Shire is required to adhere to.

It is therefore proposed that the Council review and adopt the revised Council Policy *CP/FIN-3201 Significant Accounting Policies*, and in doing so repeal *F20 Non-Current Asset*

Capitalisation and Depreciation Control Policy, whereby the details are more appropriate to be contained in an Organisational Directive.

Adoption of the Budget
Given the detailed discussions held with elected members, it is recommended that in order to ensure that rates can be raised expediently to ensure an appropriate cashflow is maintained, that the Council adopts the proposed budget for the year ending 30 June 2016.

Section 6.34 of the *Local Government Act 1995* provides that the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to be more than 110% of the budget deficiency, or be less than 90% of the amount of the budget deficiency unless Ministerial approval is sought. This means that the budget surplus is allowed to be up to 10% of the general rate without requiring Ministerial approval.

It should be noted that within the Rate Setting Statement, there is an estimated surplus position for year ended 2015/16 of $0.179 million with rates to be yielded from the general rate (excludes minimum payments) of $9,727,114 with 10% being $972,711 allowable as the budget surplus.

During discussions with elected members it was outlined that there are many year-end adjustments that were still required to be undertaken that have the potential to adjust the surplus amount quite considerably. While some had been taken into account, accruals and other adjustments are still being made.

Initial thoughts were to transfer these funds to the Asset Management Reserve until the 2014/15 year-end position was finalised and audited and recommend the adoption of a balanced budget, however upon further consideration, it would be inappropriate to do so given the adjustment in the overall surplus may not be related to the purpose of the Reserve.

It is therefore proposed that until the 2014/15 adjustments are finalised and the annual financial statements are audited, it is considered fiscally responsible to maintain the surplus position in the first instance, and then modify this accordingly during the Mid-Year Budget Review process to bring in a balanced budget at the end of 2015/16.

SUMMARY
The 2014/15 financial year has been a difficult one for the Shire with many challenging decisions having to be made and then enacted by officers. The fact that the Shire has managed to recoup the budget deficit and move towards financial sustainability is a true testament to the Shire staff in undertaking their roles with due diligence and financial accountability driving the outcomes achieved. There are other improvements that can, and are required to be made, however these should not take away from the significant effort undertaken to date to deliver the outcomes the Shire has achieved.

ATTACHMENTS

Attachment 1 - 2015/16 Annual Budget
Attachment 2 – CP/FIN-3201 – Significant Accounting Policies (Current)
Attachment 3 – CP/FIN-3201 – Significant Accounting Policies (Revised)
Attachment 4 – CP/FIN-3200 – Strategic Rating Policy (Current)
Attachment 5 – CP/FIN-3200 – Strategic Rating Policy (Revised)
Attachment 6 – F20 – Non Current Asset Capitalisation and Depreciation Control (to be rescinded)

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council adopt the revised CP/FIN-3200 Strategic Rating Policy which incorporates the following categories for 2015/16 rating purposes:

GRV Residential
Includes all GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation and as outlined in Appendix A of the Strategic Rating Policy.

GRV Other Vacant
Includes all GRV valued land within the town site which is deemed to be vacant land (unimproved land).

GRV Commercial
Includes all GRV land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A of the Strategic Rating Policy.

GRV Industrial
Includes all GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the Strategic Rating Policy.

UV Rural Residential
Includes all UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes.

UV Pastoral
Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial
Includes all UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

UV Rural Agriculture 1
Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.

UV Rural Agriculture 2
Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.

UV Mining
Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

UV Mining Vacant
Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

UV Other
Includes all UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant.

COUNCIL DECISION

Minute No. 11090

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council adopt the revised CP/FIN-3200 Strategic Rating Policy which incorporates the following categories for 2015/16 rating purposes:

GRV Residential
Includes all GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation and as outlined in Appendix A of the Strategic Rating Policy.

GRV Other Vacant
Includes all GRV valued land within the town site which is deemed to be vacant land (unimproved land).

GRV Commercial
Includes all GRV land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A of the Strategic Rating Policy.

GRV Industrial
Includes all GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the Strategic Rating Policy.

UV Rural Residential
Includes all UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes.

UV Pastoral
Includes all UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

UV Commercial/Industrial
Includes all UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

UV Rural Agriculture 1
Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.

UV Rural Agriculture 2
Includes all UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.

UV Mining
Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

UV Mining Vacant
Includes all UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

UV Other
Includes all UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant.

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 2

That the Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, and in accordance with the revised Council Policy *CP/FIN-3200 Strategic Rating* imposes general differential rates and minimum payments on Gross Rental Values and Unimproved Values for the 2015/16 financial year as follows:

Rating Category	Rates in the Dollar	Minimum Payments
GRV Residential	9.2992 cents	$ 1,085
GRV Other Vacant	13.9488 cents	$ 1,085
GRV Commercial	12.0890 cents	$ 1,085
GRV Industrial	11.1590 cents	$ 1,085
UV Rural Residential	0.9795 cents	$ 1,085
UV Pastoral	5.3057 cents	$ 1,085
UV Commercial/Industrial	0.6719 cents	$ 1,085
UV Rural Agriculture 1	0.9502 cents	$ 1,085
UV Rural Agriculture 2	0.6719 cents	$ 1,085
UV Mining	27.5246 cents	$ 1,085
UV Mining Vacant	13.7623 cents	$543
UV Other	0.6302 cents	$ 1,085

COUNCIL DECISION

Minute No. 11091

Moved: Cr S Cooke
Seconded: Cr B Robinson

That the Council, pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, and in accordance with the revised Council Policy *CP/FIN-3200 Strategic Rating* imposes general differential rates and minimum payments on Gross Rental Values and Unimproved Values for the 2015/16 financial year as follows:

Rating Category	Rates in the Dollar	Minimum Payments
GRV Residential	**9.2992 cents**	**$ 1,085**
GRV Other Vacant	**13.9488 cents**	**$ 1,085**
GRV Commercial	**12.0890 cents**	**$ 1,085**
GRV Industrial	**11.1590 cents**	**$ 1,085**
UV Rural Residential	**0.9795 cents**	**$ 1,085**
UV Pastoral	**5.3057 cents**	**$ 1,085**
UV Commercial/Industrial	**0.6719 cents**	**$ 1,085**
UV Rural Agriculture 1	**0.9502 cents**	**$ 1,085**
UV Rural Agriculture 2	**0.6719 cents**	**$ 1,085**
UV Mining	**27.5246 cents**	**$ 1,085**
UV Mining Vacant	**13.7623 cents**	**$543**
UV Other	**0.6302 cents**	**$ 1,085**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 3

That the Council adopt a Waste Management Charge to be imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* at a rate in the dollar for 2015/16 of:

GRV Residential	0.0001¢
GRV Other Vacant	0.0001¢
GRV Commercial	0.0001¢
GRV Industrial	0.0001¢
UV Rural Residential	0.0001¢
UV Pastoral	0.0001¢
UV Commercial/Industrial	0.0001¢
UV Rural Agriculture 1	0.0001¢
UV Rural Agriculture 2	0.0001¢
UV Mining	0.0001¢
UV Mining Vacant	0.0001¢
UV Other	0.0001¢

COUNCIL DECISION

Minute No. 11092

Moved: Cr B Robinson
Seconded: Cr S Cooke

That the Council adopt a Waste Management Charge to be imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* at a rate in the dollar for 2015/16 of:

GRV Residential	**0.0001¢**
GRV Other Vacant	**0.0001¢**
GRV Commercial	**0.0001¢**
GRV Industrial	**0.0001¢**
UV Rural Residential	**0.0001¢**
UV Pastoral	**0.0001¢**
UV Commercial/Industrial	**0.0001¢**
UV Rural Agriculture 1	**0.0001¢**
UV Rural Agriculture 2	**0.0001¢**
UV Mining	**0.0001¢**
UV Mining Vacant	**0.0001¢**
UV Other	**0.0001¢**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 4

That the Council adopt the minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996* for 2015/16 of:

GRV Residential	$200.00
GRV Other Vacant	$200.00
GRV Commercial	$200.00
GRV Industrial	$200.00
UV Rural Residential	$200.00
UV Pastoral	$200.00
UV Commercial/Industrial	$200.00
UV Rural Agriculture 1	$200.00
UV Rural Agriculture 2	$200.00
UV Mining	$200.00
UV Mining Vacant	$200.00
UV Other	$200.00

COUNCIL DECISION

Minute No. 11093

Moved: Cr B Robinson
Seconded: Cr S Cooke

That the Council adopt the minimum payment to apply to the Waste Management Charge imposed on all rated properties in accordance with section 66 of the *Waste Avoidance and Resource Recovery Act 2007* and Part 5 of the *Local Government (Financial Management) Regulations 1996* for 2015/16 of:

GRV Residential	**$200.00**
GRV Other Vacant	**$200.00**
GRV Commercial	**$200.00**
GRV Industrial	**$200.00**
UV Rural Residential	**$200.00**
UV Pastoral	**$200.00**
UV Commercial/Industrial	**$200.00**
UV Rural Agriculture 1	**$200.00**
UV Rural Agriculture 2	**$200.00**
UV Mining	**$200.00**
UV Mining Vacant	**$200.00**
UV Other	**$200.00**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 5

That the Council notes that Minute Numbers 10891, 10894, 10897 and 10898 in relation to fees and charges has been incorporated into the 2015/16 Budget document attached.

COUNCIL DECISION

Minute No. 11094

Moved: Cr S Cooke
Seconded: Cr B Robinson

That the Council notes that Minute Numbers 10891, 10894, 10897 and 10898 in relation to fees and charges has been incorporated into the 2015/16 Budget document attached.

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 6

That the Council amends the fees associated with:

1. All labour rates and plant rates listed in the Fees and Charges Schedule to reflect the 15% administration charge is additional to the rates;
2. Inspections less than 1 hour out of the office: $148.50 (GST Incl.)
3. Inspection for each additional hour out of the office (per hour): $148.50 (GST Incl.).

COUNCIL DECISION

Minute No. 11095

Moved: Cr B Robinson
Seconded: Cr D Learbuch

That the Council amends the fees associated with:

1. **All labour rates and plant rates listed in the Fees and Charges Schedule to reflect the 15% administration charge is additional to the rates;**
2. **Inspections less than 1 hour out of the office: $148.50 (GST Incl.)**
3. **Inspection for each additional hour out of the office (per hour): $148.50 (GST Incl.).**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 7

That pursuant to section 6.16 of the *Local Government Act 1995* that Council imposes new fees for:

1. Assessment of Applications (eg. cattle grids, private works requests) (per hour): $148.50 (GST Incl.);
2. Impounding of Non-Perishable Goods Seizure Fee: $92.40 (GST Incl.);
3. Impounding of Non-Perishable Goods – Poundage charge, each day: $17.90 (GST Incl);
4. Crossover Subsidy – Maximum of $2,500 with each application being assessed in accordance with Council Policy *CP/OPS-3653 Vehicle Crossover Subsidy*, prior to the subsidy being provided.

COUNCIL DECISION

Minute No. 11096

Moved: Cr B Robinson
Seconded: Cr S Cooke

That pursuant to section 6.16 of the *Local Government Act 1995* that Council imposes new fees for:

1. **Assessment of Applications (eg. cattle grids, private works requests) (per hour): $148.50 (GST Incl.);**
2. **Impounding of Non-Perishable Goods Seizure Fee: $92.40 (GST Incl.);**
3. **Impounding of Non-Perishable Goods – Poundage charge, each day: $17.90 (GST Incl);**
4. **Crossover Subsidy – Maximum of $2,500 with each application being assessed in accordance with Council Policy *CP/OPS-3653 Vehicle Crossover Subsidy*, prior to the subsidy being provided.**

Carried Unanimously 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 8

That the Council:

1. Approves waste vouchers to be provided from 1 October 2015 to 30 September 2016 for properties within the following rating categories:

    a. GRV Residential – Yellow Voucher
    b. GRV Rural Residential – Yellow and Red Voucher
    c. UV Rural Agriculture 1 – Yellow and Red Voucher
    d. UV Rural Agriculture 2 – Yellow and Red Voucher
    e. GRV Residential properties in Wyndham that do not receive a waste collection service – Yellow Voucher and Red Voucher

2. Notes that a yellow domestic waste voucher entitles the user to dispose of 1 cubic metre (6x4 trailer plus 1 Sulo bin or 4 Sulo bins or 16 domestic bin bags) of domestic waste and red domestic waste vouchers entitle the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo bin) of domestic waste.

COUNCIL DECISION

Minute No. 11097

Moved: Cr S Cooke
Seconded: Cr B Robinson

That the Council:

1. **Approves waste vouchers to be provided from 1 October 2015 to 30 September 2016 for properties within the following rating categories:**

    f. GRV Residential – Yellow Voucher
    g. GRV Rural Residential – Yellow and Red Voucher
    h. UV Rural Agriculture 1 – Yellow and Red Voucher
    i. UV Rural Agriculture 2 – Yellow and Red Voucher
    j. GRV Residential properties in Wyndham that do not receive a waste collection service – Yellow Voucher and Red Voucher

2. **Notes that a yellow domestic waste voucher entitles the user to dispose of 1 cubic metre (6x4 trailer plus 1 Sulo bin or 4 Sulo bins or 16 domestic bin bags) of domestic waste and red domestic waste vouchers entitle the user to dispose of 52 x 240 Litres (equivalent size to a green rubbish Sulo bin) of domestic waste.**

Carried Unanimously 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 9

That Council, pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with regulation 64(2) of the *Local Government (Financial Management) Regulations 1996,* nominate the following due dates for the payment of rates and service charges for the 2015/16 financial year:

(a) 16 October 2015; or to pay in full within 35 days of issue of the rates notice;

(b) To pay by 2 equal instalments being:
(i) 50% of the rates: 16 October 2015 or within 35 days of issue of the rates notice;
(ii) 50% of the rates: 19 February 2016 or within 4 months of (i);

(c) To pay by 4 equal instalments being:
(i) 25% of the rates: 16 October 2015 or within 35 days of issue of the rates notice;
(ii) 25% of the rates: 18 December 2015 or within 2 months of (i);
(iii) 25% of the rates: 19 February 2016 or within 2 months of (ii);
(iv) 25% of the rates: 22 April 2016 or 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 issue of the notice**.**

COUNCIL DECISION

Minute No. 11098

Moved: Cr S Cooke
Seconded: Cr D Learbuch

That Council, pursuant to section 6.45 of the *Local Government Act 1995* and in accordance with regulation 64(2) of the *Local Government (Financial Management) Regulations 1996,* nominate the following due dates for the payment of rates and service charges for the 2015/16 financial year:

(a) 16 October 2015; or to pay in full within 35 days of issue of the rates notice;

(b) To pay by 2 equal instalments being:
- **(i) 50% of the rates: 16 October 2015 or within 35 days of issue of the rates notice;**
- **(ii) 50% of the rates: 19 February 2016 or within 4 months of (i);**

(c) To pay by 4 equal instalments being:
- **(i) 25% of the rates: 16 October 2015 or within 35 days of issue of the rates notice;**
- **(ii) 25% of the rates: 18 December 2015 or within 2 months of (i);**
- **(iii) 25% of the rates: 19 February 2016 or within 2 months of (ii);**
- **(iv) 25% of the rates: 22 April 2016 or 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 issue of the notice.**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 10

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 9% per annum calculated on a daily basis on rates and service charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners) and where:

a) No instalment option is taken – interest is applied 35 days after the date of issue of the Rates Notice.

b) Instalment option is taken – interest is applied after the due date of the instalment, and continues to accrue until the instalment is paid.

COUNCIL DECISION

Minute No. 11099

Moved: Cr B Robinson
Seconded: Cr S Cooke

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 9% per annum calculated on a daily basis on rates and service charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners) and where:

a) No instalment option is taken – interest is applied 35 days after the date of issue of the Rates Notice.

b) Instalment option is taken – interest is applied after the due date of the instalment, and continues to accrue until the instalment is paid.

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 11

That Council:

1. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of $11.30 per instalment notice after the initial instalment is paid;

2. Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% per annum calculated daily where the owner has elected to pay rates and service chargers through an instalment option (excluding eligible pensioners);

3. Notes that the 2015/16 Fees and Charges Schedule includes a $57.60 charge for the initial establishment of a rates special payment arrangement along with an $9.40 charge for each instalment of the rates special payment arrangement.

COUNCIL DECISION

Minute No. 11100

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council:

1. **Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, adopts an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of $11.30 per instalment notice after the initial instalment is paid;**

2. **Pursuant to section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, adopts an interest rate of 5.5% per annum calculated daily where the owner has elected to pay rates and service chargers through an instalment option (excluding eligible pensioners);**

3. **Notes that the 2015/16 Fees and Charges Schedule includes a $57.60 charge for the initial establishment of a rates special payment arrangement along with an $9.40 charge for each instalment of the rates special payment arrangement.**

Carried Unanimously 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 12

That the Council notes that the following rates concessions and waiver of waste management charges in accordance with section 6.47 of the *Local Government Act 1995* are contained within the 2015/16 Budget document as per Minute Number 10406:

Assessment Number	Address	Rates $	Waste Management Charge $	TOTAL $
A1072	Kununurra Progress Association	20,067.67	200.00	20,267.67
A4993	Lake Kununurra Golf Club	8,822.80	200.00	9,022.80
A7620	Kununurra Agricultural Society	3,487.66	200.00	3,687.66
A2589	Kununurra Race Club	3,151.00	200.00	3,351.00
A2866	Ord River Pistol Club	2,067.06	200.00	2,267.06
A7561	Ord River Sailing Club	2,048.15	200.00	2,248.15
A502	Wyndham Gardens Inc.	1,948.74	200.00	2,148.74
A7566	Kununurra Water Ski Club	1,884.30	200.00	2,084.30
A5616	Kununurra Motocross Club	1,682.63	200.00	1,882.63
A5621	Kununurra Speedway Inc.	1,657.43	200.00	1,857.43
TOTAL		**46,817.44**	**4,000.00**	**50,817.44**

COUNCIL DECISION

Minute No. 11101

Moved: Cr D Learbuch
Seconded: Cr D Spackman

That the Council notes that the following rates concessions and waiver of waste management charges in accordance with section 6.47 of the *Local Government Act 1995* are contained within the 2015/16 Budget document as per Minute Number 10406:

Assessment Number	Address	Rates $	Waste Management Charge $	TOTAL $
A1072	Kununurra Progress Association	20,067.67	200.00	20,267.67
A4993	Lake Kununurra Golf Club	8,822.80	200.00	9,022.80
A7620	Kununurra Agricultural Society	3,487.66	200.00	3,687.66
A2589	Kununurra Race Club	3,151.00	200.00	3,351.00
A2866	Ord River Pistol Club	2,067.06	200.00	2,267.06
A7561	Ord River Sailing Club	2,048.15	200.00	2,248.15
A502	Wyndham Gardens Inc.	1,948.74	200.00	2,148.74
A7566	Kununurra Water Ski Club	1,884.30	200.00	2,084.30
A5616	Kununurra Motocross Club	1,682.63	200.00	1,882.63
A5621	Kununurra Speedway Inc.	1,657.43	200.00	1,857.43
TOTAL		**46,817.44**	**4,000.00**	**50,817.44**

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 13

That Council notes that the following annual attendance fees and annual allowances have been incorporated into the 2015/16 Budget as per Minute Number 10976:

Description	2015/16	
	Individual Members	All Members
Annual Attendance Fees for a Council Member other than the President	$15,683	$125,464
Annual Attendance Fee for a Council Member who holds the office of President	$15,683	$15,683
Annual Allowance for a President	$31,200	$31,200
Annual Allowance for a Deputy President (25%)	$7,800	$7,800
TOTAL		**$180,147**

COUNCIL DECISION

Minute No. 11102

Moved: Cr B Robinson
Seconded: Cr S Cooke

That Council notes that the following annual attendance fees and annual allowances have been incorporated into the 2015/16 Budget as per Minute Number 10976:

Description	2015/16	
	Individual Members	All Members
Annual Attendance Fees for a Council Member other than the President	$15,683	$125,464
Annual Attendance Fee for a Council Member who holds the office of President	$15,683	$15,683
Annual Allowance for a President	$31,200	$31,200
Annual Allowance for a Deputy President (25%)	$7,800	$7,800
TOTAL		**$180,147**

Carried 5/3

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 14

That materiality level for monthly reporting be set at +/-10% and +/-$20,000 at account level and +/-10% and +/- $100,000 at financial statement level.

COUNCIL DECISION

Minute No. 11103

Moved: Cr K Wright
Seconded: Cr B Robinson

That materiality level for monthly reporting be set at +/-10% and +/-$20,000 at account level and +/-10% and +/- $100,000 at financial statement level.

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 15

That Council, in accordance with section 6.11 of the *Local Government Act 1995, approves:*

1. *the establishment of an Unspent Grants and Loans Reserve for the purpose: "to provide a mechanism for restricting prepaid grants, conditional unspent grants and loan proceeds unspent in a particular financial year where the expenditure will be undertaken in future years"; and*

2. *the establishment of a Contiguous Local Authority Group (CLAG) Reserve for the purpose "to hold funds received to be used for the ongoing management, funding and technical aspects of health-driven mosquito control in an effort to reduce the risk of mosquito-borne diseases within the boundaries of the Shire of Wyndham East Kimberley"; and*

3. *the establishment of a Kununurra Youth Hub Reserve for the purpose "to hold lease payments from the Kununurra Youth Hub to provide for the maintenance, renewal and upgrade of the building in accordance with the lease conditions."*

COUNCIL DECISION

Minute No. 11104

Moved: Cr S Cooke
Seconded: Cr D Learbuch

That Council, in accordance with section 6.11 of the *Local Government Act 1995, approves:*

1. ***the establishment of an Unspent Grants and Loans Reserve for the purpose: "to provide a mechanism for restricting prepaid grants, conditional unspent grants and loan proceeds unspent in a particular financial year where the expenditure will be undertaken in future years"; and***

2. ***the establishment of a Contiguous Local Authority Group (CLAG) Reserve for the purpose "to hold funds received to be used for the ongoing management, funding and technical aspects of health-driven mosquito control in an effort to reduce the risk of mosquito-borne diseases within the boundaries of the Shire of Wyndham East Kimberley"; and***

3. ***the establishment of a Kununurra Youth Hub Reserve for the purpose "to hold lease payments from the Kununurra Youth Hub to provide for the maintenance, renewal and upgrade of the building in accordance with the lease conditions."***

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 16

That Council, in accordance with section 6.11 of the *Local Government Act 1995, approves the modification of the purpose of each of the following reserves to be:*

1. *Waste Management – to provide for the operation, maintenance, renewal and upgrade of existing and new waste management facilities within the Shire of Wyndham East Kimberley.*

2. *Airport – to provide for the operation, maintenance, renewal and upgrade of existing and new airport facilities within the Shire of Wyndham East Kimberley.*

3. *Plant and Equipment – to provide for the plant management program.*

4. *Civic Buildings – to provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley.*

5. *East Kimberley Tourism – to provide for the significant maintenance, renewal and upgrade of the East Kimberley Tourism House.*

6. *Foreshore – to hold lease and licence payments from occupiers of the Lake Kununurra Foreshore Reserve to provide for the implementation of specific actions outlined in the Lake Kununurra Foreshore and Aquatic Use Plan 2012.*

7. *Childcare – to hold lease payments from the Kununurra Childcare Centre to provide for the significant maintenance and renewal of the building.*

MOTION

Cr B Robinson moves Officer's Recommendation with the removal of dot point 6.

Cr D Spackman seconds this motion.

Cr B Robinson withdraws the amendment.

COUNCIL DECISION

Minute No. 11105

Moved: Cr B Robinson
Seconded: Cr D Spackman

That Council, in accordance with section 6.11 of the *Local Government Act 1995, approves the modification of the purpose of each of the following reserves to be:*

1. ***Waste Management – to provide for the operation, maintenance, renewal and upgrade of existing and new waste management facilities within the Shire of Wyndham East Kimberley.***

2. ***Airport – to provide for the operation, maintenance, renewal and upgrade of existing and new airport facilities within the Shire of Wyndham East Kimberley.***

3. ***Plant and Equipment – to provide for the plant management program.***

4. ***Civic Buildings – to provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley.***

5. ***East Kimberley Tourism – to provide for the significant maintenance, renewal and upgrade of the East Kimberley Tourism House.***

6. ***Foreshore – to hold lease and licence payments from occupiers of the Lake Kununurra Foreshore Reserve to provide for the implementation of specific actions outlined in the Lake Kununurra Foreshore and Aquatic Use Plan 2012.***

7. ***Childcare – to hold lease payments from the Kununurra Childcare Centre to provide for the significant maintenance and renewal of the building.***

Carried unanimously 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 17

That Council rescinds the Council Policy *F20 Non-Current Asset Capitalisation and Depreciation Control*.

COUNCIL DECISION

Minute No. 11106

Moved: Cr S Cooke
Seconded: Cr G King

That Council rescinds the Council Policy *F20 Non-Current Asset Capitalisation and Depreciation Control*.

Carried Unanimously 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 18

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

COUNCIL DECISION

Minute No. 11107

Moved: Cr K Wright
Seconded: Cr D Learbuch

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

Carried Unanimously 8/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION 19

Pursuant to the provisions of section 6.2 of the *Local Government Act* 1995 and Part 3 of the *Local Government (Financial Management) Regulations 1996,* the Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2015/16 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type showing a net result for that year of $1,853,492;
2. Statement of Comprehensive Income by Program showing a net result for that year of $1,853,492;
3. Statement of Cash Flows;
4. Rate Setting Statement showing an amount required to be raised from rates of $9,951,565;
5. Notes to and Forming Part of the Budget;
6. Budget Schedules including the Capital Expenditure Program;
7. Fees and Charges Schedule.

COUNCIL DECISION

Minute No. 11108

Moved: Cr B Robinson
Seconded: Cr S Cooke

Pursuant to the provisions of section 6.2 of the *Local Government Act* 1995 and Part 3 of the *Local Government (Financial Management) Regulations 1996,* the Council adopt the Municipal Fund Budget as contained in Attachment 1 of this agenda, for the Shire of Wyndham East Kimberley for the 2015/16 financial year which includes the following:

1. **Statement of Comprehensive Income by Nature and Type showing a net result for that year of $1,853,492;**
2. **Statement of Comprehensive Income by Program showing a net result for that year of $1,853,492;**
3. **Statement of Cash Flows;**
4. **Rate Setting Statement showing an amount required to be raised from rates of $9,951,565;**
5. **Notes to and Forming Part of the Budget;**
6. **Budget Schedules including the Capital Expenditure Program;**
7. **Fees and Charges Schedule.**

Carried Unanimously 8/0

OFFICER'S RECOMMENDATION 20

That Council, in accordance with Section 6.13 of the *Local Government Act 1995*, impose interest at 11% on any amount of money (other than rates and service charges).

Motion

Cr K Wright moves the Officer's Recommendation with an amendment that the imposed interest is at 9% (in place of 11%) and that associated adjustments are made within attachment 1 of this agenda item.

COUNCIL DECISION

Minute No. 11109

Moved: Cr K Wright
Seconded: Cr D Spackman

That Council, in accordance with Section 6.13 of the Local government Act 1995, impose interest at 9% on any amount of money (other than rates and service charges) and that associated adjustments are made within attachment 1 of this agenda item (13.5.4 Adoption of 2015/16 Annual Budget).

Carried Unanimously 8/0

SHIRE of WYNDHAM | EAST KIMBERLEY

DRAFT BUDGET

2015 | 2016

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Contact Details:

Chief Executive Officer
PO Box 614
KUNUNURRA WA 6743

Kununurra Administration
20 Coolibah Drive
KUNUNURRA

Phone: 08 9168 4100
Fax: 08 9168 1798

Wyndham Administration
Koolama Street
WYNDHAM

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.

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

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SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Members of Council

Shire President



Cr John Moulden
Elected - 2007
Term Expires - 2015
Elected Shire President - October 2011

Deputy Shire President



Cr Raymond (Spike) Dessert
Elected - 2010
Term Expires - 2015
Elected Deputy Shire President - October 2013

Councillor



Cr Keith Wright
Elected - 2013
Term Expires - 2017

Councillor



Cr Sophie Cooke
Elected - 2013
Term expires - 2017

Councillor



Cr Darren Spackman
Elected - 2013
Term expires - 2017

Councillor



Cr Beau Robinson
Elected - 2013
Term expires - 2017

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Members of Council

Councillor



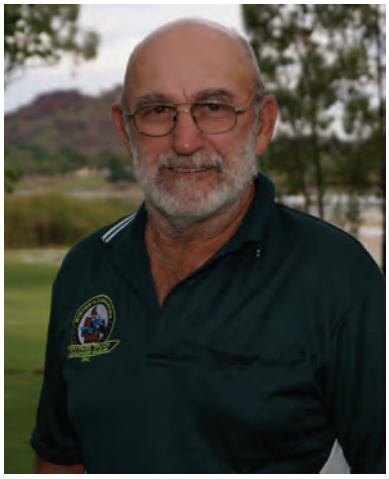
Cr Don Learbuch
Elected - 2013
Term expires - 2015

Councillor



Cr Glenn Taylor
Elected - 2013
Term expires - 2015

Councillor



Cr Gary King
Elected - 2013
Term expires - 2015

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Shire President's Prologue



The past year can be best described as a hard slog. Many difficult decisions were made in the 2014-15 budget that ultimately led to a deficit budget and a reduction in services and Shire employees. Although this decision was tough on everyone including the Council, Shire Officers and the community, I am pleased to say that it was the right decision to make as we look towards a balanced budget by the end of 2015-16. This forecasted balanced budget comes with a note of caution, as the ongoing financial sustainability of the Shire is dependent on the continuation of sound financial management, maintaining efficiencies and good governance.

As highlighted in the 2014-15 budget, the reduction in Financial Assistance Grants from the Commonwealth Government has put huge pressure on Local Governments, this combined with significant increases in the cost of doing business has meant Council will be adopting a 4.93% rate rise for residential properties to ensure that rates support the increasing costs of service delivery. This is not a decision that the Council takes lightly and we realise the impact that any rate rise has on our community so we will continue to look for efficiencies and improvements across the organisation in order to minimise the rating burden placed upon the ratepayers.

The 2015-16 budget maintains the focus that we established last year with the continuation of core service delivery, regulatory requirements, risk mitigation, sustainable asset management, good governance and financial sustainability. With this focus in mind, a number of key projects have been identified within the 2015-16 budget. The upgraded boat ramp at Lily Creek will be constructed and is due for completion by 31 July 2016. The rebuilding of the Wyndham Depot is also due to be completed by October 2015. Planning will continue for a new leisure centre in Kununurra, the Wyndham airport runway will undergo maintenance and a road reseal programme and footpath upgrade is also scheduled for Wyndham. East Kimberley Regional Airport will receive a car park upgrade and a study will be completed to assess the viability for a runway extension to open the Airport for new flight opportunities such as direct flights from the East coast. Funds will be set aside to implement the Play Space Plan and a three to four year project to improve drainage and upgrade Nutwood Crescent and Rosewood Street in Kununurra will commence. We will also be utilising funds from our Foreshore Reserve which along with funds from an external grant will see the development of a Trails Master Plan. The Trails Master Plan will set out the range of improvements required on existing trails within the Shire and identify future trails, from which residents and visitors can enjoy the Shire's renowned natural, built and cultural assets.

Council will continue to work hard to ensure we return to a budget surplus and that long term financial sustainability is achieved. Along with Shire staff we look forward to delivering efficient and effective services and sustainable asset management for our municipality over the next financial year.

Best wishes

Cr John Moulden
Shire President

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Our Strategic Direction

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

Objective 1.1: Strong community engagement

- Undertake community satisfaction survey $ 8,000

Objective 1.2: Alignment of regional and local priorities with other agencies and community groups

- Kimberley Zone $ 80,000
- Undertake Kimberley Zone/RCG records management initiative $ 8,500
- Implement Kimberley Zone/RCG corporate performance management and business intelligence initiatives
- Work with the RCG to implement the Kimberley Youth Strategy
- Work with the RCG to implement the Kimberley Volunteering Strategy

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional state and national levels.

- Lobby and representation $ 13,000

Objective 1.4: Business innovation, efficiency and improved services

- Develop Asset Management Plan; enhance condition assessments for all assets $ 150,000
- Develop Long Term Financial Plan
- Replace server room UPS and increase storage capacity $ 101,000
- Undertake competitive neutrality review and fee modelling for the airports $ 20,000
- Undertake competitive neutrality review for the landfills $ 10,000
- Implement inter-site network connectivity $ 60,000
- Promote and facilitate the Council elections process $ 49 000

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Our Strategic Direction

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
- Provide financial and administrative support to events $ 100,000

Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region
- East Kimberley Regional Airport runway asphalt overlay $ 3,282,000
- Wyndham Airport runway $ 300,000
- East Kimberley Regional Airport construction of new overflow carpark $ 150,000
- East Kimberley Regional Airport runway extension business case and preliminary design $ 144,000
- Develop Structure Plans for East Lily Creek and Kununurra Civic Centre $ 72,000
- East Kimberley Regional Airport partial terminal flooring replacement $ 24,000
- Wyndham Airport car park $10,000

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance
- Streets, roads and bridges maintenance $ 4,863,000
- Undertake second coat seal on Goomig Farmlands Roads $ 2,889,000
- Kalumburu Road renewal $ 1,177,000
- Lake Argyle Road Stage 1—extend culvert road crossings between Victoria Highway and Spillway Creek bridge $555,000
- Wyndham reseal program $ 400,000
- Upgrade Research station Road/Egret Close/Mills Road $ 350,000
- Reconstruct Nutwood and Rosewood Streets $ 300,000
- Maintain, renew and upgrade playspaces in accordance with Playspace Plan $ 308,000
- Mangaloo Street traffic management improvements $ 201,000
- Renew / upgrade sections of Carlton Hill Road $ 151,000
- Wyndham townsite footpath upgrade program $ 109,000
- Meatworks Road Wyndham - Reconstruct and Seal $ 100,000
- Undertake Ivanhoe Crossing works $ 36,000

Objective 2.4: High standard of health and community facilities and services available to all residents
- Manage and support library services $ 426,000
- Manage and provide environmental health services including mosquito control $ 300,000
- Undertake accessibility works to Administration Building entry $ 40,000

Objective 2.5: East Kimberley residents have access to a broad range of educational opportunities
- Identify land for suitable educational establishment in line with growth management plans
- Support culturally appropriate alternative education opportunities
- Lobby the Department of Education for more school based apprenticeships

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

Our Strategic Direction

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

Objective 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents

- Support civic and volunteer events $ 18 000

Objective 3.2: Waste management and protection of environmental values

- Manage landfills and provide waste / litter services $ 2,503,000
- Review the Waste Management Strategy $ 30,000

Objective 3.3: Towns are safe and inviting for locals and tourists

- Provide ranger services $504,000
- Manage and provide building services $ 204,000
- Manage fire and emergency services $ 72,000
- Prepare a Trails Masterplan incorporating the Wyndham Port footpath and Kununurra foreshore trails $ 70,000
- Development and gazettal of Local Planning Strategy and Scheme $ 57,000
- Install the Welcome to Country Signage at the East Kimberley Regional Airport $35,000
- Implement Takeaway Alcohol Management System trial

Objective 3.4: Protection and enhancement of community facilities

- Kununurra parks and gardens maintenance $ 957,000
- Design and feasibility for a new leisure and aquatic facility $ 400,000
- Wyndham parks and gardens maintenance $ 309,000
- Manage Wyndham Community Resource Centre $ 135,000
- Upgrade Wyndham waste water reuse treatment facility $ 42,000

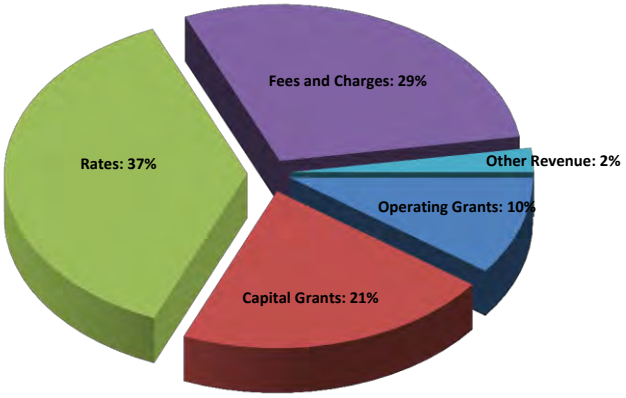
Objective 3.5: An active outdoor lifestyle is encouraged and promoted

- Upgrade Lily Creek Lagoon boating facilities and car park $ 1,316,000
- Maintain boat ramps in Kununurra and Wyndham $ 78,000
- Kununurra Swimming Complex $ 1,029,000
- Wyndham Swimming Complex $ 349,000

SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

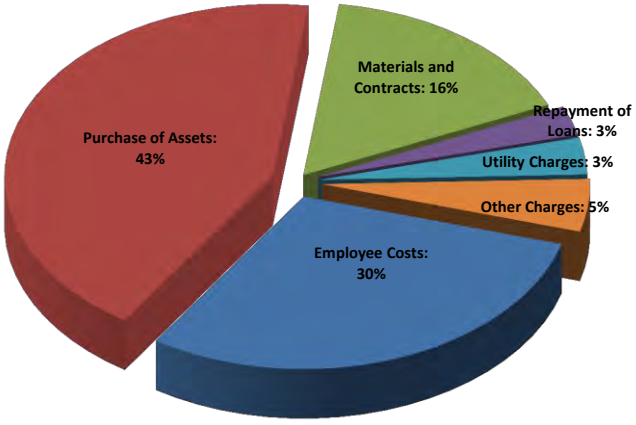
At a Glance

How are the funds raised?

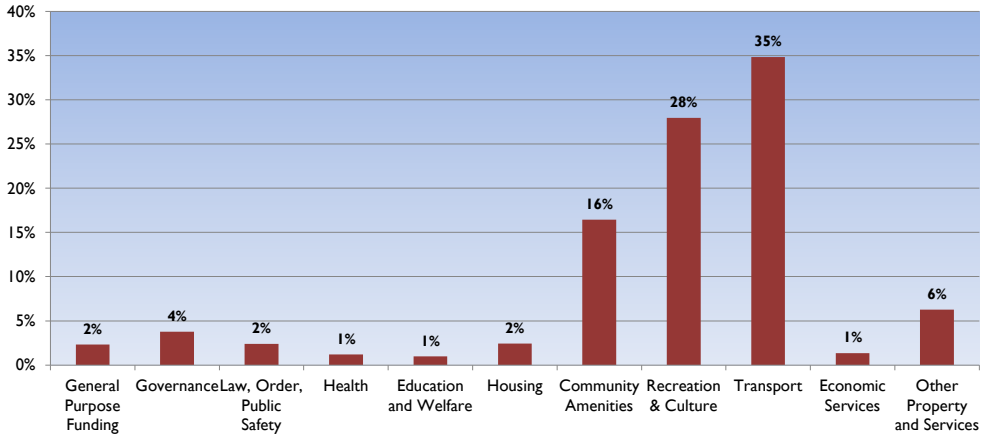


How are the funds spent?

Expenditure By Resource



Expenditure By Program



SHIRE of WYNDHAM EAST KIMBERLEY
Draft Budget 2015-16

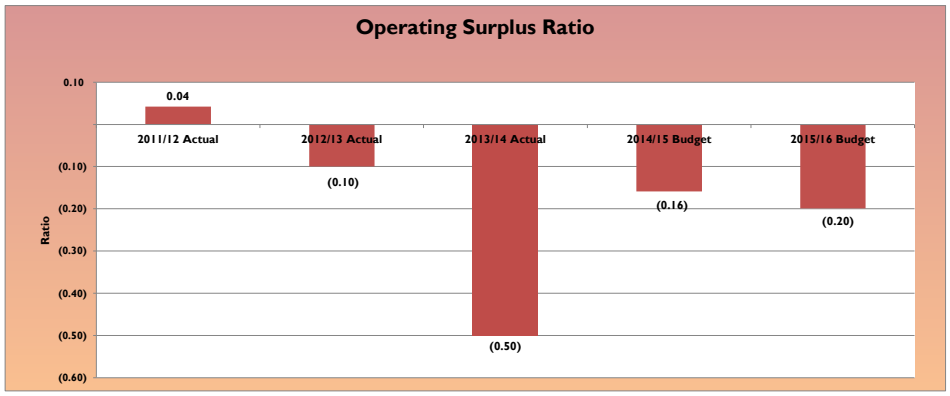
Financial Ratios

[1] *Target ratios are as per the Department of Local Government and Communities (DLGC) Guidelines except the Debt Service Cover Ratio which is a target devised by UHY Haines Norton (based on experience). For information, DLGC Guidelines establish a target Debt Service Cover Ratio of 5 for the "Advanced" Standard.*

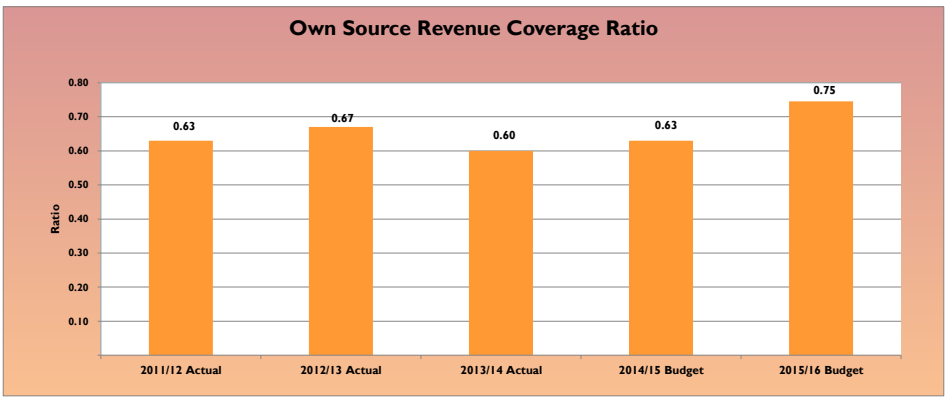
** Adjusted for "one-off" non-cash items as disclosed in the annual financial report.*

Above target as per guidelines | *Within acceptable banding as per guidelines* | *Below acceptable banding as per guidelines*

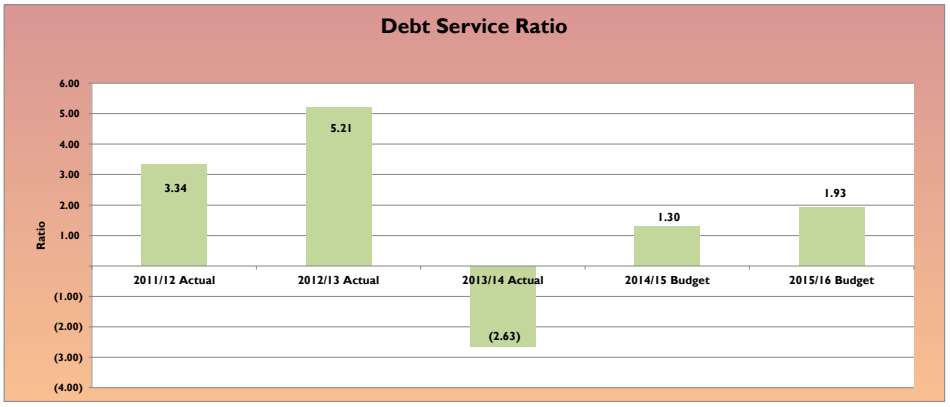
	Target Ratio for "Basic" Standard[1]	Target Ratio for "Intermediate"	Target Ratio for "Advanced" Standard[1]	Draft Budget Ratio 2015/16	Adopted Budget Ratio 2014/15	Actual Ratios 2013/14*	2012/13*	2011/12
Debt Service Cover Ratio	≥ 2	N/A	≥ 15	1.93	1.32	(2.63)	5.21	3.34
Operating Surplus Ratio	0.01 - 0.15	N/A	≥ 0.15	(0.20)	(0.16)	(0.50)	(0.10)	0.04
Own Source Revenue Coverage Ratio	0.4 - 0.6	0.6 - 0.9	> 0.9	0.75	0.63	0.60	0.67	0.63



Purpose of Operating Surplus Ratio	Commentary on 2015/16 Draft Budget Result (0.20)
To assess the Shire's ability to cover its operational costs and have revenues available for capital funding or other purposes	This ratio is reasonably stable, however the Shire will need to ensure it remains vigilent with its expenditure program moving forward in an attempt to increse the net result and improve the operating surplus.



Purpose of Operating Surplus Ratio	Commentary on 2015/16 Draft Budget Result 0.75
To assess the Shire's ability to cover its costs through its own revenue efforts.	This ratio is anticipated to improve for 2015/16 based on increased revenue and reduced expenditure from both 2013/14 and 2014/15.



Purpose of Debt Service Ratio	Commentary on 2015/16 Draft Budget Result 1.93
To assess the Shire's ability to repay its debt including lease payments.	This ratio has predominantly improved as a result of the reduction in principal repayments on loans reducing compared to 2014/15.

FINANCIAL STATEMENTS

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Statement of Comprehensive Income by Nature or Type

For the Year Ended 30 June 2016

	Note	2015/16 Draft Budget $	2014/15 Actuals $	2014/15 Revised Budget $	2014/15 Adopted Budget $
Revenue					
Rates	8	9,951,565	9,255,495	9,226,536	9,180,615
Operating Grants, Subsidies, Contributions		2,701,382	10,672,038	8,768,709	6,849,231
Fees and Charges	11	7,691,734	7,213,151	7,657,339	7,645,304
Service Charges	10	0	0	0	0
Interest Earnings	2(a)	395,557	439,515	399,833	406,500
Other Revenue		225,876	295,389	293,700	195,600
		20,966,113	27,875,588	26,346,117	24,277,250
Expenses					
Employee Costs		(10,462,339)	(10,059,982)	(10,567,563)	(10,472,574)
Materials and Contracts		(5,677,798)	(8,298,861)	(9,737,136)	(7,838,713)
Utility Charges		(1,216,206)	(1,072,018)	(1,139,630)	(1,110,458)
Depreciation on Non-Current Assets	2(a)	(5,765,188)	(5,284,756)	(5,818,820)	(6,036,820)
Interest Expenses	2(a)	(275,230)	(252,359)	(323,675)	(375,149)
Insurance Expenses		(596,424)	(632,797)	(633,582)	(638,882)
Other Expenditure		(770,007)	(720,031)	(753,761)	(752,583)
		(24,763,192)	(26,320,804)	(28,974,167)	(27,225,177)
Non-Operating Grants, Subsidies, Contributions		5,621,304	7,723,807	6,783,439	6,491,991
Profit on Asset Disposals	4	128,443	11,860	0	210,891
Loss on Asset Disposals	4	(88,232)	(401,309)	(451,621)	0
Net Result		1,864,437	8,889,143	3,703,768	3,754,955
Other Comprehensive Income		0	0	0	0
Changes on re-valuation of non-current assets		0	0	0	0
Total Comprehensive Income		1,864,437	8,889,143	3,703,768	3,754,955

Notes: All fair value adjustments relating to remeasurement of financial assets at fair value through profit or loss (if any) and changes on revaluation of non-current assets in accordance with the mandating of fair value measurement through Other Comprehensive Income, are impacted upon by external forces and is not able to be reliably estimated at the time of budget adoption.

Fair value adjustments relating to the re-measurement of financial assets at fair value through profit or loss will be asessed at the time they occur with compensating budget amendments made as necessary.

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

It is anticipated, in all instances, any changes upon revaluation of non-current assets will relate to non-cash transactions and as such, have no impact on this budget document.

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

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Statement of Comprehensive Income by Program

For the Year Ended 30 June 2016

	Note	2015/16 Draft Budget	2014/15 Actuals	2014/15 Revised Budget	2014/15 Adopted Budget
Revenue (Refer Notes 1,2,8 to 13)		$	$	$	$
General Purpose Funding		12,498,679	15,559,110	13,646,713	13,594,549
Governance		150,872	1,056,119	1,099,542	1,086,042
Law, Order, Public Safety		58,613	57,402	58,350	59,350
Health		92,506	69,215	77,650	80,500
Education and Welfare		11,500	81,706	96,434	77,000
Housing		121,590	190,416	193,711	230,828
Community Amenities		2,534,734	2,445,211	2,479,788	2,483,863
Recreation and Culture		997,143	849,415	779,986	724,402
Transport		4,160,621	7,282,144	7,620,117	5,750,793
Economic Services		96,365	81,511	99,423	97,923
Other Property and Services		243,490	203,340	194,402	92,000
		20,966,113	27,875,588	26,346,117	24,277,250
Expenses Excluding Finance Costs (Refer Notes 1,2 & 14)					
General Purpose Funding		(573,835)	(464,855)	(535,855)	(559,165)
Governance		(799,765)	(1,500,988)	(1,717,407)	(1,667,341)
Law, Order, Public Safety		(592,391)	(490,680)	(587,575)	(700,195)
Health		(299,639)	(283,218)	(300,930)	(324,635)
Education and Welfare		(227,210)	(285,210)	(312,439)	(270,475)
Housing		(599,189)	(611,740)	(689,171)	(762,293)
Community Amenities		(4,061,436)	(3,628,265)	(4,406,515)	(5,017,009)
Recreation & Culture		(6,866,822)	(5,714,702)	(6,795,074)	(6,629,318)
Transport		(8,601,589)	(10,684,732)	(11,822,709)	(9,579,825)
Economic Services		(330,981)	(443,808)	(503,172)	(517,692)
Other Property and Services		(1,535,104)	(1,960,247)	(979,645)	(820,582)
		(24,487,962)	(26,068,445)	(28,650,492)	(26,848,530)
Finance Costs (Refer Notes 2 & 5)					
Governance		(130,462)	(118,104)	(146,293)	(123,306)
Education and Welfare		(16,331)	(14,213)	(20,318)	(20,318)
Housing		(5,255)	(5,205)	(6,616)	(6,616)
Community Amenities		(83,112)	(85,947)	(95,927)	(95,927)
Recreation & Culture		(30,267)	(28,889)	(38,727)	(38,727)
Transport		0	0	(15,794)	(15,794)
Other Property and Services		(9,803)	0	0	(74,461)
		(275,230)	(252,359)	(323,675)	(375,149)

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Statement of Comprehensive Income by Program (Continued)

For the Year Ended 30 June 2016

	Note	2015/16 Draft Budget	2014/15 Actuals	2014/15 Revised Budget	2014/15 Adopted Budget
Non-Operating Grants, Subsidies, Contributions					
Governance		0	0	0	0
Law, Order, Public Safety		141,436	363,068	504,504	504,504
Housing		0	0	0	0
Community Amenities		30,000	0	0	73,500
Recreation & Culture		1,007,804	5,894	219,910	214,000
Transport		4,442,064	7,354,845	6,059,025	5,699,987
		5,621,304	7,723,807	6,783,439	6,491,991
Profit/(Loss) on Disposal of Assets (Refer Note 4)					
Law, Order, Public Safety		0	0	0	0
Housing		0	0	0	199,625
Community Amenities		0	(107,205)	(107,205)	0
Transport		0	0	0	0
Other Property and Services		40,211	(282,243)	(344,416)	11,266
		40,211	(389,448)	(451,621)	210,891
Net Result		1,864,437	8,889,143	3,703,768	3,756,453
Other Comprehensive Income		0	0	0	0
Total Comprehensive Income		1,864,437	8,889,143	3,703,768	3,756,453

Notes: All fair value adjustments relating to remeasurement of financial assets at fair value through profit or loss (if any) and changes on revaluation of non-current assets in accordance with the mandating of fair value measurement through Other Comprehensive Income, are impacted upon by external forces and is not able to be reliably estimated at the time of budget adoption.

Fair value adjustments relating to the re-measurement of financial assets at fair value through profit or loss will be asessed at the time they occur with compensating budget amendments made as necessary.

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

It is anticipated, in all instances, any changes upon revaluation of non-current assets will relate to non-cash transactions and as such, have no impact on this budget document.

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

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Statement of Cash Flows

For the Year Ended 30 June 2016

	Note	2015/16 Draft Budget $	2014/15 Actuals $	2014/15 Revised Budget $	2014/15 Adopted Budget $
Cash Flows From Operating Activities					
Receipts					
Rates		9,752,534	9,233,949	9,226,536	9,007,142
Operating Grants, Subsidies, Contributions		2,701,382	10,672,038	8,768,709	6,849,231
Service Charges		0	0	323,653	0
Fees and Charges		7,691,734	7,213,151	7,657,339	7,500,965
Interest Earnings		395,557	439,515	399,833	406,500
Goods and Services Tax		1,476,391	1,669,474	2,320,949	1,845,313
Other Revenue		225,876	295,389	293,700	495,600
		22,243,473	29,523,516	28,990,719	26,104,751
Payments					
Employee Costs		(10,419,577)	(10,059,982)	(10,567,563)	(10,418,297)
Materials and Contracts		(5,393,908)	(9,119,166)	(11,220,316)	(9,778,411)
Utility Charges		(1,216,206)	(1,072,018)	(1,139,630)	(1,110,460)
Insurance Expenses		(596,424)	(632,797)	(633,582)	(638,881)
Interest Expenses		(275,230)	(252,359)	(323,675)	(375,148)
Goods and Services Tax		(2,116,677)	(1,280,107)	(1,151,035)	(2,112,074)
Other Expenditure		(770,007)	(720,031)	(753,761)	(751,083)
		(20,788,030)	(23,136,460)	(25,789,562)	(25,184,355)
Net Cash Provided By Operating Activities	15(b)	1,455,443	6,387,056	3,201,156	920,396
Cash Flows from Investing Activities					
Payments for Development of Land Held for Resale		0	0	0	0
Payments for Purchase of Property, Plant & Equipment		(1,743,773)	(566,706)	(983,522)	(777,462)
Payments for Construction of Infrastructure		(13,279,239)	(5,071,297)	(4,582,449)	(4,786,822)
Non-Operating Grants, Subsidies, Contributions used for the Development of Assets		5,621,304	7,723,807	6,783,439	6,491,991
Proceeds from Sale of Land Held for Resale		0	0	0	0
Proceeds from Sale of Plant & Equipment	4	363,237	57,204	256,403	394,000
Net Cash Used in Investing Activities		(9,038,471)	2,143,008	1,473,871	1,321,707

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Statement of Cash Flows (Continued)

For the Year Ended 30 June 2016

	Note	2015/16 Draft Budget $	2014/15 Actuals $	2014/15 Revised Budget $	2014/15 Adopted Budget $
Cash Flows from Financing Activities					
Repayment of Debentures	5	(954,447)	(2,261,456)	(2,350,331)	(2,406,937)
Repayment of Finance Leases					
Proceeds from Self Supporting Loans					
Proceeds from New Debentures	5	0	1,803,218	1,803,218	1,803,218
Net Cash Provided By (Used In) Financing Activities		(954,447)	(458,238)	(547,113)	(603,719)
Net Increase (Decrease) in Cash Held		(8,537,475)	8,071,826	4,127,914	1,638,383
Cash at Beginning of Year		16,987,535	8,915,709	8,915,709	8,911,716
Cash and Cash Equivalents at the End of the Year	15(a)	8,450,060	16,987,535	13,043,623	10,550,098

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

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Rate Setting Statement

For the year ended 30 June 2016

	Note	2015/16 Draft Budget $	2014/15 Actuals $	2014/15 Revised Budget $	2014/15 Adopted Budget $
Revenue					
Operating Grants, Subsidies, Contributions	1,2	2,701,382	10,672,038	8,768,709	6,849,231
Fees and Charges		7,691,734	7,213,151	7,657,339	7,645,304
Service Charges		0	0	0	0
Interest Earnings		395,557	439,515	399,833	406,500
Profit on Sale of Assets		128,443	11,860	0	210,891
Other Revenue		225,876	295,389	293,700	195,600
		11,142,991	**18,631,953**	**17,119,581**	**15,307,526**
Expenses	1,2				
Employee Costs		(10,462,339)	(10,059,982)	(10,567,563)	(10,472,574)
Materials and Contracts		(5,677,798)	(8,298,861)	(9,737,136)	(7,838,713)
Utility Charges		(1,216,206)	(1,072,018)	(1,139,630)	(1,110,458)
Depreciation on Non-Current Assets		(5,765,188)	(5,284,756)	(5,818,820)	(6,036,820)
Interest Expenses		(275,230)	(252,359)	(323,675)	(375,149)
Insurance Expenses		(596,424)	(632,797)	(633,582)	(638,882)
Loss on Sale of Assets		(88,232)	(401,309)	(451,621)	0
Other Expenditure		(770,007)	(720,031)	(753,761)	(752,583)
		(24,851,424)	**(26,722,113)**	**(29,425,788)**	**(27,225,179)**
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	4	(40,211)	389,448	451,621	(210,891)
Movement in Accruals and Provisions		0	0	5,000	5,000
Depreciation on Assets	2(a)	5,765,188	5,284,756	5,818,820	6,036,820
		5,724,977	**5,674,204**	**6,275,441**	**5,830,929**

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Rate Setting Statement

For the year ended 30 June 2016

	Note	2015/16 Draft Budget $	2014/15 Actuals $	2014/15 Revised Budget $	2014/15 Adopted Budget $
Capital Expenditure and Revenue					
Purchase Land Held for Resale	3	0	0	0	0
Purchase Land and Buildings	3	(196,630)	(510,323)	(811,560)	(623,000)
Purchase Infrastructure Assets - Roads	3	(5,879,884)	(2,281,432)	(2,452,096)	(2,472,929)
Purchase Infrastructure Assets - Bridges	3	(300,000)	0	(50,000)	(50,000)
Purchase Infrastructure Assets - Footpaths	3	(109,315)	0	(31,000)	(31,000)
Purchase Infrastructure Assets - Drainage	3	(552,970)	(151,509)	(337,138)	(358,358)
Purchase Airport Infrastructure	3	(4,140,784)	(2,264,488)	(847,704)	(885,979)
Purchase Waste Infrastructure	3	(780,368)	(240,294)	(521,306)	(651,556)
Purchase Infrastructure Other	3	(1,515,918)	(133,575)	(343,205)	(337,000)
Purchase Plant and Equipment	3	(1,371,043)	0	(83,462)	(54,962)
Purchase Furniture and Equipment	3	(176,100)	(56,383)	(88,500)	(99,500)
Grants/Contributions for Develop. of Assets		5,621,304	7,723,807	6,783,439	6,491,991
Proceeds from Disposal of Assets	4	363,237	57,204	256,403	394,000
Proceeds from Sale of Land Held for Resale		0	0	0	0
Repayment of Debentures	5	(954,447)	(2,261,456)	(2,350,331)	(2,406,938)
Proceeds from New Debentures	5	0	1,803,218	1,803,218	1,803,218
Transfers to Reserves (Restricted Assets)	6	(6,707,472)	(9,734,244)	(4,488,742)	(4,000,605)
Transfers from Reserves (Restricted Assets)	6	16,576,747	941,111	1,287,637	1,253,687
		(123,643)	**(7,108,363)**	**(2,274,347)**	**(2,028,931)**
ADD ***Estimated Surplus/(Deficit) July 1 B/Fwd***	7	***(1,665,875)***	***(1,397,052)***	***(1,397,052)***	***(1,423,053)***
LESS ***Estimated Surplus/(Deficit) June 30 C/Fwd***	7	***178,591***	***(1,665,875)***	***(475,630)***	***(356,592)***
Amount Required to be Raised from Rates	8	**(9,951,565)**	**(9,255,495)**	**(9,226,536)**	**(9,182,116)**

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Preparation

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 authorative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.

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.

Critical Accounting Estimates

The preparation of the budget in conformity with Australian Accounting Standards requires management to make judgements, estimates, and assumptions that affect the application of policies and reported amounts of assets, 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.

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. A separate statement of those monies appears at Note 16 to this budget document.

(b) 2014/15 Actual Balances

Balances shown in this budget as 2014/15 Actual are as forecast at the time of budget preparation and are subject to final adjustments.

(c) Rounding Off Figures

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

(d) 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.

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1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(d) Rates, Grants, Donations and Other Contributions (continued)

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

(e) Goods and Services Tax (GST)

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.

(f) Superannuation

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

(g) 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 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 Note 7 – Net Current Assets when utilised.

(h) 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.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

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

(j) Fixed Assets

Each class of fixed assets within either property, plant and equipment or infrastructure, 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.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

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

In 2013, the Shire 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 budget as necessary.

Land Under Control

In accordance with *Local Government (Financial Management) Regulation* 16(a), the Shire was 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.

Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) these assets were revalued along with other items of Land and Buildings at 30 June 2014 and now form part of Land and Buildings to be subject to regular revaluation as detailed above.

Initial Recognition and Measurement between Mandatory Revaluation Dates

All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

In relation to this initial measurement, 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 Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation on the next anniversary date in accordance with the mandatory measurement framework detailed above.

Revaluation

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.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

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 Shire 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.

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 Shire.

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

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1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

a) Restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount;

or

b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Major depreciation periods used for each class of depreciable asset are:

GROUP	CLASS	NUMBER OF YEARS
Roads	Sealed Roads - Formation	Infinite – Not Depreciated
	Sealed Roads - Pavement Under Seal	70
	Sealed Roads -Wearing Course - Chip Seal	25
	Sealed Roads -Wearing Course - Asphalt	40
	Unsealed Roads - Formation	Infinite – Not Depreciated
	Unsealed Roads - Pavement	15
	Kerbs & Channel	50
	Road Furniture and Signs	10
Drainage	Underground Pipes	75
	Retarding Basins	Infinite – Not Depreciated
Airfields	Airfield - Formation	Infinite – Not Depreciated
	Airfield - Pavement under Seal	80
	Airfield - Wearing Course - Chip Seal	25
	Airfield - Wearing Course - Asphalt	40
	Airfield - Lighting	20
	Airfield - Fencing	30
Bridges	Bridges	100
	Culverts	100
Footpaths	Footpath	45

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

GROUP	CLASS	NUMBER OF YEARS
Infrastructure Other	Car Parks - Formation	Infinite – Not Depreciated
	Car Parks - Pavement Under Seal	70
	Car Parks - Wearing Course - Chip Seal	25
	Car Parks - Wearing Course - Asphalt	40
	Jetties & Pontoons	40
	Boat Ramps	50
	Reticulation Systems (Pipes, Pumps, Controllers)	20
	Playground Equipment	10
	Outdoor Furniture	20
	Sporting/Play Area - Minor Structures	10
	Sporting Facilities - Hardcourts/Skate Parks	20
	Sporting Facilities - Fencing	30
	Sporting Facilities - Lighting	20
	Sporting Facilities - Swimming Pools	50
Land and Buildings	Land	Infinite – Not Depreciated
	Landfill Refuse (Land Component Only)	30
	Brick/Concrete Buildings	40
	Transportable Buildings	10
	Steel Construction Buildings	35
	Ancillary Structures to Buildings	10
Furniture and Equipment	Computer Equipment	3
	Office Equipment/Systems	5
	Office Furniture	10
	Kitchen Equipment	5
	Fit-outs	20
Plant and Equipment	Light Plant	3
	Medium Plant	7
	Heavy Plant	10
	Minor Plant	10

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

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1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

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 profit or loss in the period 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.

(k) Fair Value of Assets and Liabilities

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

Fair Value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for asset (i.e. the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Fair Value of Assets and Liabilities (continued)

Fair Value Hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Fair Value of Assets and Liabilities (Continued)

Cost approach

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the *Local Government (Financial Management) Regulations* requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

(l) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Shire 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 cost.

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 and any reduction for impairment; and

(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.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (continued)

The effective interest method is used 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 are classified at "fair value through profit or loss" when they are held for trading for the purpose of short term profit taking. Assets in this category are classified as current assets. Such assets are subsequently measured at fair value with changes in 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 Shire'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.

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1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (Continued)

(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 (excl. financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in the profit or loss.

Impairment

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 (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, 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.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Financial Instruments (Continued)

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

Derecognition

Financial assets are derecognised where the contractual rights for receipt of cash flows expire or the asset is transferred to another party, whereby the Shire 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.

(m) Impairment of Assets

In accordance with Australian Accounting Standards the Shire'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 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 2016.

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

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1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(n) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire 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.

(o) Employee Benefits

Short-Term Employee Benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages and salaries. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages and salaries are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other Long-Term Employee Benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(o) Employee Benefits (Continued)

Other Long-Term Employee Benefits

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

(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 until such time as the asset is substantially ready for its intended use or sale.

(q) Provisions

Provisions are recognised when the Shire 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) 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 Shire 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 live 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.

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

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(s) Investments in Associates

An associate is an entity over which the Shire has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for in the budget/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 Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Shire's share of the net fair value of the investment is acquired.

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

When the Shire's share of losses in an associate equals or exceeds its interest in the associate, the Shire discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate.
When the associate subsequently makes profits, the Shire will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

(t) Interests in Joint Arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 1(o) for a description of the equity method of accounting.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements. The Shire does not have any interests in joint arrangements for 2015/16.

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(u) 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 Shire's operational cycle. In the case of liabilities where the Shire 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 sale where it is held as non-current based on the Council's intentions to release for sale.

(v) Comparative Figures

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

(w) Unless otherwise stated, the budget comparative figures shown in this budget document 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 Shire.

Management's assessment of the new and amended pronouncement that are relevant to the Shire, applicable to future reporting periods and which have not yet been adopted are set out as follows.

	Title	Issued	Applicable (*)	Impact
(i)	AASB 9 – Financial Instruments (incorporating AASB 2014-7 and AASB 2014-8)	December 2014	1 January 2018	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 Shire, it is not anticipated the standard will have any material effect.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

	Title	Issued	Applicable (*)	Impact
(ii)	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]	September 2012	1 January 2018	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 Shire (refer (i) above).
(iii)	AASB 15 Revenue from Contracts with Customers	December 2014	1 January 2017	This Standard establishes principles for entities to apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The effect of this Standard will depend upon the nature of future transactions the Shire has with those third parties it has dealings with. It may or may not be significant.
(iv)	AASB 2013-9 Amendments to Australian Accounting Standards – Conceptual Framework, Materiality and Financial Instruments [Operative date: Part C Financial Instruments – 1 January 2015]	December 2013	Refer title column	Part C of this Standard makes consequential amendments to AASB 9 and numerous other Standards and amends the permissions around certain applications relating to financial liabilities reissued at fair value. As the bulk of changes relate either to editorial or reference changes it is not expected to have a significant impact on the Shire.

	Title	Issued	Applicable (*)	Impact
(v)	AASB 2014-3 Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 & AASB 11]	August 2014	1 January 2016	This Standard amends AASB 11: Joint Arrangements to require the acquirer of an interest (both initial and additional) in a joint operation in which the activity constitutes a business, as defined in AASB 3: *Business Combinations*, to apply all of the principles on business combinations accounting in AASB 3 and other Australian Accounting Standards except for those principles that conflict with the guidance in AASB 11; and disclose the information required by AASB 3 and other Australian Accounting Standards for business combinations. Since adoption of this Standard would impact only acquisitions of interests in joint operations on or after 1 January 2016, management believes it is impracticable at this stage to provide a reasonable estimate of such impact on the Shire's budget/financial statements.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

	Title	Issued	Applicable (*)	Impact
(vi)	AASB 2014-4 Amendments to Australian Accounting Standards - Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 & AASB 138]	August 2014	1 January 2016	This Standard amends AASB 116 and AASB 138 to establish the principle for the basis of depreciation and amortisation as being the expected pattern of consumption of the future economic benefits of an asset. It also clarifies the use of revenue-based methods to calculate the depreciation of an asset is not appropriate nor is revenue generally an appropriate basis for measuring the consumption of the economic benefits embodied in an intangible asset. Given the Shire currently uses the expected pattern of consumption of the future economic benefits of an asset as the basis of calculation of depreciation, it is not expected to have a significant impact.
(vii)	AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15	December 2014	1 January 2017	Consequential changes to various Standards arising from the issuance of AASB 15. It will require changes to reflect the impact of AASB 15.

	Title	Issued	Applicable (*)	Impact
(viii)	AASB 2015-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049]	January 2015	1 January 2016	This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. This Standard also makes editorial and consequential amendments as a result of amendments to the Standards listed in the title column. It is not anticipated it will have any significant impact on disclosures.
(ix)	AASB 2015-3 Amendments to Australian Accounting Standards arising from the withdrawal of AASB 1031 Materiality	January 2015	1 July 2015	This Standard completes the withdrawal of references to AASB 1031 in all Australian Accounting Standards and Interpretations, allowing it to be completely withdrawn. It is not anticipated it will have a significant impact as the principles of materiality remain largely unchanged.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

	Title	Issued	Applicable (*)	Impact
(x)	AASB 2015-6 Amendments to Australian Accounting Standards - Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 & 1049]	March 2015	1 July 2016	The objective of this Standard is to extend the scope of AASB 124 Related Party Disclosures to include not-for-profit sector entities. The Standard is expected to have a significant disclosure impact on the financial report of the Shire as both Elected Members and Senior Management will be deemed to be Key Management Personnel and resultant disclosures will be necessary.

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 Shire 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 2011-7
AASB 2012-3
AASB 2013-3
AASB 2013-8
AASB 2013-9 Parts A & B

Most of the standards adopted had a minimal effect on the accounting and reporting practices of the Shire as they did not have a significant impact on the accounting or reporting practices or 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.

	Note	2015/16 Draft Budget $	2014/15 Actual $	2014/15 Revised Budget $
2. OPERATING REVENUES AND EXPENSES				
(a) Net Result				
The Net Result includes:				
(i) Charging as Expenses:				
Auditors Remuneration				
Audit		21,087	31,200	31,505
Other Services		29,113	43,075	43,495
Depreciation				
By Program				
Governance		-	-	-
General Purpose Funding		-	-	-
Law, Order, Public Safety		8,658	7,936	8,700
Health		8,391	7,691	8,600
Education and Welfare		102,349	93,820	103,000
Housing		313,536	287,408	316,019
Community Amenities		153,625	140,823	154,000
Recreation and Culture		1,589,174	1,456,743	1,603,250
Transport		2,540,882	2,329,142	2,552,151
Economic Services		58,017	53,182	58,100
Other Property and Services		990,558	908,012	1,015,000
		5,765,188	5,284,756	5,818,820
By Class				
Land and Buildings		1,584,017	1,452,016	1,598,753
Furniture and Equipment		266,844	244,607	269,326
Plant and Equipment		838,048	768,211	845,844
Roads		1,843,750	1,690,105	1,860,902
Footpaths		103,746	95,101	104,711
Drainage		21,304	19,528	21,502
Other Infrastructure		1,107,478	1,015,188	1,117,781
		5,765,188	5,284,756	5,818,820
Interest Expenses (Finance Costs)				
- Debentures *(refer note 5(a))*		275,230	252,359	323,675
		275,230	252,359	323,675
(ii) Crediting as Revenues:				
Interest Earnings				
Investments				
- Reserve Funds		257,968	286,306	262,700
- Other Funds		33,750	45,215	24,100
Other Interest Revenue *(refer note 13)*		103,839	107,993	113,033
		395,557	439,515	399,833

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

Objective:

To collect revenue to allow for the provision of services.

Activities:

Rates, general purpose government grants and interest revenue.

GOVERNANCE

Objective:

To provide a decision making process for the efficient allocation of scarce resources.

Activities:

Includes the activities of members of council and the administrative support available to the Council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

LAW, ORDER, PUBLIC SAFETY

Objective:

To provide services to help ensure a safer and environmentally conscious community.

Activities:

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

HEALTH

Objective:

To provide an operational framework for environmental and community health.

Activities:

Inspection of food outlets and their control, provision of meat inspection services, noise control, pest control and waste disposal compliance.

EDUCATION AND WELFARE

Objective:

To provide services to disadvantaged persons, the elderly, children and youth.

Activities:

Operation of youth services, support of day care centres and assistance to other voluntary services.

2. OPERATING REVENUES AND EXPENSES (Continued)

(b) Statement of Objectives (Continued)

HOUSING

Objective:

To provide and maintain staff and residential housing.

Activities:

Provision of staff and residential housing.

COMMUNITY AMENITIES

Objective:

To provide services required by the community.

Activities:

Rubbish collection services, operation of landfill sites, litter control, administration of the town planning schemes, maintenance of cemeteries, maintenance of rest centres and storm water drainage maintenance.

RECREATION AND CULTURE

Objective:

To establish and effectively manage infrastructure and resource which will help the social well being of the community.

Activities:

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

TRANSPORT

Objective:

To provide safe, effective and efficient transport services to the community.

Activities:

Construction and maintenance of streets, roads, bridges; cleaning and lighting of streets, traffic lights, depot maintenance, and the provision and operation of airport services.

ECONOMIC SERVICES

Objective:

To help promote the shire and its economic wellbeing.

Activities:

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

OTHER PROPERTY & SERVICES

Objective:

To monitor and control council's overheads operating accounts.

Activities:

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

3. ACQUISITION OF ASSETS

	2015/16 Draft Budget	2014/15 Actual	2014/15 Revised Budget
	$	$	$
The following assets are budgeted to be acquired during the year:			
By Program			
Governance	-	-	5,000
General Purpose Funding	-	-	-
Law, Order, Public Safety	23,830	468,755	531,000
Health	-	-	-
Education and Welfare	32,800	-	13,000
Housing	-	-	12,560
Community Amenities	320,818	240,294	471,756
Recreation and Culture	1,357,468	146,320	399,755
Transport	11,600,953	4,697,428	3,717,938
Economic Services	-	-	-
Other Property and Services	1,687,143	85,206	414,962
	15,023,012	5,638,002	5,565,971
By Class			
Land held for resale	-	-	-
Land and Buildings	196,630	510,323	811,560
Infrastructure Assets - Roads	5,879,884	2,281,432	2,452,096
Infrastructure Assets - Bridges	300,000	-	50,000
Infrastructure Assets - Footpaths	109,315	-	31,000
Infrastructure Assets - Drainage	552,970	151,509	337,138
Airport Infrastructure	4,140,784	2,264,488	847,704
Waste Infrastructure	780,368	240,294	521,306
Infrastructure Assets - Other	1,515,918	133,575	343,205
Plant & Equipment	1,371,043	-	83,462
Furniture & Equipment	176,100	56,383	88,500
	15,023,012	5,638,002	5,565,971

To obtain further details of Asset Acquisitions refer to attachment
- Capital Expenditure - 2015/16 Budget

4. DISPOSALS OF ASSETS

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

By Program	Net Book Value 2015/16 Budget $	Sale Proceeds 2015/16 Budget $	** Profit(Loss) 2015/16 Budget $
Housing			
No activity	-	-	-
Other Property and Services			
Light Plant			
P478 - WY13923 - Dual Cab 4WD Ute	17,431	13,990	(3,441)
P379 - WY14616 - Dual Cab 4WD Ute	14,111	13,990	(121)
P211 - WY12647 - Dual Cab 2WD Ute	5,115	7,400	2,285
P113 - WY01 - Wagon 4WD	25,179	28,600	3,421
P122 - WY25609 - Extra Cab 4WD Ute	16,601	13,990	(2,611)
P490 - WY14982 - Toyota Hilux	13,835	12,200	(1,635)
Medium Plant			
P491 - WY25065 - Ride On Mower	16,000	6,090	(9,910)
P333 - WY12280 - 75HP Tractor		26,857	26,857
P313 - 70HP Kubota Tractor	13,945	16,500	2,555
P401 - Slasher	-	2,135	2,135
P383 - Silvan Shireboss 6" Slasher	7,678	3,063	(4,615)
P319 - 1TBZ906 - Tilt Trailer	-	1,100	1,100
Heavy Plant			
P331 - 1CGF957 - 3 Tonne Tip Truck	16,734	20,347	3,613
P367 - 1DBW601 - 3 Tonne Tip Truck	26,562	19,573	(6,989)
P309 - WY11160 - 10 Ton Tip Truck	28,050	92,044	63,994
P372 - WY13511 - 9 Tonne Truck	69,054	24,725	(44,329)
P354 - 1CWM013 - Backhoe	18,150	40,633	22,483
Airport Plant			
P482 - 1DIK678 - Hino Truck	34,580	20,000	(14,580)
	323,026	**363,237**	**40,211**

By Class	Net Book Value 2015/16 Budget $	Sale Proceeds 2015/16 Budget $	** Profit(Loss) 2015/16 Budget $
Plant and Equipment	323,026	363,237	40,211
	323,026	**363,237**	**40,211**

Summary	2015/16 Budget $
Profit on Asset Disposals	128,443
Loss on Asset Disposals	(88,232)
	40,211

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2015-16
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2016

5. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Movement in the carrying amounts of each class of property, plant and equipment between the beginning and the end of the current financial year.

Particulars	Loan No	Interest Rate	Maturity Date	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
						2015/16 Budget $	2014/15 Actual $	2015/16 Budget $	2014/15 Actual $	2015/16 Budget $	2014/15 Actual $
Governance											
Administration Building Land	L122	6.00%	25-Jun-20	280,948		49,749	46,894	231,199	280,948	15,983	18,935
Administration Building Bridging Loan	L123	3.26%	7-Dec-14	-		-	1,500,000	-	-	0	21,985
Administration Building Loan	L124	3.82%	7-Dec-22	1,960,703		230,415	221,859	1,730,288	1,960,703	72,169	77,184
New Loan - Administration Building	L129	3.01%	8-Jan-25	1,500,000		130,648	-	1,369,352	1,500,000	42,311	-
Education & Welfare											
Kununurra Childcare Centre	L120	6.19%	1-Sep-19	297,504		59,245	55,742	238,259	297,504	16,331	14,213
Housing											
Staff Housing	L115	6.04%	28-Aug-18	51,184		13,536	12,742	37,648	51,184	2,660	2,410
Community Amenities											
Liquid Waste Facility	L125	3.40%	16-May-18	304,999		98,258	95,001	206,741	304,999	9,145	11,315
Waste Management	L126	4.21%	16-May-24	1,555,478		145,457	139,522	1,410,021	1,555,478	63,243	61,861
Staff Housing	L127	3.71%	16-May-20	75,070		13,930	13,428	61,140	75,070	2,595	2,796
Drainage	L128	4.21%	16-May-24	114,711		10,727	10,289	103,984	114,711	4,663	4,562
New Loan - Building & Infrastructure Loan	L130	3.32%	9-Jun-25	303,218		26,030	-	277,188	303,218	9,803	-
Recreation & Culture											
KNX Aquatic Centre Refurbishment	L113	6.04%	28-Aug-18	285,993		75,633	71,195	210,360	285,993	14,864	13,464
WYN Recreation Centre	L114	6.04%	28-Aug-18	119,964		31,725	29,864	88,238	119,964	6,558	5,648
KNW Youth Centre	L118	7.24%	30-Jun-18	94,556		29,287	27,258	65,269	94,556	6,061	8,209
Multi Purpose Courts	L119	5.61%	8-May-19	173,332		39,806	37,663	133,526	173,332	8,846	9,776
			Total	**7,117,661**	**-**	**954,447**	**2,261,456**	**6,163,214**	**7,117,661**	**275,230**	**252,359**

Minutes Ordinary Council Meeting
25 August 2015

5. INFORMATION ON BORROWINGS (Continued)

(b) New Debentures - 2015/16

The Shire of Wyndham East Kimberley is not intending to enter into any new borrowings for 2015/16.

(c) Unspent Debentures

The Shire of Wyndham East Kimberley has unspent debenture fund as follows:

	Unspent as at		Used
Particulars/Purpose	30 June 16 Budget	30 June 15 Actual	30 June 16 Budget
Loan 125 - Liquid Waste Facility	44,360	120,360	76,000
Loan 128 - Drainage MUN	51,189	51,189	-
Loan 126 - Waste Management MUN	650	586,844	586,194
Loan 124 - Administration Building Loan	83,761	107,591	23,830
Loan 130 - Administration Infrastructure Loan	12,667	153,707	141,040
Total	**192,627**	**1,019,691**	**827,064**

(d) Overdraft

Council approved an overdraft facility with a limit of $2.5 million at the Special Council Meeting in August 2014, Minute #10503 in order to cover the expenditure associated with the flood event in February 2014 until such time as the WANDRAA reimbursements are received, also noting that the overdraft will be an ongoing facility and incorporated into the annual budget for adoption.

SHIRE OF WYNDHAM EAST KIMBERLEY
DRAFT BUDGET 2015-16
Notes to and Forming Part of the Budget
For the Year Ended 30 June 2016

	2015/16 Draft Budget	2014/15 Actual	2014/15 Revised Budget
	$	$	$
6. RESERVES			
(a) Waste Management			
Opening Balance	474,671	179,151	179,151
Amount Set Aside / Transfer to Reserve	283,250	530,043	218,027
Amount Used / Transfer from Reserve	(361,889)	(234,523)	(202,023)
	396,032	474,671	195,155
(b) Airport General			
Opening Balance	7,609,648	6,373,410	6,373,410
Amount Set Aside / Transfer to Reserve	2,777,876	1,891,876	925,087
Amount Used / Transfer from Reserve	(5,625,506)	(655,637)	(682,354)
	4,762,018	7,609,648	6,616,143
(c) Plant and Equipment			
Opening Balance	2,844	2,761	2,761
Amount Set Aside / Transfer to Reserve	68	83	74
Amount Used / Transfer from Reserve	-	-	$0.00
	2,912	2,844	2,835
(d) Parking			
Opening Balance	115,608	112,247	112,247
Amount Set Aside / Transfer to Reserve	2,779	3,361	3,015.60
Amount Used / Transfer from Reserve	-	-	-
	118,387	115,608	115,263
(e) Non-Potable Water			
Opening Balance	91,902	89,230	89,230
Amount Set Aside / Transfer to Reserve	2,209	2,672	2,397
Amount Used / Transfer from Reserve	0	-	(41,550)
	94,111	91,902	50,077
(f) Civic Buildings			
Opening Balance	-	7,609	7,609
Amount Set Aside / Transfer to Reserve	-	228	204
Amount Used / Transfer from Reserve	-	(7,837)	(7,813)
	-	-	0
(g) East Kimberley Tourism			
Opening Balance	136,129	127,431	127,431
Amount Set Aside / Transfer to Reserve	13,273	13,816	13,423
Amount Used / Transfer from Reserve	(10,000)	(5,118)	(9,368)
	139,402	136,129	131,486

	2015/16 Draft Budget $	2014/15 Actual $	2014/15 Revised Budget $
6. RESERVES (Continued)			
(h) Foreshore			
Opening Balance	200,643	121,875	121,875
Amount Set Aside / Transfer to Reserve	102,324	81,752	85,274
Amount Used / Transfer from Reserve	(45,000)	(2,984)	0
	257,967	200,643	207,149
(i) Staff Entitlement			
Opening Balance	230,639	223,934	223,934
Amount Set Aside / Transfer to Reserve	5,545	6,705	6,016
Amount Used / Transfer from Reserve	-	-	-
	236,184	230,639	229,950
(j) Recreation Hardcourts			
Opening Balance	53,550	26,000	26,000
Amount Set Aside / Transfer to Reserve	1,281	32,095	699
Amount Used / Transfer from Reserve	-	(4,545)	(5,000)
	54,831	53,550	21,699
(k) Bio Security			
Opening Balance	268,381	267,364	267,364
Amount Set Aside / Transfer to Reserve	6,452	8,005	7,183
Amount Used / Transfer from Reserve	-	(6,988)	(10,000)
	274,833	268,381	264,547
(l) Childcare			
Opening Balance	147,363	132,688	132,688
Amount Set Aside / Transfer to Reserve	15,043	14,675	14,265
Amount Used / Transfer from Reserve	(28,937)	-	-
	133,469	147,363	146,953
(m) Parks			
Opening Balance	316,709	307,502	307,502
Amount Set Aside / Transfer to Reserve	7,614	9,207	8,261
Amount Used / Transfer from Reserve	(200,000)	-	-
	124,323	316,709	315,763
(n) Legal Fees			
Opening Balance	-	3,514	3,514
Amount Set Aside / Transfer to Reserve	-	105	94
Amount Used / Transfer from Reserve	-	(3,619)	(3,608)
	-	-	0

	2015/16 Draft Budget $	2014/15 Actual $	2014/15 Revised Budget $
6. RESERVES (Continued)			
(o) Youth Bus			
Opening Balance	-	19,186	19,186
Amount Set Aside / Transfer to Reserve	-	674	515
Amount Used / Transfer from Reserve	-	(19,860)	(19,701)
	-	-	0
(p) Footpaths			
Opening Balance	277,520	269,452	269,452
Amount Set Aside / Transfer to Reserve	6,672	8,068	7,239
Amount Used / Transfer from Reserve	(78,315)	-	(31,000)
	205,877	277,520	245,691
(q) Asset Management			
Opening Balance	-	-	-
Amount Set Aside / Transfer to Reserve	23,148	-	306,267
Amount Used / Transfer from Reserve	-	-	(275,220)
	23,148	-	31,047
(r) Goomig Farmlands Roads Reserve			
Opening Balance	2,888,815	-	-
Amount Set Aside / Transfer to Reserve	18,299	2,888,815	2,890,700
Amount Used / Transfer from Reserve	(2,889,313)	-	-
	17,801	2,888,815	2,890,700
(s) Unspent Grants and Loans Reserve			
Opening Balance	4,242,065	-	-
Amount Set Aside / Transfer to Reserve	3,437,444	4,242,065	-
Amount Used / Transfer from Reserve	(7,333,591)	-	-
	345,918	4,242,065	-
(t) Contiguous Local Authority Group (CLAG)			
Opening Balance	-	-	-
Amount Set Aside / Transfer to Reserve	4,196	-	-
Amount Used / Transfer from Reserve	(4,196)	-	-
	-	-	-
(u) Kununurra Youth Hub			
Opening Balance	-	-	-
Amount Set Aside / Transfer to Reserve	-	-	-
Amount Used / Transfer from Reserve	-	-	-
	-	-	-
Total Reserves	7,187,213	17,056,487	11,464,459

6. RESERVES (Continued)	2015/16 Draft Budget	2014/15 Actual	2014/15 Revised Budget
Transfers to Reserves			
Waste Management	283,250	530,043	218,027
Airport	2,777,876	1,891,876	925,087
Plant and Equipment	68	83	74
Parking	2,779	3,361	3,016
Non-Portable Water	2,209	2,672	2,397
Civic Buildings	-	228	204
East Kimberley Tourism	13,273	13,816	13,423
Foreshore	102,324	81,752	85,274
Staff Entitlement	5,545	6,705	6,016
Recreation Hardcourts	1,281	32,095	699
Bio Security	6,452	8,005	7,183
Childcare	15,043	14,675	14,265
Parks	7,614	9,207	8,261
Legal Fees	-	105	94
Youth Bus	-	674	515
Footpaths	6,672	8,068	7,239
Asset Management	23,148	-	306,267
Goomig Farmlands Roads	18,299	2,888,815	2,890,700
Unspent Grants and Loans	3,437,444	4,242,065	-
Contiguous Local Authority Group (CLAG)	4,196	-	-
Kununurra Youth Hub	-	-	-
	6,707,472	9,734,244	4,488,742
Transfers from Reserves			
Waste Management	(361,889)	(234,523)	(202,023)
Airport	(5,625,506)	(655,637)	(682,354)
Plant and Equipment	-	-	-
Parking	-	-	-
Non-Portable Water	-	-	(41,550)
Civic Buildings	-	(7,837)	(7,813)
East Kimberley Tourism	(10,000)	(5,118)	(9,368)
Foreshore	(45,000)	(2,984)	-
Staff Entitlement	-	-	-
Recreation Hardcourts	-	(4,545)	(5,000)
Bio Security	-	(6,988)	- 10,000.00
Childcare	(28,937)	-	-
Parks	(200,000)	-	-
Legal Fees	-	(3,619)	(3,608)
Youth Bus	-	(19,860)	(19,701)
Footpaths	(78,315)	-	(31,000)
Asset Management	-	-	(275,220)
Goomig Farmlands Roads	(2,889,313)	-	-
Unspent Grants and Loans	(7,333,591)	-	-
Contiguous Local Authority Group (CLAG)	(4,196)	-	-
Kununurra Youth Hub	-	-	-
	(16,576,747)	(941,111)	(1,287,637)
Total Transfer to/(from) Reserves	(9,869,274)	8,793,133	3,201,105

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

To provide for the operation, maintenance, renewal and upgrade of existing and new waste management facilities within the Shire of Wyndham East Kimberley.

Airport

To provide for the operation, maintenance, renewal and upgrade of existing and new airport facilities within the Shire of Wyndham East Kimberley.

Plant and Equipment

To provide for the plant management program.

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

To provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley.

East Kimberley Tourism

To provide for the significant maintenance, renewal and upgrade of the East Kimberley Tourism House.

Foreshore

To hold lease and licence payments from occupiers of the Lake Kununurra Foreshore Reserve to provide for the implementation of specific actions outlined in the Lake Kununurra Foreshore and Aquatic Use Plan 2012.

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 the Kununurra Childcare Centre to provide for the significant maintenance and renewal 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

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.

6. RESERVES (Continued)

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.

Asset Management

To provide for the ongoing maintenance, renewal, upgrade, replacement or development of Shire owned assets within the Shire of Wyndham East Kimberley.

Goomig Farmlands Roads Reserve

To provide for the second coat seal of roads within the Goomig Farmlands.

Unspent Grants and Loans Reserve

To provide a mechanism for restricting prepaid grants, conditional unspent grants and loan proceeds unspent at a particular financial year where the expenditure will be undertaken in future years.

Contiguous Local Authority Group (CLAG) Reserve

To hold funds received to be used for the ongoing management, funding and technical aspects of health-driven mosquito control in an effort to reduce the risk of mosquito-borne diseases within the boundaries of the Shire of Wyndham East Kimberley.

Kununurra Youth Hub Reserve

To hold lease payments from Kununurra Youth Hub to provide for the maintenance, renewal and upgrade of the building in accordance with the lease conditions.

7. NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	2015/16 Draft Budget	2014/15 Actual	2014/15 Revised Budget
	$	$	$
CURRENT ASSETS			
Cash - Unrestricted	1,262,847	(68,952)	1,579,164
Cash - Restricted	7,187,213	17,056,487	11,464,459
Cash - Restricted Unspent Grants and Loans	-	-	-
Receivables	1,624,442	1,340,538	1,727,680
Inventories	17,214	17,214	16,651
	10,091,716	18,345,287	14,787,954
LESS: CURRENT LIABILITIES			
Payables and Provisions	(2,725,913)	(2,954,675)	(3,799,125)
NET CURRENT ASSET POSITION	7,365,803	15,390,612	10,988,829
Less: Cash - Restricted	(7,187,213)	(17,056,487)	(11,464,459)
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	178,591	(1,665,875)	(475,630)

The estimated surplus/(deficiency) c/fwd in the 2014/15 actual column represents the surplus (deficit) brought forward as at 1 July 2015.

The estimated surplus/(deficiency) c/fwd in the 2015/16 budget column represents the surplus (deficit) carried forward as at 30 June 2016.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

8. RATING INFORMATION - 2015/16 FINANCIAL YEAR

RATE TYPE	Rate in $	Number of Properties	Rateable Value $	Budgeted Rate Revenue $	Budgeted Interim Rates $	Budgeted Back Rates $	Budgeted Total Revenue $	2014/15 Actual $
Differential General Rate								
GRV - Residential	9.2992	1,607	47,123,544	4,382,113	0	0	4,382,113	4,148,149
GRV - Other Vacant	13.9488	32	552,700	77,095	0	0	77,095	74,196
GRV - Commercial	12.0890	157	14,662,457	1,772,539	0	0	1,772,539	1,433,054
GRV - Industrial	11.1590	167	8,722,625	973,361	0	0	973,361	854,761
UV - Rural Residential	0.9795	185	51,149,000	501,004	0	0	501,004	477,476
UV - Pastoral	5.3057	23	6,170,800	327,404	0	0	327,404	431,811
UV - Commercial/Industrial	0.6719	36	13,355,840	89,738	0	0	89,738	87,872
UV - Rural Agriculture 1	0.9502	78	75,060,309	713,223	0	0	713,223	605,923
UV - Rural Agriculture 2	0.6719	109	57,360,000	385,402	0	0	385,402	359,957
UV - Mining	27.5246	37	1,594,199	438,797	0	0	438,797	542,620
UV - Mining Vacant	13.7623	20	458,670	63,124			63,124	0
UV - Other	0.6302	2	526,000	3,315	0	0	3,315	3,159
Sub-Totals		2,453	276,736,144	9,727,114	0	0	9,727,114	9,018,977
Minimum Rates	**Minimum $**							
GRV - Residential	1,085.00	45	372,070	48,825	0	0	48,825	42,394
GRV - Other Vacant	1,085.00	112	440,980	121,520	0	0	121,520	108,570
GRV - Commercial	1,085.00	17	83,325	18,445	0	0	18,445	50,666
GRV - Industrial	1,085.00	7	30,875	7,595	0	0	7,595	8,272
UV - Rural Residential	1,085.00	0	0	0	0	0	0	0
UV - Pastoral	1,085.00	1	17,471	1,085	0	0	1,085	2,068
UV - Commercial/Industrial	1,085.00	10	574,200	10,850	0	0	10,850	7,238
UV - Rural Agriculture 1	1,085.00	2	50,000	2,170	0	0	2,170	2,068
UV - Rural Agriculture 2	1,085.00	0	0	0	0	0	0	0
UV - Mining	1,085.00	31	42,998	33,635	0	0	33,635	53,950
UV - Mining Vacant	543.00	41	59,681	22,263	0	0	22,263	0
UV - Other	1,085.00	0	0	0	0	0	0	1,034
Sub-Totals		266	1,671,600	266,388	0	0	266,388	276,260
							9,993,502	9,295,237
Ex Gratia Rates							4,880	4,651
							9,998,382	9,299,888
Concessions							(46,817)	(44,392)
Discount								0
Totals							9,951,565	9,255,496

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

8 (a) RATING INFORMATION (Continued) - 2015/16 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 2015/16 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 and facilities.

OBJECTIVES OF AND REASONS FOR DIFFERENTIAL RATING

To provide equity in the rating of properties across the Shire the following rate categories have been determined for the implementation of differential rating. Included is an excerpt from Council Policy *CP/FIN-3200 Strategic Rating* which outlines the characteristics, objects of and reasons for differential rating.

Differential General Rate

Description	Characteristics	Objects Of	Reasons For
GRV - Residential	GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation, and as outlined in Appendix A of the *Strategic Rating Policy*.	This rate is to contribute to the service desired by the community.	The GRV differential rate for Residential will be the "base rate" from which all other differential rates that hold a GRV value will be calculated, recognising a 4.93% increase from 2013/14.
GRV - Other Vacant	GRV valued land within the town site which is deemed to be vacant land (unimproved land).	To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of the Council.	A higher rate is imposed as there is a different method used for the valuation of vacant land. It is also to signify that the Council prefers land to be developed. The encouragement of development is strategically important as it has a positive effect on local employment, economic diversity and further community returns from investment in the region.
GRV - Commercial	GRV valued land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A of the *Strategic Rating Policy*.	To raise additional revenue to contribute towards higher costs associated with commercial activity.	The commercial sector generates high pedestrian and traffic volumes resulting in a greater impact on the provision of services, facilities and infrastructure, and is also considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with economic development and marketing programs which assist and facilitate economic growth in the region; road construction; maintenance and refurbishment including road drainage systems; roadside sweeping; landscaping; verge maintenance and street lighting.

8 (a) RATING INFORMATION (Continued) - 2015/16 FINANCIAL YEAR

Differential General Rate

Description	Characteristics	Objects Of	Reasons For
GRV - Industrial	GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A of the *Strategic Rating Policy.*	To raise additional revenue to contribute towards higher costs associated with industrial activity.	This sector generates high traffic volumes with heavy loads and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems.
UV - Rural Residential	UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes. Rural residential has the same meaning as the objectives of TPS7 and TPS6 for these Zones.	This rate is to contribute to the service desired by the community.	This is intended as a transitionary rating differential category while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is residential. The average rates payable for each property will be similar to the average rates payable for GRV Residential properties, recognising the transition to a GRV value.
UV - Pastoral	UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area. Pastoral purposes have the same meaning as defined in the *Land Administration Act 1997*.	To raise additional revenue to contribute towards higher costs associated with pastoral activity.	Due to the valuation being based generally on a lease value, the result is a low valuation over an extensive land area. The sector generates high traffic volumes with heavy loads and has the highest impact on the road infrastructure in particular. While it is considered to have a greater capacity to pay through rates generally being tax deductable, the higher impact on infrastructure that this sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

8 (a) RATING INFORMATION (Continued) - 2015/16 FINANCIAL YEAR

Differential General Rate

Description	Characteristics	Objects Of	Reasons For
UV - Commercial/Industrial	UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.	To raise additional revenue to contribute towards higher costs associated with commercial/industrial activity.	This sector generates high traffic volumes, and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required, along with other costs associated with marketing and economic development. It should be noted that this is intended as a transitionary rating differential category while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is commercial, industrial and/or tourism and the land owners should have been contributing more equitably to these costs
UV - Rural Agriculture 1	UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.	To raise additional revenue to contribute towards higher costs associated with activity in the Rural Agriculture 1 Zone.	It is recognised that this sector has a greater impact on the road infrastructure with the heavy loads that it generates, and also that it has a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.
UV - Rural Agriculture 2	UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.	To raise additional revenue to contribute towards higher costs associated with activity in the Rural Agriculture 2 Zone.	This sector does have a high impact on infrastructure, but not to the extent of those properties zoned Rural Agriculture 1. Properties within the Rural Agriculture 2 zone are also considered to have a greater capacity to pay through rates generally being tax deductible and should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required. Along with the lesser impact on infrastructure, the sizes of the lots within the Rural Agriculture 2 zone are generally not as large as those within the Rural Agriculture 1 zone, therefore it is recognised that the capacity to pay is slightly lower for those in the Rural Agriculture 2 zone.

8 (a) RATING INFORMATION (Continued) - 2015/16 FINANCIAL YEAR

Differential General Rate

Description	Characteristics	Objects Of	Reasons For
UV - Mining	UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.	To raise additional revenue to contribute towards higher costs associated with mining activity.	The mining sector activities require a greater level of non-exclusive services than pastoral activities in the same location and their impact on the community is of a much greater intensity, particularly given the haulage of heavy machinery through the town and its impact on associated infrastructure and the provision of rest/truck parking areas. The sector is considered to have a greater capacity to pay through rates generally being tax deductible, and therefore the sector should contribute to a greater share of the costs of providing infrastructure across the Shire. Many of the mining tenements have very small values. In order to not only achieve compliance in relation to the number of properties on minimum payments, but to ensure that the minimum payment is reflective of the overall cost of providing services to the community a higher rate in the dollar is imposed.
UV - Mining Vacant	UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.	To ensure that there is some equity in the application of the rate in the dollar to these licences, a 50% reduction in comparison to the UV Mining rate in the dollar has been applied.	Many of the mining tenements for exploration and prospecting have very small values and with exploration licences, it is understood that there is a requirement for the licence holder to return half of the land back to the State each year, however there is no such requirement for prospecting licences. Exploration and prospecting licences are considered to have a minimal impact on the cost of providing services, facilities and infrastructure across the Shire and could be considered to be vacant land and only when minerals are discovered is it anticipated that the property holder would seek to convert the property into a mining lease.
UV - Other	UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Commercial/Industrial, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant.	To ensure that all property owners contribute a minimum amount for the provision of services, facilities and infrastructure regardless of property value.	In order to ensure that there is some equity in the application of the minimum payment to these licences, a 50% reduction in comparison to the UV Mining rate in the dollar has been applied.

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Notes to and Forming Part of the Budget

For the Year Ended 30 June 2016

8 (a) RATING INFORMATION (Continued) - 2015/16 FINANCIAL YEAR

Differential Minimum Payment

Description	Characteristics	Objects Of	Reasons For
General Minimum	UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes. Rural residential has the same meaning as the objectives of TPS7 and TPS6 for these Zones.	To ensure that all property owners contribute a minimum amount for the provision of services, facilities and infrastructure regardless of property value.	The minimum payment impacts mainly in the residential category and is imposed as there is a different method used for the valuation of vacant land. It is also to signify that the Council prefers land to be developed. The encouragement of development is strategically important as it has a positive effect on local employment, economic diversity and further community returns from investment in the region.
UV Mining Vacant	UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes. Rural residential has the same meaning as the objectives of TPS7 and TPS6 for these Zones.	To ensure that all property owners contribute a minimum amount for the provision of services, facilities and infrastructure regardless of property value.	Exploration and prospecting licences are considered to have a minimal impact on the cost of providing services, facilities and infrastructure across the Shire and could be considered to be vacant land and only when minerals are discovered is it anticipated that the property holder would seek to convert the property into a mining lease. In order to ensure that there is some equity in the application of the minimum payment to these licences, a 50% reduction in comparison to the UV Mining rate in the dollar has been applied.

Minutes Ordinary Council Meeting
25 August 2015

8 (a) RATING INFORMATION (Continued) - 2015/16 FINANCIAL YEAR

Differential General Rates and Minimum Payments

A Public Notice pursuant to Section 6.36(1) of the Local Government Act 1995 was published in the Kimberley Echo on 21 May 2015.

Submissions from electors and ratepayers were invited up to 4.00pm on 12 June 2015.

After consideration of the public submissions received, the "base" rate in the dollar was reduced by 1.97% down to 4.93%. Each rating category was afforded the same reduction to ensure equity is maintained. The adopted increase of the base rate at 4.93% is consistent with the increase that Council adopted for the 2015/16 fees and charges, and reflected the funding required to undertake the Council's priorities in alignment with the Strategic Community Plan for 2015/16.

	Details Set Forth in Public Notice		Adopted Rate or Payment	
Differential Rate Category	*Cents in the dollar*	*Min Payment $*	*Cents in the dollar*	*Min Payment $*
GRV - Residential	9.4738	1,105	9.2992	1,085
GRV - Other Vacant	14.2107	1,105	13.9488	1,085
GRV - Commercial	12.3159	1,105	12.0890	1,085
GRV - Industrial	11.3686	1,105	11.1590	1,085
UV - Rural Residential	0.9979	1,105	0.9795	1,085
UV - Pastoral	5.3637	1,105	5.3057	1,085
UV - Commercial/Industrial	0.6843	1,105	0.6719	1,085
UV - Rural Agriculture 1	0.9677	1,105	0.9502	1,085
UV - Rural Agriculture 2	0.6843	1,105	0.6719	1,085
UV - Mining	28.0312	1,105	27.5246	1,085
UV - Mining Vacant	14.0156	553	13.7623	543
UV - Other	0.6420	1,105	0.6302	1,085

9. SPECIFIED AREA RATE - 2015/16 FINANCIAL YEAR

The Shire of Wyndham East Kimberley does not propose to impose specific area rates for the 2015/16 financial year.

10. SERVICE CHARGES - 2015/16 FINANCIAL YEAR

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

11. FEES & CHARGES REVENUE

	2015/16 Draft Budget	2014/15 Actual
	$	$
Governance	-	4,257
General Purpose Funding	385,910	364,198
Law, Order And Public Safety	32,863	31,616
Health	84,116	69,215
Education and Welfare	11,500	64,726
Housing	121,590	190,416
Community Amenities	2,443,148	2,339,944
Recreation And Culture	594,313	575,767
Transport	3,929,445	3,493,502
Economic Services	88,849	79,510
Other Property & Services	-	-
	7,691,734	7,213,151

12. RATE PAYMENT DISCOUNTS, WAIVERS & CONCESSIONS - 2015/16 FINANCIAL YEAR

The Shire of Wyndham East Kimberley is not providing a discount for early payment of rates for 2015/16.

Council has granted the following rates concessions and waivers of waste management charges for 2015/16 in accordance with discretionary powers provided by section 6.47 of the *Local Government Act 1985*.

Assessment Number	Address	Rates Concession	WMC Waiver	Total
		$	$	$
A502	Wyndham Picture Gardens	1,948.74	200.00	2,148.74
A4993	Lake Kununurra Golf Club	8,822.80	200.00	9,022.80
A7561	Ord River Sailing Club	2,048.15	200.00	2,248.15
A2589	Kununurra Race Club	3,151.00	200.00	3,351.00
A5616	Kununurra Motocross Club	1,682.63	200.00	1,882.63
A1072	Kununurra Progress Association	20,067.67	200.00	20,267.67
A2866	Ord River Pistol Club	2,067.06	200.00	2,267.06
A5621	Kununurra Speedway	1,657.43	200.00	1,857.43
A7566	Kununurra Ski Club	1,884.30	200.00	2,084.30
A7620	Kununurra Agricultural Society	3,487.66	200.00	3,687.66
		46,817.44	**2,000.00**	**48,817.44**

13. INTEREST CHARGES AND INSTALMENTS - 2015/16 FINANCIAL YEAR

An interest rate of 9.0% will be charged on all rate payments which are overdue. It is estimated this will generate income of $62,688.

Payment Options

The Shire of Wyndham East Kimberley offers a number of options for the timing of rates payments, and a number of mechanisms by which payments can be made including Bpay, direct deposit, telephone for credit card payments, and at both the Kununurra and Wyndham Administration Offices.

Four separate options are available to ratepayers for payment of their rates:

Option 1 - Full Payment

Full amount of rates and charges including arrears are due and payable on 16 October 2015 or 35 days after the date of service appearing on the rate notice whichever is the later.

Option 2 - Payment by Two (2) Instalments

This option allows ratepayers to pay their rates and charges in two equal instalments across the course of the financial year. Instalment reminder notices are issued a minimum of 35 days prior to the instalment due dates.

First Instalment

The first instalment is to be received on or before 16 October 2015 or 35 days after the date of service appearing on the rate notice whichever is later and include all arrears and one half of the current rates and service charges.

Second instalment

The second instalment to be made on 19 February 2016 or four months and 35 days from service of rates notice whichever is later.

Option 3 - Payment by Four (4) Instalments

The first instalment to be received on or before 16 October 2015 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 charges. The second, third and fourth instalments are to be made on 18 December 2015, 19 February 2016 and 22 April 2016 or at two month intervals whichever is later.

Instalment interest is charged at a rate of 5.5% p.a. calculated from the date the first instalment is due, along with an administration fee of $11.30 for each instalment notice (i.e. $33.90 for Option 3).

The revenue from the imposition of the interest and administration charge under this option is estimated at $41,151 and is dissected as follows:

	2015/16 Budget $
Charges on Instalment Plan	5,918
Interest on Instalment Plan	35,233
	41,151

Option 4 - Payment by Special Arrangement

This option allows ratepayers to request a special payment arrangement where payments may be made on a weekly, fortnightly or monthly basis. All requests for special payment arrangements are subject to approval by the Director Corporate Services or the CEO under delegated authority, or the Council as required. An initial establishment fee of $57.60 will apply, along with an administrative charge of $8.90 for each instalment of the payment arrangement. For the period that the rates and charges remain outstanding, penalty interest of 9.0% will be applied.

14. COUNCILLORS' REMUNERATION

	2015/16 Draft Budget $	2014/15 Actual $	2014/15 Revised Budget $
The following fees, expenses and allowances are to be paid to council members and/or the president.			
Meeting Fees	141,147	135,140	135,140
President's Allowance	31,200	30,000	30,000
Deputy President's Allowance	7,800	7,500	7,500
Travelling Expenses	11,000	5,854	9,000
	191,147	178,494	181,640

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:

Cash - Unrestricted	1,262,847	(68,952)	1,579,164
Cash - Restricted	7,187,213	17,056,486	11,464,459
	8,450,060	16,987,534	13,043,623

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

Reserves			
Waste Management	396,032	474,671	195,155
Airport General	4,762,018	7,609,648	6,616,143
Plant and Equipment	2,912	2,844	2,835
Parking	118,387	115,608	115,263
Non-Portable Water	94,111	91,902	50,077
East Kimberley Tourism	139,402	136,129	131,486
Foreshore Reserve	257,967	200,643	207,149
Staff Entitlement	236,184	230,639	229,950
Recreation Hard courts	54,831	53,550	21,699
Bio Security	274,833	268,381	264,547
Childcare	133,469	147,363	146,953
Parks	124,323	316,709	315,763
Footpaths	205,877	277,520	245,691
Asset Management	23,148	0	31,047
Goomig Farmlands Roads Reserve	17,801	2,888,815	2,890,700
Unspent Grants and Loans Reserve	345,918	4,242,065	-
	7,187,213	17,056,487	11,464,459
Other Restricted Cash - Unspent Grants *	0	0	0
	0	0	0
Total Restricted Cash	7,187,213	17,056,487	11,464,459

* Note that unspent grant funds are transferred to the Unspent Grants and Loans Reserve

15. NOTES TO THE CASH FLOW STATEMENT (Continued)

	2015/16 Draft Budget	2014/15 Actual	2014/15 Revised Budget
(b) Reconciliation of Net Cash Provided By Operating Activities to Net Result			
Net Result	1,864,437	8,889,143	3,703,768
Depreciation	5,765,188	5,284,756	5,818,820
(Profit)/Loss on Sale of Asset	(40,211)	389,448	451,621
(Increase)/Decrease in Receivables	(283,077)	(36,444)	0
(Increase)/Decrease in Inventories	0	(176)	(3,135)
Increase/(Decrease) in Payables	(272,351)	(294,190)	(34,931)
Increase/(Decrease) in Employee Provisions	42,761	(121,674)	48,452
Grants/Contributions for the Development of Assets	(5,621,304)	(7,723,807)	(6,783,439)
Net Cash from Operating Activities	1,455,443	6,387,056	3,201,156
(c) Undrawn Borrowing Facilities			
Credit Standby Arrangements			
Bank Overdraft limit	2,500,000	2,500,000	2,500,000
Bank Overdraft at Balance Date	0	0	0
Credit Card limit	55,000	55,000	55,000
Credit Card Balance at Balance Date	0	7,665	0
Total Amount of Credit Unused	2,555,000	2,547,335	2,555,000
Loan Facilities			
Loan Facilities in use at Balance Date	6,163,214	7,117,661	7,117,661
Unused Loan Facilities at Balance Date	192,627	1,019,691	1,019,691

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-15 $	Estimated Amounts Received $	Estimated Amounts Paid ($)	Estimated Balance 30-Jun-16 $
Housing Bond	0	0	0	0
Councillor Nomination Fees	0	960	(960)	0
ASIC - Airport Security Card	4,640	0	0	4,640
Footpath Bonds	43,380	0	0	43,380
Hall Hire Bonds - Kununurra Leisure Centre	6,850	0	0	6,850
Hall Hire Bonds - Peter Reid Memorial Hall	270	0	0	270
Wyndham Port Hall Bond	10,000	0	0	10,000
Wyndham Oval Hire Bonds	0	0	0	0
Kununurra Youth Centre Bond	1,750	0	0	1,750
Other	1,870	0	0	1,870
Public Open Space Contributions	433,557	0	0	433,557
Building Services Levy	7,523	0	0	7,523
Building & Construction Industry Training Fund	6,398	0	0	6,398
Kimberley Aboriginal Community Housing	0	0	0	0
Kununurra 50th Birthday Brick Fund	270	0	0	270
50th Anniversary Special Series Number Plates	2,369	0	0	2,369
Terminal Security Access Cards	636	0	0	636
Bus Hire Bond	0	0	0	0
Health Application Fee	0	0	0	0
Private Works Bonds	0	0	0	0
	519,514	960	(960)	519,514

17. MAJOR LAND TRANSACTIONS

It is not anticipated that any major land transactions will occur in 2015/16.

18. TRADING UNDERTAKINGS AND MAJOR TRADING UNDERTAKINGS

It is not anticipated that any trading undertakings or major trading undertakings will occur in 2015/16.

BUDGET SCHEDULES

Minutes Ordinary Council Meeting 27 August 2015

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Capital Expenditure

For the Year Ended 30 June 2016

General Ledger	Description	Draft Budget 2015/16	Method of Funding							Net to Council	Funding Description
			Grant			Reserve		Other			
			B / F Grant	Grant 15/16	GL	From Reserve	GL	Other Funds	GL		
Purchase Land Held for Resale											
Purchase Land and Buildings											
04050310	Kununurra Pound	23,830						23,830	03040292		Loan 124
04120739	Partial Flooring replacement - Terminal - East Kimberley Regional Airport	24,000				24,000	03017002				Airport Reserve
04140215	Wyn depot fire damage reinstatement - Buildings	100,000						100,000	03140210		Insurance Claim
		147,830				**24,000**		**123,830**			
Purchase Infrastructure Assets - Roads											
04120210	Kalumburu Road - Re-sheet	1,177,477		1,266,715							FAGS 14/15 $407,781 + 15/16 $294,000 State Grants 14/15 $203,740 + 15/16 $147,000 Roads to Recovery 14/15 $148,000 + 15/16 $148,000
04120223	Road Upgrade Carlton Hill Road	150,500		150,500							Road Contributions
04120238	Kerb renewal	21,000		21,000							CLGF 12/13
04120297	Meatworks Road Wyndham - Reconstruct and Seal	100,000		100,000							Department of Transport
04120320	Bridges (5116) - D4 Weaber Plain Rd	300,000		300,000							Roads to Recovery
04120321	Mills Road Reconstruct failures	175,000						79,084	03000004	95,916	Loan 130
04120322	Ivanhoe Crossing - Reconstruct	35,594						35,594	03000004		Loan 130
04120285	Research Station Road - Construct and Seal	50,000						26,362	03000004	23,638	Loan 130
04120290	Egret Close - Re-construct and Seal	125,000		62,118						62,883	CLGF 11/12
New 11	Asphalt resurfacing program (R2R) - Wyndham town site	400,000		400,000							Roads to Recovery
New Acct #1	Goomig Roads Reseal 2nd coat	2,889,313				2,889,313	03000081				Goomig Farmlands Road Reserve
New Acct #2	Lake Argyle Road stage 1- extend culvert road crossings between Victoria Highway and Spillway Creek bridge to accommodate future 10m road formation width	555,000		370,000						185,000	Main Roads WA
		5,978,884		**3,470,658**		**2,889,313**		**141,040**		**(432,889)**	

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Capital Expenditure

For the Year Ended 30 June 2016

General Ledger	Description	Draft Budget 2015/16	Method of Funding							Net to Council	Funding Description
			Grant			Reserve		Other			
			B / F Grant	Grant 15/16	GL	From Reserve	GL	Other Funds	GL		
Purchase Infrastructure Assets - Footpaths											
04120233	Footpath renewal	109,315				109,315	03017022				Footpath Reserve
		109,315				**109,315**					
Purchase Infrastructure Assets - Drainage											
04120275	Drainage Upgrade (Design, Estimates & Construct)	77,102	77,102								CLGF 12/13
04120323	Divert collapsed drain under properties at Miniata Street	53,154	53,154								CLGF 12/13
New 14	Drainage upgrade Nutwood & Rosewood	300,000		300,000							Roads to Recovery
New Acct #5	Drainage upgrades stormwater outfalls M1	122,714		80,000						62,714	Landcorp and OIC
		552,970	**130,256**	**380,000**						**62,714**	
Purchase Infrastructure Assets - Other											
04100115	Kununurra Landfill Site - Liquid Waste Facility	76,000						76,000	03100190		Loan 125
04120317	Parking / Safety improvements Mangaloo St	201,000		134,670						66,330	Blackspot
04100116	Kununurra Landfill Site - Storm water & bores	25,000						25,000	03100120		Loan 126
04120728	Security Fence Upgrade - East Kimberley Regional Airport	50,000				50,000	03017002				Airport Reserve
04120734	Runway ashphalt overlay	3,282,434		1,713,596		1,568,838	03017002				RADS and Airport Reserve
04120735	Welcome to Country Signage	35,000				35,000	03017002				Airport Reserve
04120815	Car Park Repairs - Wyndham Airport	10,000				10,000	03017002				Airport Reserve
04120816	Runway Maintenance - Wyndham Airport	300,000				300,000	03017002				Airport Reserve
04120740	Airport Runway Extension Assessment and Business Case	144,350				144,350	03017002				Airport Reserve
04111319	Wyndham Waste Water Treatment Facility	41,550				41,550	03017001				Non-Potable Water Reserve
04110515	Lily Creek Lagoon Boat Ramp and Jetty	1,315,918		1,007,804		335,934					Department of Transport ($1,007,804) and CLGF 12/13 ($335,934)
04120712	Carpark Upgrade - East Kimberley Regional Airport	150,000				150,000	03017002				Airport Reserve
04100129	Fencing, Dept Ag site - Knx Landfill	33,694						33,694	03100120		Loan 126
04100130	Landfill cover lids - Knx Landfill	120,000						120,000	03100120		Loan 126
04100131	Extend landfill boundary - Knx Landfill	66,124						66,124	03100120		Loan 126
New Acct #3	Kununurra Landfill Site - Capping Existing Site	78,000						78,000	03100120		Loan 126

Minutes Ordinary Council Meeting 15 August 2015

SHIRE OF WYNDHAM EAST KIMBERLEY

DRAFT BUDGET 2015-16

Capital Expenditure

For the Year Ended 30 June 2016

General Ledger	Description	Draft Budget 2015/16	Method of Funding							Net to Council	Funding Description
			Grant			Reserve		Other			
			B / F Grant	Grant 15/16	GL	From Reserve	GL	Other Funds	GL		
Purchase Infrastructure Assets - Other (Continued)											
New Acct #4	Kununurra Landfill Site - Re-hab & De-commission Liquid Waste Lagoon	340,000				76,624	03017001	263,376	03100120		Loan 126
New 6	Disability Access Building Modifications	40,000		30,000						10,000	Grant from Disability Services Commission
New 12	Playspace and playground equipment	200,000								200,000	
04080411	Purchase/Swap Lot 828 Koolama St Wyndham	32,800								32,800	
		6,541,870		**2,886,070**		**2,712,296**		**662,194**		**309,130**	
Purchase Plant and Equipment											
04120714	Airport Plant - Purchase Price	130,000				130,000	03017002				Airport Reserve
04140810	Heavy Plant - Purchase Price	883,132								883,132	
04140811	Medium Plant - Purchase Price	252,461								252,461	
04140812	Light Plant - Purchase Price	225,450								225,450	
		1,491,043				**130,000**				**1,361,043**	
Purchase Furniture and Equipment											
04120723	Furniture and Equipment - East Kimberley Regional Airport	15,000				15,000	03017002				Airport Reserve
04140611	Laptop and Desktop Upgrades - Information Technology	15,000								15,000	
New10	Cable locator	10,000								10,000	
04140628	Upgrade inter-site Network Connectivity	60,000								60,000	
04140413	System Development - Capital	101,100								101,100	
		201,100				**15,000**				**186,100**	
	Grand Total	**15,023,012**	**130,256**	**6,736,728**		**5,879,924**		**927,064**		**1,486,099**	

PLANT MANAGEMENT PROGRAM
2015/16

Details	Location	Registration No.	Plant No	Further Details	Asset Type	Acquisition Cost	Sale Proceeds	Net Funding Requirement Reserves	Net Funding Requirement Municipal	Net Book Value of Asset	Profit/(Loss) on Disposal
Light Plant - Passenger Fleet											
Dual Cab 4WD Ute		WY13923	P478	Parks & Gdns - Reticulation	Renewal	47,990	13,990		34,000	17,431	(3,441)
Dual Cab 4WD Ute		WY14616	P379	Parks & Gdns - Reticulation	Renewal	35,490	13,990		21,500	14,111	(121)
Dual Cab 2WD Ute		WY12647	P211	Ranger Services	Renewal	39,490	7,400		32,090	5,115	2,285
Wagon 4WD		WY01	P113	CEO	Renewal	62,990	28,600		34,390	25,179	3,421
Extra Cab 4WD Ute		WY25609	P122	Ranger Services	Renewal	39,490	13,990		25,500	16,601	(2,611)
Toyota Hilux		WY14982	P490	Ranger Services	Sell		12,200		(12,200)	13,835	(1,635)
						225,450	**90,170**	**0**	**135,280**	**92,272**	**(2,102)**
Medium Plant - Groundscare Plant (Light)											
Ride On Mower	Knx Depot		P491	Mowing Parks, Ovals, Verges	Renewal	44,075	6,090		37,985	16,000	(9,910)
						44,075	**6,090**	**0**	**37,985**	**16,000**	**(9,910)**
Medium Plant - Groundscare Plant (Heavy) Plus Attachments											
75HP Tractor	Wyn Depot		P333	Slashing	Renewal	94,879	26,857		68,022	0	26,857
6' Slasher	Wyn Depot			Slashing	Renewal	13,507	0		13,507	0	0
70HP Tractor	Knx Depot		P313	Slashing	Sell	0	16,500		(16,500)	13,945	2,555
Reach Arm Slasher	Knx Depot			Slashing	New	100,000	0		100,000	0	0
Slasher	Knx Depot		P401	Slashing	Sell	0	2,135		(2,135)	0	2,135
Silvan Shireboss 6" Slasher	Knx Depot		P383	Slashing	Sell	0	3,063		(3,063)	7,678	(4,615)
Tilt Trailer	Knx Depot	ITBZ906	P319		Sell		1,100		(1,100)		1,100
						208,386	**49,655**	**0**	**158,731**	**21,623**	**28,032**
Heavy Plant - Trucks / Earthmoving Plant											
3 Tonne Tip Truck	Wyn Depot	3 Tonne Tip Truck	P331	Roads, Pks & Gdns, Cemetery	Renewal	124,258	20,347		103,911	16,734	3,613
3 Tonne Tip Truck	Knx Depot	3 Tonne Tip Truck	P367	Roads, Pks & Gdns, Cemetery	Renewal	124,258	19,573		104,685	26,562	(6,989)
10 Ton Tip Truck	Knx Depot	10 Ton Tip Truck	P309	Roads, Pks & Gdns, Landfill	Renewal	288,735	92,044		196,691	28,050	63,994
9 Tonne Truck	Wyn Depot	9 Tonne Truck	P372	Roads, Pks & Gdns, Cemetery	Renewal	152,405	24,725		127,680	69,054	(44,329)
Backhoe	Wyn Depot	Backhoe	P354	Roads, Pks & Gdns, Cemetery	Renewal	193,476	40,633		152,843	18,150	22,483
						883,132	**197,322**	**0**	**685,810**	**158,551**	**38,771**
Airport Plant											
Hino Truck	Airport	IDIK678	P482		Renewal	130,000	20,000	110,000	0	34,580	(14,580)
						130,000	**20,000**	**110,000**	**0**	**34,580**	**(14,580)**
TOTAL						**1,491,043**	**363,237**	**110,000**	**1,017,806**	**323,026**	**40,211**

FEES AND CHARGES SCHEDULE

Fees and Charges are set by the 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.

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
2015-16
Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) GST	Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
SCHEDULE 3 - GENERAL PURPOSE FUNDING								
Rates								
		Administrative Charges						
		Change of Ownership Advices (via settlement agents) - Rating information - per lot	×	**81.90**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Copy of Rate Notice - per copy (Hard / Electronic copy)	×	**23.10**			Full Cost Recovery	
1030118		Rates Instalment Plans - Interest (Calculated Daily)	×			**5.5% per annum**	100% Regulatory Fee	*Local Government (Financial Management) Regulations 1996* , Part 5 section 68. GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Rates Instalment Plans (Per Instalment Notice)	×	**11.30**			Full Cost Recovery	*Local Government (Financial Management) Regulations 1996* , Part 5 section 67. GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1030113		Rates Penalty Interest (Calculated Daily)	×			**9% per annum**	100% Regulatory Fee	*Local Government (Financial Management) Regulations 1996* , Part 5 section 70. GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1030115		Rates Special Payment Arrangement Administrative Charge - Initial Establishment (By Prior Approval Only)	√	**57.60**			Full Cost Recovery	*Local Government (Financial Management) Regulations 1996* , Part 5 section 67.
		Rates Special Payment Arrangement Administrative Charge - for each instalment of the payment arrangement	√	**9.40**			Full Cost Recovery	
		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	×	**387.10**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Annual Rate Book (per Electronic Copy) - at billing	×	**16.20**			Full Cost Recovery	
1030118		Rate Book Subscription Per Annum (Electronic Copy - amendments sent each update during year)	×	**131.30**			Full Cost Recovery	

SHIRE OF WYNDHAM EAST KIMBERLEY
2015-16
Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
SCHEDULE 4 - GOVERNANCE								
		Other Governance						
		Administrative Charges						
	1040211 (Debtors)	Debtor Special Payment Arrangement Administrative Charge (By Prior Approval Only)	√	**57.60**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Debtor Special Payment Arrangement Administrative Charge - for each instalment of the payment arrangement	√	**9.40**			Full Cost Recovery	
		Dishonoured Cheque	√	**32.00**			Full Cost Recovery	
	Trust Receipt to T9996 (9101115) plus 1040213	Special Series Number Plates	×	**320.10**			Full Cost Recovery	
	1040211	Retrieval and research fee for information / documentation (per hour - one hour minimum). *Note: freedom of information restrictions may apply (additional fees apply for copying)*	×	**63.50**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Freedom of Information Charges						
		Application Fee under section 12(1)E of the Act (for an application for non-personal information)	×			**30.00**	100% Regulatory Fee	
		Charge for time taken by staff dealing with the application (per hour, or *pro rata* for a part of an hour)	×			**30.00**	100% Regulatory Fee	
		Charge for access time supervised by staff (per hour, or pro rata for a part of an hour), plus the actual additional cost to the Shire of any special arrangements (eg. Hire of facilities or equipment).	×			**30.00**	100% Regulatory Fee	
		Charges for photocopying -						
		(i) per hour, or pro rata for a part of an hour of staff time; and	×			**30.00**	100% Regulatory Fee	
		(ii) per copy	×			**0.20**	100% Regulatory Fee	
		Charge for time taken by staff transcribing information from a tape or other device (per hour, or *pro rata* for a part of an hour)	×			**30.00**	100% Regulatory Fee	*Freedom of Information Regulations 1993* , Schedule 1. GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
	1040211	Charge for duplicating a tape, file or computer information	×			**Actual Cost**	Full Cost Recovery	
		Charge for delivery, packaging and postage	×			**Actual Cost**	Full Cost Recovery	
		Advance deposit which may be required by the Shire under section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee	×			**25%**	100% Regulatory Fee	
		Further advance deposit which may be required by the Shire under section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee	×			**75%**	100% Regulatory Fee	
		Please note: Members of the public may ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed $25, the Shire will provide an estimate of charges and enquire as to whether the application is to proceed. The Shire must be notified within 30 days of an intention to proceed with the application. An advance deposit may be requested.						

SHIRE OF WYNDHAM EAST KIMBERLEY

2015-16

Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		SCHEDULE 4 - GOVERNANCE						
		Other Governance						
		Photocopying / Printing						
		A4 Black & white (single sided) per copy - multiply by two for a double sided copy.	√	**0.80**			Full Cost Recovery	
		A4 Colour (single sided) per copy - multiply by two for a double sided copy.	√	**3.40**			Full Cost Recovery	
		A3 Black & White (single sided) per copy - multiply by two for a double sided copy	√	**1.40**			Full Cost Recovery	
		A3 Colour (single sided) per copy - multiply by two for a double sided copy	√	**6.30**			Full Cost Recovery	
		A2 Black & White (single sided) per copy	√	**3.40**			Full Cost Recovery	
1040211		A2 Colour (single sided) per copy (printing electronic version only)	√	**12.30**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		A1 Black & White (single sided) per copy	√	**6.20**			Full Cost Recovery	
		A1 Colour (single sided) per copy (printing electronic version only)	√	**25.10**			Full Cost Recovery	
		A0 Black & White (single sided) per copy	√	**14.00**			Full Cost Recovery	
		A0 to A2 Printing (single sided) per copy	√	**30.00**			Full Cost Recovery	
		A0 Colour (single sided) per copy (printing electronic version only)	√	**50.10**			Full Cost Recovery	
		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.						
	0034	Agenda Only (per meeting)	×	**25.00**			Full Cost Recovery	
	0036	Minutes Only (per meeting)	×	**25.00**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1)).*
1040211	0038	Minutes & Agenda (per meeting)	×	**44.00**			Full Cost Recovery	
	0035	Agenda Only (per annum)	×	**217.00**			Full Cost Recovery	
	0037	Minutes Only (per annum)	×	**217.00**			Full Cost Recovery	
	0039	Minutes & Agendas (per annum)	×	**421.00**			Full Cost Recovery	
		Other Council Publications						
1040211		Local Laws (per law) - note these can be downloaded at no cost from State Publisher website	√	**30.20**			Full Cost Recovery	
		Tender documents (where document charge is required in tender information)	√	**75.20**			Full Cost Recovery	
		Shire Facilities Hire						
		Kununurra Council Chambers						
		1) Not for Profit / Non Government & Youth Service Providers - per day. *Note: fee is reduced by 50% for half day hire.*	√	**215.00**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		2) Commercial / Government / Private per day. *Note: fee is reduced by 50% for half day hire.*	√	**310.00**			Full Cost Recovery	
1040111		**Kununurra Shire Meeting Room**						
		1) Not for Profit / Non Government & Youth Service Providers - per day. *Note: fee is reduced by 50% for half day hire.*	√	**215.00**			Partial Cost Recovery	
		2) Commercial / Government / Private per day. *Note: fee is reduced by 50% for half day hire.*	√	**310.00**			Full Cost Recovery	

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		Other Governance						
		Wyndham Shire Office Meeting Room:-						
1040110		1) Not for Profit / Non Government & Youth Service Providers - per day. *Note: fee is reduced by 50% for half day hire.*	√	**215.00**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		2) Commercial / Government / Private per day. *Note: fee is reduced by 50% for half day hire.*	√	**310.00**			Full Cost Recovery	
		SCHEDULE 5 - LAW, ORDER AND PUBLIC SAFETY						
		Animal Control						
		Sterilised Dog Registration						
		One Year						
		Normal Fee	×			**20.00**	100% Regulatory Fee	
		Pensioner Concession	×			**10.00**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**5.00**	100% Regulatory Fee	
		Three Years						
		Normal Fee	×			**42.50**	100% Regulatory Fee	
		Pensioner Concession	×			**21.25**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**10.63**	100% Regulatory Fee	
		Sterilised Dog Registration (continued)						
		Normal Fee	×			**100.00**	100% Regulatory Fee	
		Pensioner Concession	×			**50.00**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**25.00**	100% Regulatory Fee	
		Unsterilised Dog Registration						*Dog Regulations 2013* , Section 17 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1050311		**One Year**						
		Normal Fee	×			**50.00**	100% Regulatory Fee	
		Pensioner Concession	×			**25.00**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**12.50**	100% Regulatory Fee	
		Three Years						
		Normal Fee	×			**120.00**	100% Regulatory Fee	
		Pensioner Concession	×			**60.00**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**30.00**	100% Regulatory Fee	
		Lifetime						
		Normal Fee	×			**250.00**	100% Regulatory Fee	
		Pensioner Concession	×			**125.00**	100% Regulatory Fee	
		Dog Bona Fide Used In Droving or Tending Stock	×			**62.50**	100% Regulatory Fee	
		Boarding Kennels						
		Boarding Kennel Registration and Annual Renewal Fee - licensed under section 27 *Note - Annual Inspection Fee is to be undertaken prior to the renewal of the licence)*	×			**200.00**	100% Regulatory Fee	

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		Animal Control (continued)						
		Dog Infringements						
		Unregistered Dog (for dogs other than dangerous dogs)	x			**200.00**	100% Regulatory Fee	
		Unregistered Dog (dangerous dogs)	x			**400.00**	100% Regulatory Fee	
		Failure to notify local government of new owner	x			**200.00**	100% Regulatory Fee	
		Registration tag, certificate offences (for dogs other than dangerous dogs)	x			**200.00**	100% Regulatory Fee	
		Registration tag, certificate offences (dangerous dogs)	x			**400.00**	100% Regulatory Fee	
		Unlawful application of sterilisation tattoo	x			**200.00**	100% Regulatory Fee	
		Failure to ensure dog microchipped	x			**200.00**	100% Regulatory Fee	
		Failure to ensure dangerous dog microchipped	x			**400.00**	100% Regulatory Fee	
		Failure to notify local government of microchip details	x			**200.00**	100% Regulatory Fee	
		Removing, or interfering with a dog's microchip	x			**200.00**	100% Regulatory Fee	
		Transfer of ownership of unmicrochipped dog	x			**200.00**	100% Regulatory Fee	
		Failure to notify microchip database company of new owner	x			**200.00**	100% Regulatory Fee	
		Failure to notify local government, microchip database company of information changes	x			**200.00**	100% Regulatory Fee	
		Keeping more than the prescribed number of dogs (for dogs other than dangerous dogs)	x			**200.00**	100% Regulatory Fee	
		Keeping more than the prescribed number of dogs (dangerous dogs)	x			**400.00**	100% Regulatory Fee	
		Breach of kennel establishment licence	x			**200.00**	100% Regulatory Fee	*Dog Regulations 2013* , Section 33
1050313		Dog not wearing collar with attached registration tag	x			**200.00**	100% Regulatory Fee	GST Exempt: *(A New Tax System (Goods and*
		Dog not held or tethered in certain public places	x			**200.00**	100% Regulatory Fee	*Services Tax) (Exempt Taxes, Fees and Charges)*
		Dog in exercise areas, rural areas offences	x			**200.00**	100% Regulatory Fee	*Determination 2011 (No. 1))*
		Greyhound not muzzled	x			**200.00**	100% Regulatory Fee	
		Dog in place without consent (for dogs other than dangerous dogs)	x			**200.00**	100% Regulatory Fee	
		Dog in place without consent (dangerous dogs)	x			**400.00**	100% Regulatory Fee	
		Dog attack or chase causing physical injury	x			**400.00**	100% Regulatory Fee	
		Dog attack or chase causing no physical injury (for dogs other than dangerous dogs)	x			**200.00**	100% Regulatory Fee	
		Dog attack or chase causing no physical injury (dangerous dogs)	x			**400.00**	100% Regulatory Fee	
		Dangerous dog not wearing prescribed collar with prescribed information	x			**400.00**	100% Regulatory Fee	
		Not complying with dangerous dog enclosure requirements	x			**400.00**	100% Regulatory Fee	
		Not complying with commercial security dog requirements	x			**400.00**	100% Regulatory Fee	
		Warning signs about dangerous dogs not displayed	x			**400.00**	100% Regulatory Fee	
		Dangerous dog not muzzled	x			**400.00**	100% Regulatory Fee	
		Dangerous dog not held or tethered	x			**400.00**	100% Regulatory Fee	
		Dangerous dog not controlled by capable person	x			**400.00**	100% Regulatory Fee	
		Dangerous dog in prohibited place	x			**400.00**	100% Regulatory Fee	
		Dangerous dog (restricted breed) not sterilised	x			**400.00**	100% Regulatory Fee	

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		Animal Control (continued)						
		Dog Infringements (continued)						
		Dangerous dog (restricted breed) or pup advertised	×			**400.00**	100% Regulatory Fee	
		Dangerous dog (restricted breed) or pup sold	×			**400.00**	100% Regulatory Fee	
		Dangerous dog (restricted breed) or pup transferred	×			**400.00**	100% Regulatory Fee	
		Buying or accepting ownership of dangerous dog (restricted breed) or pup	×			**400.00**	100% Regulatory Fee	
		Breeding, or breeding from, dangerous dog (restricted breed)	×			**400.00**	100% Regulatory Fee	
		Dangerous dog (declared) sold or transferred to under 18 year old	×			**400.00**	100% Regulatory Fee	
		Failure to notify person of responsibilities under Part VI Div. 2	×			**400.00**	100% Regulatory Fee	
		Failure to notify local government of a dangerous dog event	×			**400.00**	100% Regulatory Fee	
		Failure to notify new local government that dangerous dog kept in its district	×			**400.00**	100% Regulatory Fee	*Dog Regulations 2013* , Section 33 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1050313		Failure to provide a notice to new owner about a dangerous dog (declared)	×			**400.00**	100% Regulatory Fee	
		Failure to provide written notice to new owner about a dangerous dog (restricted breed) or dangerous dog (commercial security dog)	×			**400.00**	100% Regulatory Fee	
		Failure to notify local government of dangerous dog's new district or death	×			**400.00**	100% Regulatory Fee	
		Failure to comply with a nuisance dog order (for dogs other than dangerous dogs)	×			**200.00**	100% Regulatory Fee	
		Failure to comply with a nuisance dog order (dangerous dogs)	×			**400.00**	100% Regulatory Fee	
		Failure to produce document when so required (for dogs other than dangerous dogs)	×			**200.00**	100% Regulatory Fee	
		Failure to produce document when so required (dangerous dogs)	×			**400.00**	100% Regulatory Fee	
		Failure to give name, date of birth or address on demand (for dogs other than dangerous dogs)	×			**200.00**	100% Regulatory Fee	
		Failure to give name, date of birth or address on demand (dangerous dogs)	×			**400.00**	100% Regulatory Fee	
		Sterilised Cat Registration						
		One Year						
		Normal Fee	×			**20.00**	100% Regulatory Fee	
		Pensioner Concession	×			**10.00**	100% Regulatory Fee	
		Fee for registration if application made after 31 May, until next 31 October	×			**10.00**	100% Regulatory Fee	
		Three Years						*Cat Regulations 2012* , Schedule 3 GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1050321		Normal Fee	×			**42.50**	100% Regulatory Fee	
		Pensioner Concession	×			**21.25**	100% Regulatory Fee	
		Lifetime						
		Normal Fee	×			**100.00**	100% Regulatory Fee	
		Pensioner Concession	×			**50.00**	100% Regulatory Fee	

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		Animal Control (continued)						
		Cat Infringements						
		Unregistered Cat	×			**200.00**	100% Regulatory Fee	
		Failure to ensure cat is wearing its registration tag in public	×			**200.00**	100% Regulatory Fee	
		Removing, or interfering with a cat's registration tag	×			**200.00**	100% Regulatory Fee	
		Failure to ensure cat is micro chipped	×			**200.00**	100% Regulatory Fee	
		Removing, or interfering with a cat's microchip	×			**200.00**	100% Regulatory Fee	
		Failure to ensure cat is sterilised	×			**200.00**	100% Regulatory Fee	*Cat Regulations 2012* - Schedule 2
1050323		Identifying a cat as sterilised that is not	×			**200.00**	100% Regulatory Fee	GST Exempt: *(A New Tax System (Goods and*
		Transfer of a cat that is not micro chipped (and is not exempt)	×			**200.00**	100% Regulatory Fee	*Services Tax) (Exempt Taxes, Fees and Charges)*
		Transfer of a cat that is not sterilised (and is not exempt)	×			**200.00**	100% Regulatory Fee	*Determination 2011 (No. 1))*
		Failure to notify local government or microchip database company of a new owner	×			**200.00**	100% Regulatory Fee	
		Failure to notify local government or microchip database company of a change of details	×			**200.00**	100% Regulatory Fee	
		Breeding cats, not being an approved cat breeder	×			**200.00**	100% Regulatory Fee	
		Cats not to be offered as prizes	×			**200.00**	100% Regulatory Fee	
		Refusal by alleged offender to give information on request	×			**200.00**	100% Regulatory Fee	
		Other Animal Control						
1050314		Replacement Dog Tags	√	**6.30**			Partial Cost Recovery	
1050313		Dog Seizure Fees. *Note: this fee is payable in addition to Infringement Fees as per Dog Act 1976 and Dog Regulations 1976.*	×	**92.40**			Full Cost Recovery	
1050312		Dog pound charge - each day thereafter	×	**24.20**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5,
1050314		Destruction of dog. *Note: impounded animals are destroyed after 72 hours of detention.*	√	**81.90**			Full Cost Recovery	Sections 6.15, 6.16, 6.17, 6.18
1050324		Replacement cat tags	√	**8.40**			Partial Cost Recovery	GST Exempt Where Indicated: *(A New Tax*
1050323		Cat Seizure Fees (fee payable in addition to infringement fees)	×	**122.80**			Full Cost Recovery	*System (Goods and Services Tax) (Exempt Taxes,*
1050322		Cat Pound Charge	×	**33.60**			Partial Cost Recovery	*Fees and Charges) Determination 2011 (No. 1))*
1050324		Destruction of Cat (impounded cat is destroyed after 72 hours of detention	√	**106.00**			Full Cost Recovery	
1050321		Cat Breeders Annual Registration Fee	×			**100.00**	Full Cost Recovery	*Cat Act 2011* GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*

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		Other Law, Order and Public Safety						
		Abandoned Vehicles						
		Abandoned Vehicle Infringement	×			**100.00**	100% Regulatory Fee	Activities in Thoroughfares and Public Places and Trading Local Law 2003
1050412		Towing Abandoned Vehicle - In addition to Infringement	√	**Actual Cost**			Full Cost Recovery	*Local Government Act 1995*, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt Where Indicated: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Poundage Charges, each day	×	**17.90**			Full Cost Recovery	
		Impounding Non-Perishable Goods						
1050412		Non-Perishable Goods Seizure Fee	√	**92.40**			Partial Cost Recovery	Local Government Act 1995, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 GST Exempt Where Indicated: (A New Tax System (Goods and Services Tax) (Exempt
		Poundage Charges, each day	√	**17.90**			Parial Cost Recovery	
		Bushfire Infringements						
		Setting Fire to Bush During Prohibited Burning Times	×			**250.00**	100% Regulatory Fee	
		Offences relating to burning of bush	×			**250.00**	100% Regulatory Fee	
		Failure to prepare a fire break in accordance with section 22(3)(b) before setting fire to bush on land adjoining exempt land	×			**250.00**	100% Regulatory Fee	
		Failure to produce permit to burn	×			**100.00**	100% Regulatory Fee	
		Failure or refusal to identify person who issued permit to burn	×			**100.00**	100% Regulatory Fee	
		Burning garden refuse at rubbish tip contrary to notice	×			**1,000.00**	100% Regulatory Fee	
		Burning garden refuse during limited burning times	×			**250.00**	100% Regulatory Fee	
		Offences relating to lighting of fires in the open air	×			**250.00**	100% Regulatory Fee	
01050417		Lighting a fire contrary to a notice issued under section 25A(5) by a local government	×			**250.00**	100% Regulatory Fee	*Bush Fires Act 1954*
		Offences relating to the operation of tractors or self propelled harvesters, engines, machinery and vehicles during the prohibited and restricted burning times	×			**250.00**	100% Regulatory Fee	
		Operation of a tractor or self propelled harvester without a fire extinguisher contrary to a notice issued by a local government	×			**250.00**	100% Regulatory Fee	
		Giving a false alarm of fire	×			**250.00**	100% Regulatory Fee	
		Vandalism	×			**250.00**	100% Regulatory Fee	
		Failure of occupier of land to extinguish a bush fire burning on the land	×			**250.00**	100% Regulatory Fee	
		Offences relating to the disposal of cigarettes, cigars and matches	×			**100.00**	100% Regulatory Fee	
		Refusal to state name and abode or stating false name and abode	×			**100.00**	100% Regulatory Fee	

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		Other Law, Order and Public Safety (continued)						
		Bushfire Infringements (continued)						
		Obstruction	×			**250.00**	100% Regulatory Fee	
		Applying to another bush fire control officer for permit where permit already refused or granted subject to special conditions	×			**250.00**	100% Regulatory Fee	
		Failure to notify or report the escape of a fire lit under permit	×			**250.00**	100% Regulatory Fee	
		Failure to comply with a requisition of a bush fire control officer relating to burning under section 24A of the Act	×			**250.00**	100% Regulatory Fee	
		Offences relating to operation of bulldozer or road grader	×			**250.00**	100% Regulatory Fee	
		Operating harvesting machine or header during prohibited burning times or restricted burning times without fire extinguisher	×			**250.00**	100% Regulatory Fee	
		Operating or using engines, vehicles, plant or machinery contrary to notice or direction	×			**500.00**	100% Regulatory Fee	
01050417		Failure to fit spark arrester to power saw, bag loader or other plant or equipment	×			**250.00**	100% Regulatory Fee	*Bush Fires Act 1954*
		Offences relating to operation of motor vehicles	×			**250.00**	100% Regulatory Fee	
		Offences relating to operation of aeroplanes	×			**250.00**	100% Regulatory Fee	
		Offences relating to operation of welding and cutting apparatus	×			**250.00**	100% Regulatory Fee	
		Failure to comply with directions of bush fire control officer	×			**250.00**	100% Regulatory Fee	
		Offences relating to the use of fireworks	×			**250.00**	100% Regulatory Fee	
		Failure to comply with the directions of a bush fire control officer	×			**250.00**	100% Regulatory Fee	
		Failure to give prescribed notification to local government regarding the occurrence of a bush fire	×			**100.00**	100% Regulatory Fee	
		Failure by owner or occupier of land to give prescribed notice of intention to exercise powers conferred by section 34 of the Act	×			**250.00**	100% Regulatory Fee	
		Camping Infringements						
		Occupied a park home not in a caravan park	×			**200.00**	100% Regulatory Fee	
		Camped other than at a licensed caravan park or camping ground	×			**100.00**	100% Regulatory Fee	
		Excessive number of caravans on a lot without approval	×			**100.00**	100% Regulatory Fee	
		Failed to maintain a caravan or a camp in a condition such that it was not a hazard to safety or health	×			**100.00**	100% Regulatory Fee	
01050420		Failed to ensure that a caravan or park home was transportable	×			**100.00**	100% Regulatory Fee	*Parks & Camping Grounds Act 1997*
		Failed to ensure that a caravan complied with standards for caravans	×			**100.00**	100% Regulatory Fee	
		Failed to ensure that an annex complied to standards for annexes	×			**100.00**	100% Regulatory Fee	
		Being an occupier of a site, failed to ensure the site complied with the requirements of Schedule 7 of the Regulations being:						
		a. a vehicle parked on a facility road	×			**50.00**	100% Regulatory Fee	
		b. a caravan, storage shed or other building on a site not tied down or made safe as approved	×			**200.00**	100% Regulatory Fee	

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		Other Law, Order and Public Safety (continued)						
		Camping Infringements (continued)						
		Being an owner or person who has control of a dog which is not kept on a leash or kept in an enclosed or fenced area	×			**100.00**	100% Regulatory Fee	
		Drove a vehicle in a facility at a speed exceeding 8km/hour	×			**50.00**	100% Regulatory Fee	
		Brought a park home onto a facility without the prior approval of the facility licence holder	×			**200.00**	100% Regulatory Fee	
01050420		Attached a rigid annex to a caravan without the written approval of the licence holders, and also requires written approval of local government	×			**200.00**	100% Regulatory Fee	*Parks & Camping Grounds Act 1997*
		Constructed a carport or pergola without the prior written approval of the Shire of Wyndham East Kimberley and the licence holder	×			**200.00**	100% Regulatory Fee	
		Constructed a carport or pergola in a facility without the written approval of the licence holder and the Shire of Wyndham East Kimberley	×			**200.00**	100% Regulatory Fee	
		SCHEDULE 7 - HEALTH						
		Preventative Services - Administration						
		Caravan Parks						
	CPCS *(via Health)*	Application for the grant or renewal of a licence - refer to Schedule 3 of the *Caravan Parks and Camping Grounds Regulations 1997, Section 1*	×				100% Regulatory Fee	
	CPCS *(via Health)*	Registration Per Camp Site / annum	×			**3.00**	100% Regulatory Fee	
	CPSS *(via Health)*	Registration Per Short Stay Site and Sites in Transit Parks / annum	×			**6.00**	100% Regulatory Fee	
1070413	CPSS *(via Health)*	Temporary licence - refer to Schedule 3 of the *Caravan Parks and Camping Grounds Regulations 1997, Section 3.*						*Caravan Parks and Camping Ground Regulations 1997*
	CPLS *(via Health)*	Registration Per Long Stay Site / annum	×			**6.00**	100% Regulatory Fee	
	CPOS *(via Health)*	Registration Per Overflow Site / annum ** *Note: a $200 minimum overall fees / annum applies to above.* **	×			**1.50**	100% Regulatory Fee	
		Additional fee for renewal after expiry	×			**20.00**	100% Regulatory Fee	
		Transfer of Caravan Park Licence	×			**100.00**	100% Regulatory Fee	
		Food Business - Food Registration and Notification						
		Temporary Food Stall Application	×			**50.00**	100% Regulatory Fee	
		Registration Application	×			**50.00**	100% Regulatory Fee	
		Temporary Food Stall Application - Not for Profit / Non Government User Groups as defined under "Community and Recreation Facilities and Services"				**No Cost**		
1070414		**Food Business - Assessment of Food Business**						Food Act 2008 s107; Local Government Act 1995, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; Food Regulations 2009 r.10
		(Assessment fees below are in addition to the Registration Application fee above)						
		High Risk	×	**278.10**			Full Cost Recovery	
		Medium Risk	×	**139.60**			Full Cost Recovery	
		Low Risk	×	**70.40**			Full Cost Recovery	

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GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Preventative Services - Administration (continued)						
		Food Business - Annual Surveillance Charge						
	FBHR *(via Health)*	High Risk	×	**445.00**			Full Cost Recovery	
	FBMR *(via Health)*	Medium Risk	×	**296.00**			Full Cost Recovery	
	FBLR *(via Health)*	Low Risk	×	**148.00**			Full Cost Recovery	
1070414		Remote Premises	√	**Actual Cost**			Full Cost Recovery	*Food Act 2008* s140; *Local Government Act 1995*, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18 *Public Service Award 1992* for Engine Displacement rates
		Routine Inspections By Road - per kilometre - (Engine Displacement Over 2600cc)	×	**0.986**			Full Cost Recovery	
		Routine Inspections By Road - per kilometre - (Engine Displacement Over 1600cc to 2600cc)	×	**0.706**			Full Cost Recovery	
		Routine Inspections By Road - per kilometre - (Engine Displacement 1600cc and Under)	×	**0.583**			Full Cost Recovery	
		Re-Assessment Following Identification of Non-Compliance	×	**148.00**			Full Cost Recovery	
		Infringements						
		Offences under the Food Act 2008	×			**As Prescribed**	100% Regulatory Fee	*Food Act 2008*
		Offences under the Food Regulations 2009	×			**As Prescribed**	100% Regulatory Fee	*Food Regulations 2009*
		Offences under the Environmental Protection Act 1986	×			**As Prescribed**	100% Regulatory Fee	*Environmental Protection Act 1986*
1070419		Offences under the Environmental Protection (Noise) Regulations 1997	×			**As Prescribed**	100% Regulatory Fee	*Environmental Protection (Noise) Regulations 1997*
		Offences under the Environmental Protection (Unauthorised Discharges) Regulations 2004	×			**As Prescribed**	100% Regulatory Fee	*Environmental Projection (Unauthorised Discharges) Regulations 2004*
		Effluent Disposal						
1070411		On-site effluent disposal applications (includes local government application fee $118 and permit to use apparatus fee $118	×			**236.00**	100% Regulatory Fee	*Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Schedule 1*
		Local Government Report	×	**118.00**			Full Cost Recovery	
		Swimming Pool Sampling						*Local Government Act 1995*, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
	SPRS *(via Health)*	Pool Sample Fee	√	**84.00**			Full Cost Recovery	
1070415	SPRS *(via Health)*	Re-sample of pool following failure of monthly sample	√	**184.70**			Full Cost Recovery	
	SPRS *(via Health)*	Water Sample Fee (Potable Water)	√	**84.00**			Full Cost Recovery	
		Public Buildings						
		Form 1 - Application to Construct, Extend or Alter	√	**50.00**			Full Cost Recovery	
		Form 2 - Application for Certificate of Approval (Low Risk)	√	**70.40**			Full Cost Recovery	
1070417		Form 2 - Application for Certificate of Approval (Medium Risk)	√	**139.60**			Full Cost Recovery	*Health Act 1911*, section 176; *Health (Public Buildings) Regulations 1992*, schedule 1; *Local Government Act 1995*, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Form 2 - Application for Certificate of Approval (High Risk)	√	**278.10**			Full Cost Recovery	
		Form 3 - Application to Vary Certificate of Approval	√	**70.40**			Full Cost Recovery	

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		Preventative Services - Administration (continued)						
		Other Health Fees and Charges						
1070412	LHAN *(via Health)*	Lodging House Registration per annum	×	**228.80**			Full Cost Recovery	*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)	√	**239.30**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
1070417		Offensive Trade Registration	×			**As Prescribed**	100% Regulatory Fee	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)*	√	**64.10**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		SCHEDULE 10 - COMMUNITY AMENITIES						
		Sanitation - Household Refuse						
		Waste Management and Collection Charges (where applicable)						
1100116		Waste Management Charge (per annum)	×	**200.00**			Full Cost Recovery + Possible Future Consideration	*Waste Avoidance and Resource Recovery Act 2007* , Part 6, Div 3, Section 66; *Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1100110		Waste Receptacle Charge - once weekly service (per receptacle per annum)	×	**293.90**			Full Cost Recovery	*Waste Avoidance and Resource Recovery Act 2007,* Part 6, Div 3, Section 67, *Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
1100111		Additional Waste Receptacle Charge (per receptacle per service per annum)	×	**516.30**			Full Cost Recovery	
1100110		Waste Collection Service (Exempt / Non-Rateable) (per receptacle per annum)	×	**516.30**			Full Cost Recovery	
1100113		Replacement of Bin (per bin at cost plus administrative fee)	×	**Full cost recovery + $18.70 administrative fee**			Full Cost Recovery	*Waste Avoidance and Resource Recovery Act 2007,* Part 6, Div 3, Section 68; *Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; GST Exempt: *(A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))*
		Repairs to Bin (per repair at cost plus administrative fee)	×	**Full cost recovery + $18.70 administrative fee**			Full Cost Recovery	

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		Sanitation - Household Refuse						
		Disposal Charges						
		Domestic Waste Disposal Fee - per m3 (pro-rata where applicable)	√	**52.50**			Full Cost Recovery + Possible Future Consideration	
		Domestic Waste Voucher - 1 cubic metre *(for replacement and additional vouchers)*	√	**52.50**			Full Cost Recovery + Possible Future Consideration	
		Domestic Waste Voucher - 52 x 240 Litres *(for replacement vouchers only)*	√	**52.50**			Full Cost Recovery + Possible Future Consideration	
		Domestic Waste Voucher - 52 x 240 Litres *(for an additional voucher)*	√	**682.50**			Full Cost Recovery + Possible Future Consideration	
		Domestic Waste Disposal Fee - per m3 - Uncontaminated Green Waste - **No cost up to 1m3 daily**	√	**25.80**			Full Cost Recovery + Possible Future Consideration	
1100114	0042	Commercial Waste Disposal Fee - per m3 (not green waste)	√	**52.50**			Full Cost Recovery + Possible Future Consideration	*Waste Avoidance and Resource Recovery Act 2007*, Part 6, Div 3, Section 68; *Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
	0041	Commercial Waste Disposal Fee - per m3 - Green Waste	√	**25.80**			Full Cost Recovery + Possible Future Consideration	
	0043	Liquid Waste (per 1000 ltrs)	√	**225.60**			Full Cost Recovery + Possible Future Consideration	
	0044	Medical Waste - per m3	√	**171.10**			Full Cost Recovery + Possible Future Consideration	
	0045	Compact Waste - per m3	√	**52.50**			Full Cost Recovery + Possible Future Consideration	
	0046	Disposal Fee for Asbestos Disposal, per cubic metre	√	**143.30**			Full Cost Recovery + Possible Future Consideration	

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		Sanitation - Household Refuse (continued)						
		Disposal Charges (continued)						
	0047	Waste Oil - per litre	√	**1.00**			Full Cost Recovery + Possible Future Consideration	
	0048	Disposal of Waste Oil Drums (44 gallon drums & over)	√	**6.20**			Full Cost Recovery + Possible Future Consideration	
		Car Bodies		**No Cost**			Full Cost Recovery + Possible Future Consideration	
	0049	Car Tyres	√	**8.70**			Full Cost Recovery + Possible Future Consideration	
100114	0050	4WD Tyres	√	**11.10**			Full Cost Recovery + Possible Future Consideration	*Waste Avoidance and Resource Recovery Act 2007*, Part 6, Div 3, Section 68; *Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
	0051	Truck Tyres	√	**29.40**			Full Cost Recovery + Possible Future Consideration	
	0052	Earthmoving Tyres	√	**83.30**			Full Cost Recovery + Possible Future Consideration	
	0056	Pallets (per pallet)	√	**7.40**			Full Cost Recovery + Possible Future Consideration	
	0053	Contaminated soil - hydrocarbons (CSH) - per m3	√	**189.80**			Full Cost Recovery + Possible Future Consideration	
N/A		Contaminated soil - others (CSO) - per m3		**No Longer Accepted**			Full Cost Recovery + Possible Future Consideration	
		Clean Fill - Uncontaminated		**No Cost**			Full Cost Recovery + Possible Future Consideration	

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		Sanitation - Other						
		Littering Infringements (as per Litter Regulations 1981)						
		Littering - Cigarette Butt	×			**75.00**	100% Regulatory Fee	
		Littering - Creating Public Risk	×			**500.00**	100% Regulatory Fee	
		Littering - Any Other	×			**200.00**	100% Regulatory Fee	
		Breaking Glass, Metal or Earthenware	×			**500.00**	100% Regulatory Fee	
1100210		Bill Posting	×			**200.00**	100% Regulatory Fee	*Litter Regulations 1981*, Schedule 1
		Bill Posting on a vehicle	×			**200.00**	100% Regulatory Fee	
		Depositing domestic or commercial waste in a public litter receptacle	×			**200.00**	100% Regulatory Fee	
		Transporting Load inadequately secured	×			**200.00**	100% Regulatory Fee	
		Town Planning and Regional Development						
		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	×			**147.00**	100% Regulatory Fee	
		B) more than $50 000 but not more than $500 000	×			**0.32% of the estimated cost of development**	100% Regulatory Fee	
		C) more than $500 000 but not more than $2.5 million	×			**$1,600 + 0.257% for every $1 in excess of $500 000**	100% Regulatory Fee	
		D) more than $2.5 million but not more than $5 million	×			**$6,740 + 0.206% for every $1 in excess of $2.5 million**	100% Regulatory Fee	
1100611		E) more than $5 million but not more than $21.5 million	×			**$11,890 + 0.123% for every $1 in excess of $5 million**	100% Regulatory Fee	*Planning and Development Act 2005, Town Planning Regulations 2009,* Reg 47 Schedule 2.
		F) more than $21.5 million	×			**34,196.00**	100% Regulatory Fee	
		Extractive Industry Application - where the development has not commenced or been carried out	×			**739.00**	100% Regulatory Fee	
		Change of Use and Non Conforming Use Application Only	×			**295.00**	100% Regulatory Fee	
		Retrospective Applications for Development / Land use - Non Conforming Use / Extractive Industry - To discourage unlawful development	×			**3 x cost of application fee as per above categories**	100% Regulatory Fee	

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		Town Planning and Regional Development (continued)						
		Home Occupation						
		Initial Application	×			**222.00**	100% Regulatory Fee	
		Annual Renewal	×			**73.00**	100% Regulatory Fee	
1100615		Penalty for conducting Home Occupation without Planning Consent, or for conducting a Home Occupation after expiration of annual renewal	×			**3 x Home Occupation Application or Renewal Fee as applicable**		*Planning and Development Act 2005* , Town Planning Regulations 2009, Reg 47 Schedule 2.
		Scheme Amendment and Structure Plans						
		Note: Fees are calculated per officer per hour.						
		Initial application fee	√			**2,500.00**	100% Regulatory 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						
1100613		*Planning Officer $34.70 per hour*						WA Planning Commission Fees
		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.						
1100614		Advertising	√	**Actual Costs**			Full Cost Recovery	
		Strata Plan, Re-subdivision or Consolidation of Lots Applications (per lot)						
		A) Not more than 5 lots						
		Base assessment fee; plus	×			**637.00**	100% Regulatory Fee	
		Assessment fee per lot	×			**64.00**	100% Regulatory Fee	
1100612		B) More than 5 lots (up to and including 100 lots)						WA Planning Commission Fees
		Base assessment fee; plus	×			**957.00**	100% Regulatory Fee	
		Assessment fee per lot	×			**42.40**	100% Regulatory Fee	
		C) More than 100 lots (capped)	×			**4,985.00**	100% Regulatory Fee	
		Subdivision / Strata Clearance (per lot)						
		Not more than 5 lots (per lot)	×			**73.00**	100% Regulatory Fee	
		More than 5 lots but not more than 195 lots - first 5 lots as per fee above, Lots 6 - 195 (per lot)	×			**73.00**	100% Regulatory Fee	WA Planning Commission Fees
		More than 195 lots	×			**7,393.00**	100% Regulatory Fee	
1100612		Strata Form 7 Clearance Certificate under section 5B(2), 8A(f) or 9(3) of the Strata Titles Act	×			**0.20 per sqm of floor area (with a minimum fee of $100)**	100% Regulatory Fee	Strata Titles General Regulations 1996, Schedule 1 (2).

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		Town Planning and Regional Development (continued)						
		Other Planning Fees						
1100614		Property Settlement Questionnaire	√			**73.00**	100% Regulatory Fee	*Planning and Development Act 2005* , Town Planning Regulations
1100613		Zoning Certificate	×			**73.00**	100% Regulatory Fee	
		Written Zoning Enquiries	√			**73.00**	100% Regulatory Fee	
1100614		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)*	√	**64.10**			Full Cost Recovery	
		Section 40 Liquor License Certificate	×	**117.60**			Full Cost Recovery	
1100613		Permanent Road Closure Application *(Temporary road closures for events are not included in this fee category, please refer to Public Events)*	×	**289.70**			Full Cost Recovery	
		Trading in Public Places or Thoroughfares						
		Traders Permit - Application Fee	×	**105.00**			Full Cost Recovery	
		Traders Permit - Daily Charge	×	**26.30**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Traders Permit - Monthly Charge	×	**367.30**			Full Cost Recovery	
		Traders Permit - Annual Charge	×	**1,049.30**			Full Cost Recovery	
		Outdoor Dining						
1100611		Application Fee	×	**150.00**			Full Cost Recovery	
		Annual Permit Fee - Per Square Metre (/m^2)	×	**10.00**			Full Cost Recovery	
		Display of Goods						
		Application Fee	×	**150.00**			Full Cost Recovery	
		Annual Permit Fee - Per Square Metre (/m^2)	×	**10.00**			Full Cost Recovery	
		Other Community Amenities						
		Cemeteries						
		1. On application for an order for burial the following fees shall be payable:						
		(a) For sinking grave 1.83 m deep (Adult)	√	**1,285.40**			Full Cost Recovery	
		(b) For sinking grave 1.83 m deep (Child under 10 years)	√	**1,017.90**			Full Cost Recovery	
		(c) For sinking grave 1.4 m deep (Stillborn child)	√	**678.90**			Full Cost Recovery	
1100710		(d) Surcharge for weekend interments	√	**979.00**			Full Cost Recovery	
		2. For sinking grave deeper than normal depth (per metre or part thereof)	√	**272.90**			Full Cost Recovery	
		Re-opening of an Ordinary grave - as for interment	√	**1,285.40**			Full Cost Recovery	
		Interment in a new grave after exhumation	√	**545.70**			Full Cost Recovery	*Cemeteries Act 1986* , part VII, s53
		3. (a) Undertakers Annual License Fee	×	**333.70**			Full Cost Recovery	
		3.(b) Undertakers Ad Hoc Licence Fee	×	**84.00**			Full Cost Recovery	
1100711		4. (a) Permission to erect headstone or to enclose any grave with a slab	×	**34.70**			Full Cost Recovery	
		(b) Registration of Right of Burial (25 years)	×	**173.20**			Full Cost Recovery	
1100710		(c) Copy of Right of Burial	×	**36.80**			Full Cost Recovery	

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		Other Community Amenities						
		Roadside Memorial						
1100710		Installation of Roadside Memorial (Refer Policy CP/INP-3600)	√	**323.20**			Full Cost Recovery	*Cemeteries Act 1986* , part VII, s53
		SCHEDULE 11 - RECREATION AND CULTURE						
		Wyndham Community Resource Centre						
		Memberships						
		Community Member	√	**94.50**			Partial Cost Recovery	
		Corporate	√	**105.00**			Partial Cost Recovery	
		Family of 4	√	**131.20**			Partial Cost Recovery	
		Note: Memberships include: 10% Discount on services excluding advertising + 4 hours free internet per year						
		Meeting Room Hire Per Day - Members						
		Not for Profit, Youth Services	√	**190.30**			Partial Cost Recovery	
		Government, Private	√	**275.40**			Partial Cost Recovery	
		Meeting Room Hire Per Day - Non-Members						
		Not for Profit, Youth Services	√	**211.40**			Partial Cost Recovery	
		Government, Private	√	**305.90**			Partial Cost Recovery	
		Staff Hire Per Meeting - Members						
		Minutes Only	√	**25.10**			Partial Cost Recovery	
		Minutes & Agenda	√	**50.10**			Partial Cost Recovery	
		Typing Documents Per Hour	√	**35.10**			Partial Cost Recovery	
		Typing Documents Per Page	√	**10.10**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
1111902		**Staff Hire Per Meeting - Non-Members**						
		Minutes Only	√	**27.90**			Partial Cost Recovery	
		Minutes & Agenda	√	**55.70**			Partial Cost Recovery	
		Typing Documents Per Hour	√	**39.00**			Partial Cost Recovery	
		Typing Documents Per Page	√	**11.20**			Partial Cost Recovery	
		Staff Assistance - Members						
		Computer Assistance Per Hour	√	**15.20**			Partial Cost Recovery	
		Emailing (Per Email)	√	**4.10**			Partial Cost Recovery	
		Staff Assistance - Non-Members						
		Computer Assistance Per Hour	√	**16.70**			Partial Cost Recovery	
		Emailing (Per Email)	√	**4.60**			Partial Cost Recovery	
		Laminating - Members						
		A4 Per Page	√	**2.10**			Partial Cost Recovery	
		A3 Per Page	√	**3.10**			Partial Cost Recovery	
		Other Sizes - POA	√				Partial Cost Recovery	

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		Wyndham Community Resource Centre (continued)						
		Laminating - Non-Members						
		A4 Per Page	√	**2.40**			Partial Cost Recovery	
		A3 Per Page	√	**3.40**			Partial Cost Recovery	
		Other Sizes - POA	√	**POA**			Partial Cost Recovery	
		Faxing - Members						
		Local and STD Initial Page	√	**4.10**			Partial Cost Recovery	
		Local and STD Subsequent Pages	√	**1.10**			Partial Cost Recovery	
		International Initial Page	√	**5.10**			Partial Cost Recovery	
		International Subsequent Pages	√	**3.10**			Partial Cost Recovery	
		Receiving Per Page	√	**0.60**			Partial Cost Recovery	
		Faxing - Non-Members						
		Local and STD Initial Page	√	**4.60**			Partial Cost Recovery	
		Local and STD Subsequent Pages	√	**1.20**			Partial Cost Recovery	
		International Initial Page	√	**5.60**			Partial Cost Recovery	
		International Subsequent Pages	√	**3.40**			Partial Cost Recovery	
1111902		Receiving Per Page	√	**0.70**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Photocopying/Printing (Black and White) - Members						
		A4 Single Side	√	**0.30**			Partial Cost Recovery	
		A4 Double Side	√	**0.50**			Partial Cost Recovery	
		A3 Single Side	√	**0.50**			Partial Cost Recovery	
		A3 Double Side	√	**0.90**			Partial Cost Recovery	
		Photocopying/Printing (Black and White) - Non-Members						
		A4 Single Side	√	**0.40**			Partial Cost Recovery	
		A4 Double Side	√	**0.60**			Partial Cost Recovery	
		A3 Single Side	√	**0.60**			Partial Cost Recovery	
		A3 Double Side	√	**1.00**			Partial Cost Recovery	
		Photocopying/Printing (Full Colour) - Members						
		A4 Single Side	√	**1.10**			Partial Cost Recovery	
		A4 Double Side	√	**2.10**			Partial Cost Recovery	
		A3 Single Side	√	**2.10**			Partial Cost Recovery	
		A3 Double Side	√	**4.10**			Partial Cost Recovery	

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		Wyndham Community Resource Centre (continued)						
		Photocopying/Printing (Full Colour) - Non-Members						
		A4 Single Side	√	1.20			Partial Cost Recovery	
		A4 Double Side	√	2.40			Partial Cost Recovery	
		A3 Single Side	√	2.40			Partial Cost Recovery	
		A3 Double Side	√	4.60			Partial Cost Recovery	
		Scanning - Members						
		First Page	√	2.10			Partial Cost Recovery	
		Subsequent Pages	√	0.90			Partial Cost Recovery	
		Photos - Per Photo	√	5.10			Partial Cost Recovery	
		Guillotining Per Page	√	2.10			Partial Cost Recovery	
		Scanning - Non-Members						
		First Page	√	2.40			Partial Cost Recovery	
		Subsequent Pages	√	1.00			Partial Cost Recovery	
		Photos - Per Photo	√	5.60			Partial Cost Recovery	
		Guillotining Per Page	√	2.40			Partial Cost Recovery	
		Internet Access - Members						
1111902		Per 1/2 Hour	√	4.10			Partial Cost Recovery	*Local Government Act 1995*, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Per Hour	√	8.10			Partial Cost Recovery	
		Wi-Fi Per 1/2 Hour	√	4.10			Partial Cost Recovery	
		Wi-Fi Per Hour	√	6.70			Partial Cost Recovery	
		10 Hour Voucher	√	60.20			Partial Cost Recovery	
		Internet Access - Non-Members						
		Per 1/2 Hour	√	4.60			Partial Cost Recovery	
		Per Hour	√	9.00			Partial Cost Recovery	
		Wi-Fi Per 1/2 Hour	√	4.60			Partial Cost Recovery	
		Wi-Fi Per Hour	√	7.30			Partial Cost Recovery	
		10 Hour Voucher	√	66.80			Partial Cost Recovery	
		CD Burning - Members						
		CD Included	√	13.20			Partial Cost Recovery	
		No CD Included	√	10.10			Partial Cost Recovery	
		CD Burning - Non-Members						
		CD Included	√	14.50			Partial Cost Recovery	
		No CD Included	√	11.20			Partial Cost Recovery	

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GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) GST	Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Wyndham Community Resource Centre (continued)						
		DVD Burning - Members						
		DVD Included	√	**18.10**			Partial Cost Recovery	
		No DVD Included	√	**15.20**			Partial Cost Recovery	
		DVD Burning - Non-Members						
		DVD Included	√	**20.10**			Partial Cost Recovery	
		No DVD Included	√	**16.70**			Partial Cost Recovery	
		Video Conferencing ISDN to Web - Members						
		Price Per Hour - Includes Room Hire	√	**125.20**			Partial Cost Recovery	
		** Requires Bookings in Advance. Prices dependent on third party provider.*						
		Video Conferencing ISDN to Web - Non-Members						
		Price Per Hour - Includes Room Hire	√	**139.10**			Partial Cost Recovery	
		** Requires Bookings in Advance. Prices dependent on third party provider.*						
1111902		**Web Conferencing IP Based - Members**						
		Multi Point (up to 8 sites)	√	**65.20**			Partial Cost Recovery	
		** Price Per Hour Includes Room Hire*						
		Web Conferencing IP Based - Non-Members						
		Multi Point (up to 8 sites)	√	**72.30**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		** Price Per Hour Includes Room Hire*						
		Exam Supervision - Members						
		Price Per Hour	√	**50.10**			Partial Cost Recovery	
		** Includes Room Set Up and Hire*						
		Exam Supervision - Non-Members						
		Price Per Hour	√	**55.70**			Partial Cost Recovery	
		** Includes Room Set Up and Hire*						
		The Bastion Advertising - 1 Month - Black and White						
		1/4 Page Advertising	√	**55.70**			Partial Cost Recovery	
		1/2 Page Advertising	√	**100.20**			Partial Cost Recovery	
		Full Page Advertising	√	**194.70**			Partial Cost Recovery	
1111903		**The Bastion Advertising - 3 Months - Black and White**						
		1/4 Page Advertising	√	**139.10**			Partial Cost Recovery	
		1/2 Page Advertising	√	**278.10**			Partial Cost Recovery	
		Full Page Advertising	√	**556.20**			Partial Cost Recovery	

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		Wyndham Community Resource Centre (continued)						
		The Bastion Advertising - 6 Months - Black and White						
		1/4 Page Advertising	√	**267.00**			Partial Cost Recovery	
		1/2 Page Advertising	√	**533.90**			Partial Cost Recovery	
		Full Page Advertising	√	**1,056.70**			Partial Cost Recovery	
		The Bastion Advertising - 12 Months - Black and White						
		1/4 Page Advertising	√	**500.60**			Partial Cost Recovery	
		1/2 Page Advertising	√	**1,001.10**			Partial Cost Recovery	
		Full Page Advertising	√	**2,002.10**			Partial Cost Recovery	
		The Bastion Advertising - 1 Month - Colour						
		1/4 Page Advertising	√	**122.40**			Partial Cost Recovery	
		1/2 Page Advertising	√	**244.70**			Partial Cost Recovery	
		Full Page Advertising	√	**500.60**			Partial Cost Recovery	
		The Bastion Advertising - 3 Months - Colour						
	111903	1/4 Page Advertising	√	**356.00**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		1/2 Page Advertising	√	**700.80**			Partial Cost Recovery	
		Full Page Advertising	√	**1,395.90**			Partial Cost Recovery	
		The Bastion Advertising - 6 Months - Colour						
		1/4 Page Advertising	√	**661.80**			Partial Cost Recovery	
		1/2 Page Advertising	√	**1,321.40**			Partial Cost Recovery	
		Full Page Advertising	√	**2,647.20**			Partial Cost Recovery	
		The Bastion Advertising - 12 Months - Colour						
		1/4 Page Advertising	√	**1,256.90**			Partial Cost Recovery	
		1/2 Page Advertising	√	**2,502.60**			Partial Cost Recovery	
		Full Page Advertising	√	**4,994.10**			Partial Cost Recovery	
		The Bastion Advertising - Classifieds (Per Month)						
		6 x 9 (W x L) Black and White Advertising	√	**33.40**			Partial Cost Recovery	
		6 x 9 (W x L) Colour Advertising	√	**72.30**			Partial Cost Recovery	
		Libraries						
		Photocopying/Printing/Faxing/Internet						
		A4 Black & White (single sided) per copy - multiply by two for a double sided copy	√	**0.35**			Full Cost Recovery	
	111512	A4 Colour (single sided) per copy - multiply by two for a double sided copy	√	**1.15**			Full Cost Recovery	Public Library Services Framework Agreement 2010
		A3 Black & White (single sided) per copy - multiply by two for double sided copy	√	**0.65**			Full Cost Recovery	
		A3 Colour (single sided) per copy - multiply by two for double sided copy	√	**2.50**			Full Cost Recovery	

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		Libraries (continued)						
		Photocopying/Printing/Faxing/Internet						
		Faxing - First Page	√	**4.50**			Full Cost Recovery	
		Faxing - Each Page after First Page	√	**1.20**			Full Cost Recovery	
		Internet Use for Research and Education purposes		**No Cost**			Full Cost Recovery	
		Internet - 30 minute usage	√	**4.20**			Full Cost Recovery	
1111512		**Other Library Services**						Public Library Services Framework Agreement 2010
		Lost & Damaged books/items Admin fee (plus depreciated replacement cost)	√	**5.90**			Full Cost Recovery	
		Laminating A4 Per Page	√	**2.70**			Full Cost Recovery	
		Laminating A3 Per Page	√	**3.70**			Full Cost Recovery	

SCHEDULE 11 - RECREATION AND CULTURE

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.

		Community and Recreation Facilities and Services						
		Hire Bonds						
		Note: Bonds apply to ALL facility and equipment hire.						
		Bond - High Risk (as defined by policy)	×	**1,000.00**			Full Cost Recovery	
		Bond - Medium Risk (as defined by policy)	×	**500.00**			Full Cost Recovery	
Trust Receipt dependant on facility		Bond - Low Risk (as defined by policy)	×	**250.00**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Bond - Category 1 Equipment Hire (where not provided in function/facility hire) (as defined by policy)	×	**250.00**			Full Cost Recovery	
		Bond - Category 2 Equipment Hire	×	**500.00**			Full Cost Recovery	
		Bond - Key Hire Seasonal (Sporting clubs rooms)	×	**150.00**			Full Cost Recovery	
		Bond - Key Hire (short term / casual use)	×	**50.00**			Full Cost Recovery	

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		Other Recreation and Sport - Facility Hire						
		Recreation Services Staffing Fee (per staff member per hour)	√	**100.00**			Full Cost Recovery	
		Non Sporting Activity Facility Hire						
		Kununurra Leisure Centre Hall - Hall only:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**50.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**75.00**			Full Cost Recovery	
1110810		**Kununurra Leisure Centre Hall - Including Equipment:**						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**65.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**100.00**			Full Cost Recovery	
		Kununurra Leisure Centre Kitchen:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**25.00**			Partial Cost Recovery	
		2) Commercial / Government/Private - per hour	√	**40.00**			Full Cost Recovery	
		Kununurra Leisure Centre Stage:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**25.00**			Partial Cost Recovery	
1110810		2) Not for Profit / Non Government & Youth Service Providers - per day	√	**75.00**			Partial Cost Recovery	
		3) Commercial / Government / Private - per hour	√	**50.00**			Full Cost Recovery	
		3) Commercial / Government / Private - per day	√	**150.00**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Peter Reid Memorial Hall - Hall Only:						
1110112		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**40.00**			Partial Cost Recovery	
		2) Commercial /Government / Private - per hour	√	**60.00**			Full Cost Recovery	
		Non Sporting Activity Facility Hire (continued)						
		Peter Reid Memorial Hall - Including Equipment:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**55.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**80.00**			Full Cost Recovery	
		1) Not for Profit/Non Government & Youth Service Providers - per day	√	**110.00**			Partial Cost Recovery	
		2) Commercial/Government/Private - per day	√	**220.00**			Full Cost Recovery	
		Kununurra Youth Centre - Activity Building including Kitchen:						
1110112		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**21.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**55.00**			Full Cost Recovery	
		1) Not for Profit / Non Government & Youth Service Providers - per day	√	**75.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per day	√	**315.00**			Full Cost Recovery	
		Kununurra Youth Centre - Desk Space:						
		1) Not for Profit / Non Government & Youth Service Providers - per week	√	**280.00**			Partial Cost Recovery	
		1) Not for Profit / Non Government & Youth Service Providers - per month	√	**500.00**			Partial Cost Recovery	

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		Other Recreation and Sport - Facility Hire						
		Kununurra Youth Centre - Half Activity Building *(may include kitchen upon approval)* :						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**17.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**40.00**			Full Cost Recovery	
		Meeting Rooms						
		Peter Reid Memorial Hall - meeting room:						
1110112		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**26.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**40.00**			Full Cost Recovery	
		Kununurra Youth Centre - meeting room:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**17.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**40.00**			Full Cost Recovery	
		Sporting Activity Facility Hire						
		Kununurra Leisure Centre Hall:						
1110810		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**40.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**60.00**			Full Cost Recovery	
		3) School sporting activities per hour	√	**45.00**			Partial Cost Recovery	
		4) Half Court - Casual Use - per 1/2 hour (6 Pax)	√	**15.00**			Partial Cost Recovery	
		Kununurra Leisure Centre Squash, Badminton and Outdoor Volleyball Court:						*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		1) Viewing Area - Not for Profit / Non Government & Youth Service Providers - per hour	√	**31.00**			Partial Cost Recovery	
		2) Viewing Area - Commercial / Government/Private - per hour	√	**48.00**			Full Cost Recovery	
		Squash - 1 hour (per person, per court)	√	**10.50**			Full Cost Recovery	
1110814		Squash - 1/2 hour (per person, per court)	√	**7.00**			Full Cost Recovery	
		Squash - Junior per hour (15 years or under) (per person per court)	√	**7.00**			Full Cost Recovery	
		Squash - Junior per 1/2 hour (15 years or under) (per person per court)	√	**5.00**			Full Cost Recovery	
		Squash Club - Court and Viewing Area - per hour	√	**47.00**			Full Cost Recovery	
1110810		Badminton Court (per court, per hour)	√	**15.00**			Full Cost Recovery	
		Outdoor volleyball court hire - (per person per hour)	√	**5.00**			Full Cost Recovery	
		Wyndham Recreation Centre Undercover Courts:						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**10.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**35.00**			Full Cost Recovery	
1110911		**Wyndham Recreation Centre Enclosed Area:**						
		1) Not for Profit / Non Government & Youth Service Providers - per hour	√	**12.00**			Partial Cost Recovery	
		2) Commercial / Government / Private - per hour	√	**35.00**			Full Cost Recovery	

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		Other Recreation and Sport - Facility Hire						
		Sporting Activity Facility Hire (continued)						
		Swimming Pool Facility Hire						
Knx 1110313 / Wyn 1110413		Day Rate (includes qualified Pool Operator) - per hour	√	**75.00**			Partial Cost Recovery	
		Night Rate (includes qualified Pool Operator and lights) - per hour	√	**110.00**			Partial Cost Recovery	
		Swimming Clubs Night Rate - per hour	√	**95.00**			Partial Cost Recovery	
		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	√	**30.00**			Partial Cost Recovery	
		Oval (Commercial / Government/Private) - per hour	√	**45.00**			Full Cost Recovery	
Knx 1111010 / Wyn 1111110		Oval (Not for Profit / Non Government & Youth Service Providers) - per day *(Does not include light use)*	√	**150.00**			Partial Cost Recovery	
		Oval (Commercial / Government / Private) - per day	√	**350.00**			Full Cost Recovery	
		Ovals (Includes Wyndham, Kununurra and Ag Society Oval).						
		Oval Surrounds (Not for Profit / Non Government & Youth Service Providers) - per day	√	**150.00**			Partial Cost Recovery	
		Oval Surrounds (Commercial / Government / Private) - per day	√	**300.00**			Full Cost Recovery	
		Oval Lights						
		Kununurra Oval (Not for Profit / Non Government & Youth Service Providers) - per pole, per hour	√	**15.50**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Kununurra Oval (Commercial / Government / Private) - per pole, per hour	√	**25.00**			Full Cost Recovery	
		Kununurra Cricket Net Lights - per hour	√	**15.00**			Full Cost Recovery	
		Kununurra Agricultural Society Oval - Low Level (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	√	**17.00**			Partial Cost Recovery	
		Kununurra Agricultural Society Oval - Low Level (Commercial/Government/Private) - half oval, per hour	√	**33.00**			Full Cost Recovery	
1111011		Kununurra Agricultural Society Oval - Medium Level (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	√	**20.00**			Partial Cost Recovery	
		Kununurra Agricultural Society Oval - Medium Level (Commercial/Government/Private) - half oval, per hour	√	**40.00**			Full Cost Recovery	
		Kununurra Agricultural Society Oval - High Level (Not for Profit/Non Government/Youth Service Providers) - per half oval, per hour	√	**30.00**			Partial Cost Recovery	
		Kununurra Agricultural Society Oval - High Level (Commercial/Government/Private) - half oval, per hour	√	**48.00**			Full Cost Recovery	
1111110		Wyndham Oval (Not for Profit / Non Government & Youth Service Providers) - per hour	√	**28.50**			Partial Cost Recovery	
		Wyndham Oval (Commercial / Government / Private) - per hour	√	**42.00**			Full Cost Recovery	

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		Other Recreation and Sport - Facility Hire						
		Sporting Activity Facility Hire (continued)						
		Seasonal Oval Hire *(see policy for full details)*						
		Note: Fee Calculation: Oval use (formula) + light use (formula) + change room use (formula)						
Knx 1111010 / Wyn 1111110		Oval Use (per person) calculated as below:	√	**1.50**			Full Cost Recovery	
		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)						
Knx 1111011 / Wyn 1111110		Light Charge - per pole, per person, per hour	√	**1.50**			Full Cost Recovery	
		Formula: Players per team x hours used x light charge x number of lights (if applicable))						
		Change room use - per person	√	**1.00**			Full Cost Recovery	
		Formula: Players per team x change room use fee (if applicable))						
		Multipurpose Courts						
Knx 1111012 / Wyn Rec Courts 1110910		Court Hire - per court, per hour	√	**14.00**			Full Cost Recovery	
		Light Fees - per switch, per hour	√	**11.00**			Full Cost Recovery	
Knx 1111012		Multipurpose Courts Kununurra Block (6 courts) - day use, per hour	√	**60.00**			Full Cost Recovery	
		Multipurpose Courts Kununurra Block (6 courts) - night use, per hour	√	**70.00**			Full Cost Recovery	
		Parks						
Knx 1111210		Activities - per hour or part thereof	√	**14.00**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Markets - per day or part thereof includes access to power and water	√	**350.00**			Full Cost Recovery	
		Category 1 Equipment						
		Chair hire (Not for Profit / Non Government & Youth Service Providers) - per chair, per day	√	**2.00**			Full Cost Recovery	
Knx 1110815 / Wyn 1110112		Chair hire (Commercial / Government / Private) - per chair, per day	√	**3.00**			Full Cost Recovery	
		Table Hire (Not for Profit / Non Government & Youth Service Providers) - per table, per day	√	**8.50**			Full Cost Recovery	
		Table Hire (Commercial / Government / Private) - per table, per day	√	**12.50**			Full Cost Recovery	
Knx 1110814		Racquets - per racquet, per day	√	**5.50**			Full Cost Recovery	
		Category 2 Equipment						
1110814		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.*	√	**17.50**			Partial Cost Recovery	
		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.*	√	**26.00**			Full Cost Recovery	

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		Other Recreation and Sport - Facility Hire						
		Cleaning Charges						
Receipt dependant on facility or equipment		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)	√					
		Damage Charges						*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Damage to property, fixtures, fittings and equipment	√	**Actual Cost**				
Receipt dependant on facility or equipment		Damage to playing surfaces or grounds through misuse such as using round up/pesticides while line marking	√	**Minimum $300**				
		Other Recreation and Sport - Recreation Services						
		Kununurra Gymnasium						
		Note: Membership includes access to gymnasium only. Minimum age to gymnasium is 16 years of age.						
		Membership - 1 Month	√	**110.00**			Full Cost Recovery	
		Membership - 3 Months	√	**180.00**			Full Cost Recovery	
		Membership - 6 Months	√	**315.00**			Full Cost Recovery	
		Membership - 12 Months	√	**570.00**			Full Cost Recovery	
1110811		*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	√	**85.00**			Full Cost Recovery	
		Membership (Concession) - 3 Months	√	**165.00**			Full Cost Recovery	
		Membership (Concession) - 6 Months	√	**290.00**			Full Cost Recovery	
		Membership (Concession) - 12 Months	√	**525.00**			Full Cost Recovery	
1110813		Casual use of Gym	√	**12.00**			Full Cost Recovery	
		Kununurra Swimming Complex						*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Note: Membership includes access to swimming area's only. Minimum unaccompanied age to swimming area's is 12 years of age.						
		Aquatic Membership (child) - 1 Month	√	**40.00**			Partial Cost Recovery	
		Aquatic Membership (child) - 3 Months	√	**95.00**			Partial Cost Recovery	
		Aquatic Membership (child) - 6 Months	√	**150.00**			Partial Cost Recovery	
1110824		Aquatic Membership (child) - 12 Months	√	**255.00**			Partial Cost Recovery	
		Aquatic Membership (adult) - 1 Month	√	**52.00**			Partial Cost Recovery	
		Aquatic Membership (adult) - 3 Months	√	**115.00**			Partial Cost Recovery	
		Aquatic Membership (adult) - 6 Months	√	**183.00**			Partial Cost Recovery	
		Aquatic Membership (adult) - 12 Months	√	**347.00**			Partial Cost Recovery	

SHIRE OF WYNDHAM EAST KIMBERLEY

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Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Other Recreation and Sport - Recreation Services						
		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	√	**120.00**			Partial Cost Recovery	
		Gold Membership - 3 Months	√	**225.00**			Partial Cost Recovery	
		Gold Membership - 6 Months	√	**405.00**			Partial Cost Recovery	
		Gold Membership - 12 Months	√	**715.00**			Partial Cost Recovery	
		Note: Concession is available on production of proof of eligibility for concession including Disability Support Card, Australian Student Card and Seniors Concession Card.						
1110811		Gold Membership (Concession) - 1 Month	√	**105.00**			Partial Cost Recovery	
		Gold Membership (Concession) - 3 Months	√	**190.00**			Partial Cost Recovery	
		Gold Membership (Concession) - 6 Months	√	**375.00**			Partial Cost Recovery	
		Gold Membership (Concession) - 12 Months	√	**615.00**			Partial Cost Recovery	
		Squash Membership - 6 Months	√	**250.00**			Partial Cost Recovery	
		Squash Membership - 12 Months	√	**400.00**			Partial Cost Recovery	
		Replacement membership card fee	√	**6.00**			Partial Cost Recovery	
1110812		Personal Training - per hour session	√	**80.00**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Personal Training - per half hour session	√	**50.00**			Partial Cost Recovery	
		Classes and Programs						
		Recreation Programs	√	**POA**			Full Cost Recovery	
Knx 1110812 / Wyn 1110411		Aquatic Fitness Classes	√	**12.00**			Full Cost Recovery	
		Fitness Classes	√	**12.00**			Full Cost Recovery	
		Book of 10 passes	√	**100.00**			Full Cost Recovery	
		Note: Passes can be used for casual entry to Gym, Fitness Classes and Aquatic Fitness Classes.						
		Swimming Pools						
N/A		2 years and under (must be accompanied by a person 16 years or older - entry fee applies)		**Free**				
		Supervisors of children 5-12 years (non swimmers)		**Free**				
Knx 1110313 / Wyn 1110413		Spectator/Amenities Charge (non swimmers)	√	**4.50**			Partial Cost Recovery	
		Hire of Lane Space (per lane, per hour) - not including pool entry charge per person to be charged in addition	√	**16.00**			Partial Cost Recovery	

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GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Other Recreation and Sport - Recreation Services						
		Kununurra Leisure Centre (continued)						
		Swim School						
		Swimming Lessons (1/2 hour) Individual	√	**35.00**			Partial Cost Recovery	
		1 Series (8 sessions), (per person)	√	**100.00**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
Knx 1110312		1 Series (8 sessions), 2 or more people from same family enrolled in same series (per person)	√	**85.00**			Partial Cost Recovery	
		1/2 Series (4 sessions), (per person)	√	**50.00**			Partial Cost Recovery	
		Royal Life Saving Society Course (includes updates) Prices set as per RLSS WA standard fees and charges	√					Royal Life Saving Society
		Swimming Pool Facility Hire						
		See "Swimming Pool Facility Hire" above						
		Kununurra Swimming Pool Entry						
		Adult swimmers	√	**4.50**			Partial Cost Recovery	
		Child swimmers (15 years or under)	√	**3.50**			Partial Cost Recovery	
		Adult Ticket Books						
1110310		Book of 10	√	**37.00**			Partial Cost Recovery	
		Book of 20	√	**68.00**			Partial Cost Recovery	
		Child Ticket Books (under 16 years)						
		Book of 10	√	**26.50**			Partial Cost Recovery	
		Book of 20	√	**47.50**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Wyndham Swimming Pool Entry						
		Adult swimmers	√	**4.50**			Partial Cost Recovery	
		Child swimmers (under 16 years)	√	**3.50**			Partial Cost Recovery	
		Adult Ticket Books						
1110410		Book of 10	√	**37.00**			Partial Cost Recovery	
		Book of 20	√	**68.00**			Partial Cost Recovery	
		Child Ticket Books (under 16 years)						
		Book of 10	√	**26.50**			Partial Cost Recovery	
		Book of 20	√	**47.50**			Partial Cost Recovery	

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GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		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 "Public Building Approvals" and/or "Temporary Food Stalls"						
		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"						
		Other Recreation and Sport						
		Public Events - *(Events that comply with a current Public Building Certificate of Approval will receive an Event Permit at no cost)*						
		Public Event Permit - Low Risk	√	**25.00**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; Shire of Wyndham East Kimberley Local Government Property Local Law 2003
		Public Event Permit - Medium Risk	√	**189.60**			Full Cost Recovery	
		Public Event Permit - High Risk	√	**328.10**			Full Cost Recovery	
		Consent to Consume Alcohol on Shire Properties						
		Administration Fee for Shire Owned Properties - *Note that this does not apply to the Youth Hub*	√	**57.60**			Full Cost Recovery	Local Government Act 1995, Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; Shire of Wyndham East Kimberley Local Government Property Local Law 2003

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GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)			GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
			SCHEDULE 12 - TRANSPORT						
		Aerodromes							
		Airport Meeting Room Hire							
1120721			1) Not for Profit / Non Government & Youth Service Providers - per day. *Note: fee is reduced by 50% for half day hire.*	√	**215.00**			Partial Cost Recovery	
			2) Commercial / Government / Private per day. *Note: fee is reduced by 50% for half day hire.*	√	**310.00**			Full Cost Recovery	
		Airport Private Works							
			Slashing - Per Hour (includes tractor, slasher & labour)	√	**301.00**			Full Cost Recovery + Possible Mark Up	
1120716			Weed control - Per Hour (includes truck, labour & poison)	√	**265.90**			Full Cost Recovery + Possible Mark Up	
			Crack sealing machine - Per Hour (includes 2 operators. Bitumen product not included)	√	**298.40**			Full Cost Recovery + Possible Mark Up	
			Towing (airside) per hour (includes truck & labour)	√	**208.10**			Full Cost Recovery + Possible Mark Up	
		Aircraft Landing Fees							
			[MTOW = Maximum take off weight]						
			Fixed Wing Aircraft						
			All Fixed Wing Aircraft - Per tonne and part thereof *(Per landing)*	√		**29.00**		Full Cost Recovery + Possible Future Consideration	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
			All Fixed Wing Aircraft - One landing fee is applicable per one hour session of training circuits or one hour maintenance check flights	√		**29.00**		Full Cost Recovery + Possible Future Consideration	
Knx 1120710 Wyn 1120810			**Rotary Wing Aircraft**						
			All Rotary Aircraft - Per Tonne and part thereof *(Per landing)*	√		**29.00**		Full Cost Recovery + Possible Future Consideration	
			All Rotary Aircraft - One landing fee is applicable per one hour session of training circuits or one hour maintenance check flights	√		**29.00**		Full Cost Recovery + Possible Future Consideration	
		Passenger Service Fees							
Knx 1120711	0061		Passenger Handling fee	√		**20.90**		Full Cost Recovery + Possible Future Consideration	
Knx 1120712	0062		Passenger Screening fee	√		**21.60**		Full Cost Recovery + Possible Future Consideration	

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		Aerodromes (continued)						
		Aircraft Parking Fees						
		Non Resident Operator Aircraft Parking Fees (per night, landing Fees NOT Included)	√		**24.60**		Full Cost Recovery + Possible Future Consideration	
Knx 1120714		Non Resident Operator Aircraft Parking Fees (6 months - Landing Fees NOT Included)	√		**897.20**		Full Cost Recovery + Possible Future Consideration	
		Non Resident Operator Aircraft Parking Fees (Per month - Landing Fees NOT Included)	√		**175.60**		Full Cost Recovery + Possible Future Consideration	
		Call Out Fees						*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
1120710		Kununurra Airport, after hours, per hour	√	**127.40**			Full Cost Recovery + Possible Future Consideration	
1120810		Wyndham Airport, after hours, per hour	√	**127.40**			Full Cost Recovery + Possible Future Consideration	
		Digital Advertising						
		Annual advertising on airport terminal digital display boards	√	**1,385.10**			Full Cost Recovery + Possible Future Consideration	
1120721		Quarterly advertising on airport terminal digital display boards	√	**415.60**			Full Cost Recovery + Possible Future Consideration	
		Monthly advertising on airport terminal digital display boards	√	**150.10**			Full Cost Recovery + Possible Future Consideration	

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		Aerodromes (continued)						
		Terminal Usage Fee						
1120711		Fee is calculated on number of seats in aircraft (per seat)	√		**21.20**		Full Cost Recovery + Possible Future Consideration	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
1120721		Kununurra Terminal Key Fee (per annum)	√	**133.00**			Full Cost Recovery + Possible Future Consideration	
Trust Receipt Type 25 (9101119)		Kununurra Terminal Security Access Card Bond	×	**115.80**			Full Cost Recovery + Possible Future Consideration	
		SCHEDULE 13 - ECONOMIC SERVICES						
		Building Control						
		Building Permit Application **Certified** Class 1 -10 (0.19% of the estimated value of work - but not less than $95)	×			Calculation (minimum fee $95)	100% Regulatory Fee	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 $95)	×			Calculation (minimum fee $95)	100% Regulatory Fee	
		Building Permit Application **Uncertified** Class 1A & 10 (0.32% of the estimated value of work - but not less than $95)	×			Calculation (minimum fee $95)	100% Regulatory Fee	
01130310		Amended building License - (minimum of $20). *Note: Fees calculated on amended value*	×			Calculation	100% Regulatory Fee	Building Regulations 1989 (part 6)
		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 $95)	×			Calculation (minimum fee $95)	100% Regulatory Fee	
		Building Approval Certificate Application (for existing building where unauthorised work has not been carried out)	×			**95.00**	100% Regulatory Fee	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)	×			Calculation		Building Regulations 2012 Part 9 Division 3 (r 64 (4))

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		Building Control (continued)						
		Demolition - per storey. *Note: applications made prior to 2/4/2012.*	×			Calculation		Building Regulations 1989 (part 6)
1130312		Demolition Permit Application - Class 1 - 10	×			**95.00**		Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 16(1))
		Demolition Permit Application - Class 2 - 9 ($95 for each storey of the building)	×			Calculation		
		Application Extension of Time (Building or Demolition Permit)	×			**95.00**		Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 1 & Building Act 2011 (s. 32(3)(f))
		Application for Occupancy Permit (completed building)	×			**95.00**		Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 46)
		Application for Temporary Occupancy Permit (incomplete building)	×			**95.00**		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)	×			**95.00**		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)	×			**95.00**		Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 49)
1130312		Application for Occupancy Permit or Building Approval Certificate (for registration of strata scheme, plan of re-subdivision) ($10.50 for each strata unit, but not less than $104.65)	×			Calculation (minimum fee $104.65)		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 $95.00)	×			Calculation (minimum fee $95)		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)	×			**95.00**		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.	×			**95.00**		Building Regulations 2012 Schedule 2 - Fees (reg 11) Division 2 & Building Act 2011 (s. 65 (3)(a))

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		Building Control (continued)						
		Annual Swimming Pool Fee - $57.45 every 4 years (charged pro-rata)	×			$14.36 per annum		Building Regulations 1989 Part 10 Regulation 38F Building Regulations 2012 Part 8 Division 2 (r 53 (2))
1130310		Application for Approval of Battery Operated Smoke Alarm	×			174.40		Building Regulations 2012 Part 8 Division 3 (r 61 (3)(b))
		Application for Variation/Modification of Building Standards in which declaration is sought from Building Commissioner	×			$2,100 per standard variation		Building Regulations 2012 Part 9 Division 3 (r 64 (4))
		Inspection Fees (for third party requests)	√	**241.40**				*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
Building Receipts - Trust payment - Trust Type 16 - Trust No. 9952 (9101113)		Building Services Levy for Building Permit (Minimum $61.65 and 0.137% of work value exceeding $45,000)	×			Calculation (minimum fee $61.65)		Set by Building (Services) Act 2011 and Building Services Commission
		Building Services Levy for Demolition Permit (Minimum $61.65 and 0.137% of work value exceeding $45,000)	×			Calculation (minimum fee $61.65)		
		Building Services Levy for Occupancy Permit (Minimum)	×			61.65		
Building Receipts - Trust payment - Trust Type 17 - Trust No. 9953 (9101114)		Building Services Levy for Building Approval Certificate (Minimum)	×			61.65		Set by Building (Services) Act 2011 and Building Services Commission
		Building Services Levy for Unauthorised Building Work (Minimum $123.30 and 0.274% of work value exceeding $45,000)	×			Calculation (minimum fee $123.30)		
		Construction Industry Training Fund (0.2% of construction value over $20,000.)	×			Calculation		Set by Construction and Training Industry group.
1130311		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)*	√	**64.10**				*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
1130312		Change of Ownership Advices (via settlement agents) - Building - per lot	×	**81.90**				
1130311		**Signage Approvals - Standard Signs**						*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18; Local Planning Policy
		Pylon Sign	√	**35.70**			Full Cost Recovery	
		Illuminated Sign	√	**30.50**			Full Cost Recovery	
		Hoardings per annum	√	**60.90**			Full Cost Recovery	
		Portable sign	√	**30.50**			Full Cost Recovery	
		Development sign	√	**30.50**			Full Cost Recovery	
		Any other sign	√	**17.90**			Full Cost Recovery	
		Signage Approvals - Non Standard Signs						
		Pylon Sign	√	**72.50**			Full Cost Recovery	
		Illuminated Sign	√	**60.90**			Full Cost Recovery	
		Hoardings per annum	√	**120.70**			Full Cost Recovery	

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		Building Control (continued)						
		Signage Approvals - Non Standard Signs (continued)						
		Portable sign	√	**60.90**			Full Cost Recovery	
		Development sign	√	**60.90**			Full Cost Recovery	
		Any other sign	√	**30.50**			Full Cost Recovery	
1130311		Instructional Sign	√	**17.90**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Confiscated sign	√	**30.50**			Full Cost Recovery	
		Supply of Generic Engineering Footing Specification Detail (per set)						
		Sea Containers	√	**60.90**			Full Cost Recovery	
		Shade Sails	√	**60.90**			Full Cost Recovery	
		Deposit to Repair Damage to Footpath, Kerb, Road or Road Reserve						
		(Footpath and kerb bond)						
		Single Residential Block, having one street boundary	×	**579.30**			Full Cost Recovery	
		Single Residential Block, having two street boundaries	×	**694.70**			Full Cost Recovery	
Building Receipts - Trust payment - Trust Type 05 (9101105)		Duplex Block, having one street boundary	×	**694.70**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Duplex Block, having two street boundaries	×	**810.10**			Full Cost Recovery	
		Multi Residential Block, up to maximum	×	**1,215.10**			Full Cost Recovery	
		Services Trades and Commercial, up to maximum	×	**1,851.00**			Full Cost Recovery	
		Water Supply/Reticulation Charges						
1111212	0021	Water supply/retic charges, per kilolitre	×	**0.80**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		SCHEDULE 14 - OTHER PROPERTIES AND SERVICES						
		Private Works						
		Road Closure Approval for Public Events						
01140210		Not for Profit / Non Government user groups as defined under "Community and Recreation Facilities and Services"	√	**92.40 + 15%**			Partial Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Commercial / Government / Private user groups as defined under "Community and Recreation Facilities and Services"	√	**185.30 + 15%**			Full Cost Recovery	
		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*	√	**6.30 + 15%**			Full Cost Recovery	
01140210		Erection of Traffic Management Signage by qualified Shire employees per hour	√	**160.60 + 15%**			Full Cost Recovery	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		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.*	√	**6.30 + 15%**			Partial Cost Recovery	
Trust Receipt Type 20 (9101109)		Bond	×	**579.30**			Full Cost Recovery	

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		Private Works (continued)						
		Crossover Subsidy						
		Each application must be assessed for eligibility in accordance with Council Policy *CP/OPS-3653 Vehicle Crossover Subsidy* , prior to subsidy being provided	×	**2,500.00**				*Local Government (Uniform Local Provisions) Regulations 1996* , Regulation 15; GST Exempt: (A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1))
		Directional Signage						
		Purchase of signs and installation	√	**Actual Costs + 15%**			Full Cost Recovery	
		Assessment of Applications						
		eg. cattle grids, private works requests	√	**148.50 + 15%**			Full Cost Recovery	
		Labour Rates						
		Supervisor (per hour)	√	**148.50 + 15%**			Full Cost Recovery + Possible Mark Up	
		Labor (per hour)	√	**91.30 + 15%**			Full Cost Recovery + Possible Mark Up	
		Labor T1.5 *(as per Enterprise Agreement) - per hour*	√	**136.95 + 15%**			Full Cost Recovery + Possible Mark Up	
		Labor T2.0 *(as per Enterprise Agreement) - per hour*	√	**182.60 + 15%**			Full Cost Recovery + Possible Mark Up	
		Inspection less than 1 hour out of the office	√	**148.50 + 15%**			Full Cost Recovery + Possible Mark Up	
01140210		Inspection for each additional hour out of the office	√	**148.50 + 15%**			Full Cost Recovery + Possible Mark Up	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Public Events (Traffic Management Plan Review)	√	**200.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Public Events (Traffic Management Plan Review) - Not for Profit / Community Organisations	√	**100.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Plant Rates						
		WY 26224 - John Deere 1565 Front Deck Ride On Mower With 72 Mulching Deck - *Per Day*	√	**90.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY26287 - 2013 John Deere 326D Skidsteer - wheeled model	√	**330.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Skidster - tracked model	√	**530.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY26291- 2013 John Deere 1565 4WD Ride on Mower With72" Mulching Deck - *Per Day*	√	**90.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY11160 - Mitsubishi Tipper 10 Tonne Truck - *Per Hour - Including Operator*	√	**110.00 + 15%**			Full Cost Recovery + Possible Mark Up	

SHIRE OF WYNDHAM EAST KIMBERLEY

2015-16

Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Private Works (continued)						
		Plant Rates (continued)						
		WY11160 - Mitsubishi Tipper 10 Tonne Truck - *Per Month - Excluding Operator*	√	**15,386.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY11719 - Kubota M6800 Loader Tractor - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		1DBW601 - Fuso 3 Tonne Tip Truck - *Per hour*	√	**100.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY14960 - Kubota M Series Tractor M9540DHC - *Per day (with slasher)*	√	**375.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Silvan Shireboss 6' Slasher for use with Kubota M9540D Tractor P382 - *Per hour*	√	**125.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY25031 - 2011 Kubota M Series M135XDC Tractor - *Per hour*	√	**125.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		2011 BEN WYE Piranha 5000 5M Flexwing Slasher - *Per hour*	√	**125.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		2011 BEN WYE Piranha 2600 8' Slasher - *Per hour*	√	**125.00 + 15%**			Full Cost Recovery + Possible Mark Up	
01140210		1EPX320 - 2013 Fuso Canter 815 - 3T Tipper Truck - *Per hour*	√	**100.00 + 15%**			Full Cost Recovery + Possible Mark Up	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		WY0 - Grader John Deere 670G 2009 - *Per hour*	√	**185.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY14004 - John Deere Backhoe Loader - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY15724 - Trailer Cobra Jetter - Graffiti Remover - *Per Day*	√	**188.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		1TLM265 - 2010 Vermeer BC1000XL Wood Chipper - *100mm thickness*	√	**159.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		1DPD787 - Front End Caterpillar Loader 950H WITH 3.1M GP Bucket - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY25065 John Deere Ride on Mower 1565 Series II 4WD with 72" Deck - *Per day*	√	**90.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY25658 - Kubota BX2360DV Tractor - *Per day*	√	**375.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		1EHW733 - 2013 UD 10m Tip Truck - *Per hour*	√	**110.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Rapid-Flood 10,000 Litre Water Tank - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	

SHIRE OF WYNDHAM EAST KIMBERLEY
2015-16
Fees and Charges

GL	Charge Type Code (If Sundry Debtor invoicing permitted to approved account holders under policy CP FIN-3207)		GST	COUNCIL CHARGE GST INCLUSIVE (WHERE INDICATED √) Effective 1 July 2015	Effective 1 January 2016	STATUTORY CHARGE Per regulation as at 1 July 2015	PRICING BASIS REFERENCE (TARGET)	LEGISLATIVE REFERENCE
		Private Works (continued)						
		Plant Rates (continued)						
		2012 Caterpillar 953D WHA - LBP01483 Track Loader - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		1CGF957 2006 Isuzu 3T Truck NPR 300 Tipper - *Per hour*	√	**100.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		John Deere Tractor 5325 Wyndham Depot WY12280 - *Per hour*	√	**100.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Case 580SR II Loader Backhoe Wyndham 1CWM013 - *Per day*	√	**375.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		WY13511 - Isuzu 4x2 Tray Tipper FSR850 - *Per hour*	√	**135.00 + 15%**			Full Cost Recovery + Possible Mark Up	
	1140210	Line Marking Machine (push machine) - *Per day*	√	**66.00 + 15%**			Full Cost Recovery + Possible Mark Up	*Local Government Act 1995* , Part 6, Division 5, Sections 6.15, 6.16, 6.17, 6.18
		Chain Saw - 12" model - *Per day*	√	**104.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Chain Saw - 18" model - *Per day*	√	**136.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Car Trailers - *Per day*	√	**115.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Cage Trailer (6x4) - *Per day*	√	**47.00 + 15%**			Full Cost Recovery + Possible Mark Up	
		Cage Trailer (8x5) - *Per day*	√	**72.00 + 15%**			Full Cost Recovery + Possible Mark Up	

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 complies with statutory requirements and demonstrates 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 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.

In 2013, 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 was 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 2014.

Initial Recognition and Measurement between Mandatory Revaluation Dates All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

In relation to this initial measurement, 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.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework detailed above.

Revaluation

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.

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* only become applicable until the year ended 30 June 2014 (in relation to Council), given the legislative need to commence using Fair Value methodology in previous reporting period (year ended June 2013), 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 the previous reporting period (year ended 30 June 2013).

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

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements. When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

a) Restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount; or
b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Major depreciation periods used for each class of depreciable asset are:

Land	Not depreciated
Buildings	30 to 40 years
Minor Buildings and Building Improvements	10 years
Computers	3 years
Communications	5 years
Furniture	10 years
Equipment	5 years
Light Plant	3 years
Medium Plant	7 years

Heavy Plant	10 years
Minor Plant	7 to 10 years
Town Roads	10 to 45 years
Rural Roads	10 to 40 years
Runways/ Aprons / Taxiways	25 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 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) Fair Value of Assets and Liabilities

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

Fair Value is the price that Council would receive to sell the asset or would have to pay to transfer a liability, in an orderly (ie unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset (ie the market with the greatest volume and level of activity for the asset or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (ie the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

Fair Value Hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1
Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2
Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3
Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Council selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Council are consistent with one or more of the following valuation approaches:

Market approach

Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach

Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach

Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Council gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed

using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the Local Government (Financial Management) Regulations requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

(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 of 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.

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 and any reduction for impairment; and

(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

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 are classified at "fair value through profit or loss" when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss.

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. 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

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 (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, 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.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial

difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

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

Short-Term Employee Benefits

Provision is made for the Council's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Council's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Council's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other Long-Term Employee Benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Council's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Council does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

(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 until such time as the asset is substantially ready for its intended use or sale.

(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 live 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.

(p) Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term. **Investments in Associates**

An associate is an entity over which the Council has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. 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. In addition, the Council's share of the profit or loss of the associate is included in the Council's profit or loss.

The carrying amount of the investment includes, where applicable, 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.

When the Council's share of losses in an associate equals or exceeds its interest in the associate, the Council discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate. When the associate subsequently makes profits, the Council will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

(q) Interest in Joint Arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 1(o) for a description of the equity method of accounting.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Council's

interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements. Information about the joint ventures is set out in Note 17.

(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, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented.

(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	Issued	Applicable (*)	Impact
(i)	AASB 9 – Financial Instruments	December 2013	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 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 2013	1 January 2017	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 2011 – 7 Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangement Standards [Not-For-Profit entities] [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 131, 138, 139, 1023 &	December 2012	1 January 2014	Consequential changes to various standards arising from the issuance of AASB 10, 11, 12, 127 and 128. It is not expected to have a significant impact on Council.

	1038 and Interpretations 5, 9, 16 & 17]			
(iv)	AASB 2012-3: Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]	June 2012	1 January 2014	This Standard adds application guidance to AASB 132: Financial Instruments: Presentation 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.
(v)	AASB 2013-3: Amendments to AASB 136 – Recoverable Amount Disclosures for Non-Financial Assets	June 2013	1 January 2014	This standard makes amendments to AASB 136 and includes requirements to disclose additional information when present value techniques are used to measure the recoverable amount of impaired assets. It is not expected to have a significant impact on Council.
(vi)	AASB 2013-8: Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities – Control and Structured	October 2013	1 January 2014	This standard adds Appendix E to AASB 10 to provide implementation guidance for Not-for-Profit entities regarding control criteria from the perspective of not-for-profit

	Entities [AASB 10, 12 & 1049]			entities. It is not expected to have a significant impact on Council.
(vii)	AASB 2013-9: Amendments to Australian Accounting Standards – Conceptual Framework, Materiality and Financial Instruments [Operative dates: Part A Conceptual Framework – 20 December 2013; Part B Materiality – 1 January 2014; Part C Financial Instruments – 1 January 2015]	December 2013	Refer Title column	Part A of this standard makes various editorial corrections to Australian Accounting Standards. Part B of this standard deletes references to AASB 1031 in various Australian Accounting Standards in advance of the withdrawal of AASB 1031. Part C of this standard makes consequential amendments to AASB 9 and numerous other standards and amends the permissions around certain applications relating to financial liabilities reissued at fair value. As the bulk of changes related either to editorial or reference changes it is not expected to have a 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 10	AASB 128	AASB 2012-2
AASB –11	AASB 2011-7	AASB 2012-3

AASB –12	AASB 2011-9	AASB 2012-5
AASB 119	AASB 2011-10	AASB 2012-10
AASB 127		

Most of the standards adopted had a minimal effect on the accounting and reporting practices of the Council as they did not have a significant impact on the accounting or reporting practices or 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.

POLICY ADMINISTRATION

Directorate		**Officer Title**			
Corporate Services		Director Corporate Services			
Date Effective	17/07/1997				
Date Adopted	17/07/1997	**Last Reviewed**		September 2014	
Risk Rating	Low	**Review Cycle**	Annual	**Next Due**	July 2015
Organisational Compliance	Annual Financial Report Annual Adopted Budget				
Process Links	Financial Management Policies, Procedures and Practices.				

POLICY NO	**CP/FIN-3201**	
POLICY	**Significant Accounting Policies**	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 25 August 2015	Resolution No:
REVIEWED/MODIFIED	Date: 7 August 2012	Resolution No: 9846
	Date: 1 August 2013	Resolution No: 10157
	Date: 2 September 2014	Resolution No: 10554
REVIEW DUE	Date: August 2016	
LEGISLATION	*Australian Accounting Standards* *Australian Accounting Interpretations* *Local Government Act 1995 and Regulations*	
RELATED POLICIES	1. CP/FIN-3203 Investment Policy	
RELATED ORGANISATIONAL DIRECTIVES	1. Non-Current Asset Capitalisation and Depreciation Control (under development)	

PURPOSE:

The purpose of this Policy is to provide the basis for Council's accounting concepts and annual reporting and budget preparation guidelines and to maintain accounting reporting procedures that complies with statutory requirements and demonstrates the Shire's financial position.

DEFINITIONS:

AAS means the Australian Accounting Standards made and amended from time to time by the Australian Accounting Standards Board.

Australian Accounting Standards Board means the body corporate of that name continued by the *Australian Securities and Investments Commission Act 2001* (Commonwealth).

Council means the council of the Shire of Wyndham East Kimberley.

Municipal Fund means all money and the value of all assets received or receivable by a local government are to be held and brought to account in its municipal fund unless required by the *Local Government Act 1995* or any other written law to be held in the trust fund.

Trust Fund means a local government is to hold in the trust fund all money or the value of assets that are required by the *Local Government Act 1995* or any other written law to be credited to that fund, and held by the local government in trust.

POLICY STATEMENTS:

(a) Basis of Preparation

The budget/financial report 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. Material accounting policies which have been adopted in the preparation of this budget are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the budget/report has 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 budget/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.

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/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 ***(relevant Note number to be inserted depending on document being produced)*** to this budget document/financial statements.

(b) 2014/15 Actual Balances (*paragraph to be removed for the financial statements*)

Balances shown in this budget as 2014/15 Actual are as forecast at the time of budget preparation and are subject to final adjustments.

(c) Rounding Off Figures

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

(d) 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 ***(paragraph to be removed for the budget)***.

(e) 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.

(f) Superannuation

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

(g) 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 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 Note 7 – Net Current Assets ***(Remove Note 7 – Net Current Assets and include "statement of financial position" when preparing the financial report)***.

(h) 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.

(i) 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 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 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.

(j) Fixed Assets

Each class of fixed assets within either property, plant and equipment or infrastructure, 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 1996* 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.

In 2013, the Shire 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 budget/financial report as necessary.

Land Under Control
In accordance with *Local Government (Financial Management) Regulation* 16(a), the Shire was 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.

Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) these assets were revalued along with other items of Land and Buildings at 30 June 2014 and now form part of Land and Buildings to be subject to regular revaluation as detailed above.

Initial Recognition and Measurement between Mandatory Revaluation Dates
All assets are initially recognised at cost and subsequently revalued in accordance with the mandatory measurement framework detailed above.

In relation to this initial measurement, 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 Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework detailed above, are carried at cost less accumulated depreciation as management believes this approximates fair value. They will be subject to subsequent revaluation at the next anniversary date in accordance with the mandatory measurement framework detailed above.

Revaluation
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.

Transitional Arrangement (to be removed for financial reports)
During the time it takes to transition the carrying value of non-current assets from the cost approach to the fair value approach, the Shire 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.

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 Shire.

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

When an item of property, plant and equipment is revalued, any accumulated depreciation at the date of the revaluation is treated in one of the following ways:

a) Restated proportionately with the change in the gross carrying amount of the asset so that the carrying amount of the asset after revaluation equals its revalued amount; or
b) Eliminated against the gross carrying amount of the asset and the net amount restated to the revalued amount of the asset.

Major depreciation periods used for each class of depreciable asset are:

GROUP	CLASS	NUMBER OF YEARS
Roads	Sealed Roads – Formation	Infinite – Not Depreciated
	Sealed Roads – Pavement Under Seal	70
	Sealed Roads – Wearing Course – Chip Seal	25
	Sealed Roads – Wearing Course – Asphalt	40
	Unsealed Roads – Formation	Infinite – Not Depreciated
	Unsealed Roads – Pavement	15
	Kerbs and Channel	50
	Road Furniture and Signs	10
Drainage	Underground Pipes	75
	Retarding Basins	Infinite – Not Depreciated
Airfields	Airfield – Formation	Infinite – Not Depreciated
	Airfield – Pavement Under Seal	80
	Airfield – Wearing Course – Chip Seal	25
	Airfield – Wearing Course – Asphalt	40
	Airfield – Lighting	20
	Airfield – Fencing	30
Bridges	Bridges	100
	Culverts	100
Footpaths	Footpath	45

GROUP	CLASS	NUMBER OF YEARS
Infrastructure Other	Car Parks – Formation	Infinite – Not Depreciated
	Car Parks – Pavement Under Seal	70
	Car Parks – Wearing Course – Chip Seal	25
	Car Parks – Wearing Course – Asphalt	40
	Jetties and Pontoons	40
	Boat Ramps	50
	Reticulation Systems (Pipes, Pumps, Controllers)	20
	Playground Equipment	10
	Outdoor Furniture	20
	Sporting/Play Area – Minor Structures	10
	Sporting Facilities – Hardcourt/Skate Park	20
	Sporting Facilities – Fencing	30
	Sporting Facilities – Lighting	20
	Sporting Facilities – Swimming Pools	50
Land and Building	Land	Infinite – Not Depreciated
	Landfill Refuse (Land Component Only)	30
	Brick/Concrete Buildings	40
	Transportable Buildings	10
	Steel Construction Buildings	35
	Ancillary Structures to Buildings	10
Furniture and Equipment	ICT – Computer Equipment	3
	ICT – Office Equipment/Systems	5
	Office Furniture	10
	Kitchen Equipment	5
	Fitouts	20
Plant and Equipment	Light Plant	3
	Medium Plant	7
	Sport and Recreation Equipment	7
	Other Plant/Equipment	10
	Heavy Plant	10

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 profit or loss 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.

(k) Fair Value of Assets and Liabilities

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

Fair Value is the price that the Shire would receive to sell the asset or would have to pay to transfer a liability, in an orderly (i.e. unforced) transaction between independent, knowledgeable and willing market participants at the measurement date.

As fair value is a market-based measure, the closest equivalent observable market pricing information is used to determine fair value. Adjustments to market values may be made having regard to the characteristics of the specific asset. The fair values of assets that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data.

To the extent possible, market information is extracted from either the principal market for the asset (i.e. the market with the greatest volume and level of activity for the asset or liability) or, in the absence of such a market, the most advantageous market available to the entity at the end of the reporting period (i.e. the market that maximises the receipts from the sale of the asset after taking into account transaction costs and transport costs).

For non-financial assets, the fair value measurement also takes into account a market participant's ability to use the asset in its highest and best use or to sell it to another market participant that would use the asset in its highest and best use.

Fair Value Hierarchy

AASB 13 requires the disclosure of fair value information by level of the fair value hierarchy, which categorises fair value measurement into one of three possible levels based on the lowest level that an input that is significant to the measurement can be categorised into as follows:

Level 1

Measurements based on quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2

Measurements based on inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3

Measurements based on unobservable inputs for the asset or liability.

The fair values of assets and liabilities that are not traded in an active market are determined using one or more valuation techniques. These valuation techniques maximise, to the extent possible, the use of observable market data. If all significant inputs required to measure fair value are observable, the asset or liability is included in Level 2. If one or more significant inputs are not based on observable market data, the asset or liability is included in Level 3.

Valuation techniques

The Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value. The availability of sufficient and relevant data primarily depends on the specific characteristics of the asset or liability being measured. The valuation techniques selected by the Shire are consistent with one or more of the following valuation approaches:

Market approach
Valuation techniques that use prices and other relevant information generated by market transactions for identical or similar assets or liabilities.

Income approach
Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost approach
Valuation techniques that reflect the current replacement cost of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks. When selecting a valuation technique, the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable inputs. Inputs that are developed using market data (such as publicly available information on actual transactions) and reflect the assumptions that buyers and sellers would generally use when pricing the asset or liability and considered observable, whereas inputs for which market data is not available and therefore are developed using the best information available about such assumptions are considered unobservable.

As detailed above, the mandatory measurement framework imposed by the *Local Government (Financial Management) Regulations* requires, as a minimum, all assets carried at a revalued amount to be revalued at least every 3 years.

(I) Financial Instruments

Initial Recognition and Measurement
Financial assets and financial liabilities are recognised when the Shire becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Shire 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 of 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.

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 and any reduction for impairment; and
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.

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 are classified at "fair value through profit or loss" when they are held for trading for the purpose of short-term profit taking. Such assets are subsequently measured at fair value with changes in carrying amount being included in profit or loss. 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. 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 Shire'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

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 (a "loss event") having occurred, which has an impact on the estimated future cash flows of the financial asset(s).

In the case of available-for-sale financial assets, 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.

In the case of financial assets carried at amortised cost, loss events may include: indications that the debtors or a group of debtors are experiencing significant financial difficulty, default or delinquency in interest or principal payments; indications that they will enter bankruptcy or other financial reorganisation; and changes in arrears or economic conditions that correlate with defaults.

For financial assets carried at amortised cost (including loans and receivables), a separate allowance account is used to reduce the carrying amount of financial assets impaired by credit losses. After having taken all possible measures of recovery, if management establishes that the carrying amount cannot be recovered by any means, at that point the written-off amounts are charged to the allowance account or the carrying amount of impaired financial assets is reduced directly if no impairment amount was previously recognised in the allowance account.

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 Shire 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.

(m) Impairment

In accordance with Australian Accounting Standards the Shire'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 this budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2016 *(remove paragraph for financial reports).*

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document *(remove paragraph for financial reports).*

(n) Trade and Other Payables

Trade payables and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire 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.

(o) Employee Benefits

Short-Term Employee Benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages and salaries. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages and salaries are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Other Long-Term Employee Benefits

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any re-measurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

(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 until such time as the asset is substantially ready for its intended use or sale.

(q) Provisions

Provisions are recognised when the Shire 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.

(r) 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 Shire, 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 live 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.

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

(s) Investments in Associates

An associate is an entity over which the Council has significant influence. Significant influence is the power to participate in the financial operating policy decisions of that entity but is not control or joint control of those policies. Investments in associates are accounted for in the budget/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 Shire's share of net assets of the associate. In addition, the Shire's share of the profit or loss of the associate is included in the Shire's profit or loss.

The carrying amount of the investment includes, where applicable, goodwill relating to the associate. Any discount on acquisition, whereby the Shire'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 Shire and the associate are eliminated to the extent of the Shire's interest in the associate.

When the Shire's share of losses in an associate equals or exceeds its interest in the associate, the Shire discontinues recognising its share of further losses unless it has incurred legal or constructive obligations or made payments on behalf of the associate.
When the associate subsequently makes profits, the Shire will resume recognising its share of those profits once its share of the profits equals the share of the losses not recognised.

(t) Interests in Joint Arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint venturers with an interest to net assets are classified as a joint venture and accounted for using the equity method. Refer to note 1(o) for a description of the equity method of accounting.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Council's interests in the assets, liabilities, revenue and expenses of joint operations are included in the respective line items of the financial statements. Information about the joint ventures is set out in Note 17 *(insert relevant Note number depending on document being prepared)*.

(u) 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 Shire's operational cycle. In the case of liabilities where the Shire 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.

(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, an additional (third) statement of financial position as at the beginning of the preceding period in addition to the minimum comparative financial statements is presented *(remove paragraph for budget document)*.

(w) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in this annual budget/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 Shire.

Management's assessment of the new and amended pronouncement that are relevant to the Shire, applicable to future reporting periods and which have not yet been adopted are set out as follows.

	Title	Issued	Applicable (*)	Impact
(i)	AASB 9 – Financial Instruments (incorporating AASB 2014-7 and AASB 2014-8)	December 2014	1 January 2018	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 Shire, it is not anticipated the standard will have any material effect.

	Title	Issued	Applicable (*)	Impact
(ii)	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]	September 2012	1 January 2018	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 Shire (refer (i) above).
(iii)	AASB 15 Revenue from Contracts with Customers	December 2014	1 January 2017	This Standard establishes principles for entities to apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The effect of this Standard will depend upon the nature of future transactions the Shire has with those third parties it has dealings with. It may or may not be significant.
(iv)	AASB 2013-9 Amendments to Australian Accounting Standards – Conceptual Framework, Materiality and Financial Instruments [Operative date: Part C Financial Instruments – 1 January 2015]	December 2013	Refer title column	Part C of this Standard makes consequential amendments to AASB 9 and numerous other Standards and amends the permissions around certain applications relating to financial liabilities reissued at fair value. As the bulk of changes relate either to editorial or reference changes it is not expected to have a significant impact on the Shire.

	Title	Issued	Applicable (*)	Impact
(v)	AASB 2014-3 Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 & AASB 11]	August 2014	1 January 2016	This Standard amends AASB 11: Joint Arrangements to require the acquirer of an interest (both initial and additional) in a joint operation in which the activity constitutes a business, as defined in AASB 3: *Business Combinations*, to apply all of the principles on business combinations accounting in AASB 3 and other Australian Accounting Standards except for those principles that conflict with the guidance in AASB 11; and disclose the information required by AASB 3 and other Australian Accounting Standards for business combinations. Since adoption of this Standard would impact only acquisitions of interests in joint operations on or after 1 January 2016, management believes it is impracticable at this stage to provide a reasonable estimate of such impact on the Shire's budget/financial statements.

	Title	Issued	Applicable (*)	Impact
(vi)	AASB 2014-4 Amendments to Australian Accounting Standards - Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 & AASB 138]	August 2014	1 January 2016	This Standard amends AASB 116 and AASB 138 to establish the principle for the basis of depreciation and amortisation as being the expected pattern of consumption of the future economic benefits of an asset. It also clarifies the use of revenue-based methods to calculate the depreciation of an asset is not appropriate nor is revenue generally an appropriate basis for measuring the consumption of the economic benefits embodied in an intangible asset. Given the Shire currently uses the expected pattern of consumption of the future economic benefits of an asset as the basis of calculation of depreciation, it is not expected to have a significant impact.
(vii)	AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15	December 2014	1 January 2017	Consequential changes to various Standards arising from the issuance of AASB 15. It will require changes to reflect the impact of AASB 15.

	Title	Issued	Applicable (*)	Impact
(viii)	AASB 2015-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 101 [AASB 7, 101, 134 & 1049]	January 2015	1 January 2016	This Standard amends AASB 101 to provide clarification regarding the disclosure requirements in AASB 101. Specifically, the Standard proposes narrow-focus amendments to address some of the concerns expressed about existing presentation and disclosure requirements and to ensure entities are able to use judgement when applying a Standard in determining what information to disclose in their financial statements. This Standard also makes editorial and consequential amendments as a result of amendments to the Standards listed in the title column. It is not anticipated it will have any significant impact on disclosures.
(ix)	AASB 2015-3 Amendments to Australian Accounting Standards arising from the withdrawal of AASB 1031 Materiality	January 2015	1 July 2015	This Standard completes the withdrawal of references to AASB 1031 in all Australian Accounting Standards and Interpretations, allowing it to be completely withdrawn. It is not anticipated it will have a significant impact as the principles of materiality remain largely unchanged.

	Title	Issued	Applicable (*)	Impact
(x)	AASB 2015-6 Amendments to Australian Accounting Standards - Extending Related Party Disclosures to Not-for-Profit Public Sector Entities [AASB 10, 124 & 1049]	March 2015	1 July 2016	The objective of this Standard is to extend the scope of AASB 124 Related Party Disclosures to include not-for-profit sector entities. The Standard is expected to have a significant disclosure impact on the financial report of the Shire as both Elected Members and Senior Management will be deemed to be Key Management Personnel and resultant disclosures will be necessary.

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 Shire 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 2011-7
AASB 2012-3
AASB 2013-3
AASB 2013-8
AASB 2013-9 Parts A & B

Most of the standards adopted had a minimal effect on the accounting and reporting practices of the Shire as they did not have a significant impact on the accounting or reporting practices or 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.

EXPLANATORY NOTES:

This Policy is to be used for both the preparation of the budget and the financial reports, therefore the words budget or financial report outlined above within the Policy, will be used dependent upon the document that is being produced.

RISK:

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

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

SHIRE of WYNDHAM | EAST KIMBERLEY

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Strategic Rating Policy

OBJECTIVE:

Statement of intent

The purpose of this Policy is to outline the Council's principles and methodology when exercising the Council's discretionary powers to determine the level and structure of rates levied under the Local Government Act 1995.

The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to ratepayers and compliant with current legislation.

The Council aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities.

In determining rates, the Council gives primary consideration to its strategic directions, budget considerations, the current economic climate, other external factors and likely impacts upon the community.

POLICY:

Scope & Limitations

The Local Government Act 1995 provides the Council with defined discretionary powers to levy rates and require contributions from the community for the provision of services to the district.

The rating principles outlined within this Policy are to apply to all rateable land within the Shire of Wyndham East Kimberley.

The applicable legislation in reference to limitations is section 6.26 of the Local Government Act 1995 which outlines land that is not rateable, and is therefore exempt from rates Section 6.26 states:-

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

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(I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;

and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

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Strategic Rating Policy

(3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*

(4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*

(5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*

(6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

In determining the methodology of how rates will be applied, the Council is to consider the basis of rates in accordance with section 6.28 of the Local Government Act 1995 which states:

6.28. Basis of rates

(1) *The Minister is to —*

(a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*

(b) *publish a notice of the determination in the Government Gazette.*

(2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*

(a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*

(b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

(3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*

(4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*

(5) *Where during a financial year —*

(a) *an interim valuation is made under the Valuation of Land Act 1978; or*

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(b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*

(c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,*

the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

In determining the differential general rates, the Council must consider section 6.33 and section 6.35 of the Local Government Act 1995 which states:

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

6.35. Minimum payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

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(3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*

(a) *50% of the total number of separately rated properties in the district; or*

(b) *50% of the number of properties in each category referred to in subsection (6),*

on which a minimum payment is imposed.

(4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*

(a) *the number of separately rated properties in the district; or*

(b) *the number of properties in each category referred to in subsection (6),*

unless the general minimum does not exceed the prescribed amount.

(5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*

(6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*

(a) *to land rated on gross rental value; and*

(b) *to land rated on unimproved value; and*

(c) *to each differential rating category where a differential general rate is imposed.*

Background

This Policy has been developed within the context of the Shire of Wyndham East Kimberley's Strategic Community Plan and Corporate Business Plan. In setting rates, the Council considers the long term vision for the Shire, strategic directions, financial sustainability and the likely impacts on the community.

Rates are based on property values and are therefore a property tax. Under the Valuation of Land Act 1978, the Valuer-General must maintain valuation rolls of rateable and taxable land throughout Western Australia. These rolls are periodically provided to the Shire for rating purposes. On behalf of the Valuer-General, Property & Valuations Services, Landgate (the Western Australian Land Information Authority), conducts general valuations (revaluations) and makes interim valuations as required.

The types of values made are:

1. *Unimproved Value (UV), and*
2. *Gross Rental Value (GRV).*

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The unimproved value and gross rental value are defined within the Valuation of Land Act 1978.

The Shire has no role in the process of determining the valuations attributed to each property. All land within the Shire is rateable except for land specifically exempt under section 6.26 of the Local Government Act as outlined above and the Council's Rates Exemption Policy for Charitable Organisations (Non-Rateable Land).

The Council determines the amount of revenue required from rates collections each year to meet its financial, strategic, operational and statutory responsibilities for the coming financial year.

Valuations are not the sole factor in determining the rates income of the Shire, and as a result, valuations increases or decreases to not necessarily cause a rate rise or reduction.

Guiding Statement

The Council will consider the following principles (not necessarily listed in priority order) when developing, maintaining and applying its rating methodology:

1. *Equity*
2. *Incentive*
3. *Administrative Efficiency*
4. *Compliance*
5. *Sustainability*

1. *EQUITY*

   Equity is the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community. A differential rating structure can assist in achieving an equitable imposition of rates and charges. The equity principle includes consideration of property wealth tax, user benefit and capacity to pay principles.

   a. *Property Wealth Tax*

      The Council is limited to taxing one component of wealth, being real property. The wealth tax principle implies that rates paid are dependent upon the value of a ratepayer's real property and does not necessarily have any correlation to the individual ratepayer's consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates. Some moderation of the effect of property value on the

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level of rates paid through differential rates may be required to make the rating system more equitable.

b. *User Benefit*

Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs or constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole.

c. *Capacity to Pay*

The relativity of rates paid by each property category is to be considered in relation to their respective capacity to pay. Ratepayers with higher value properties generally have a higher wealth and a greater capacity to pay. However, as rates are levied on unrealised wealth in the form of real property their nexus with ratepayer's capacity to pay may be more tenuous. The Council acknowledges that property rates do not recognise that individual ratepayers within a rating category can be "asset rich" and "income poor". While income and goods and services taxes are more reflective of capacity to pay, it is not possible to expect a property rating system to deal practically with all aspects of capacity to pay based on individual households and businesses.

Rating instruments such as differential rates are available to reflect the differing capacity of classes to pay. For example, higher differential rates may reflect the ability of a class of property to obtain concessions from the tax deductibility of rates or the income producing capacity of the class of property.

2. *INCENTIVE*

Rate setting objectives may be used to support the Council's social, environmental, or economic goals as part of a longer term strategy within the Strategic Community Plan. For example, rates can be altered to encourage business activity, the development of vacant land or environmentally sustainable improvements in order to achieve "Greater returns from regional investment to ensure sustainable

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provision of appropriate physical and social infrastructure" as outlined in Goal 2 of the Strategic Community Plan 2012-2022.

3. *ADMINISTRATIVE EFFICIENCY*
   The Council will endeavour to establish a rating system that:-
   a. *Promotes simplicity, transparency and understanding; and*
   b. *Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and*
   c. *Reduces complexity; and*
   d. *Is open to scrutiny.*

4. *COMPLIANCE*
   The Council will apply its discretionary powers in compliance with the Local Government Act 1995 and associated regulations, while seeking to maximise rate revenue within the adopted rating framework.

5. *SUSTAINABILITY*
   The Council will make decisions that support the financial strategies for the delivery of infrastructure and services identified in the Strategic Community Plan and underpinned by the Long Term Financial Plan, the Asset Management Strategy and other informing plans and strategies.

APPLICATION OF PRINCIPLES

1. *APPLICATION OF THE EQUITY PRINCIPLE*

   1.1. *Differential Rating*

   The Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these.

   1.1.1. *Alignment with Town Planning Scheme No. 7 Kununurra and Environs, and Town Planning Scheme No. 6 Wyndham Townsite*

   As far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property. This will be done in a manner whereby the community will be able to understand how and why a particular determination has been made and will therefore utilise the Town Planning Scheme No.7 for

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Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for the Wyndham Townsite (TPS6).

Where the zoning and land uses are amended in either Town Planning Schemes, or TPS7 or TPS6 are superseded, then this Policy will be reviewed, and the new zones and land uses will be considered when amending the rating system for the following financial year.

The symbols used in the cross reference in the Zoning Table (Appendix A) have the following meanings as defined in TPS7 and TPS6:

'P' means that the use is permitted provided it complies with the relevant standard and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Approval;

'IP' means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 11.2 of TPS7 and Clause 10.2 of TPS6;

'X' means a use that is not permitted by the Scheme.

While Appendix A may indicate that a particular land use is not permitted in a particular zone by the Scheme, this Policy, as in both of the Town Planning Schemes, recognises non-conforming use rights whereby the rating differential category would be considered to be that applicable if the land use was permitted within the particular zone.

Where the land is being predominantly used for a purpose that is not specifically mentioned in the Zoning Table, the Shire will attempt to align it to a land use that is mentioned.
Any land listed as a Special Site in either TPS7 or TPS6 will be aligned to the rating category that best defines its predominant use. For example, any land within the Airport Special Site Zone will be deemed to be operating commercially, and therefore be GRV Commercial rated.

Where the predominant use of the land is for non-rural purposes, the Council will seek to have the land valued on a GRV basis. Where the predominant use of land is for rural purposes, the Council will seek to have the land valued on a UV basis.

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1.1.2. Spot Rating

The Council may seek Ministerial approval for a spot valuation where there are a number of lots within a valuation area that are used for purposes that are inconsistent with the predominant use of land within that valuation area. For example, in a predominantly rural area valued on UV, there are a number of non-rural uses including service stations, road houses, tourist accommodation and small, commercial or industrial operations. The Council may, depending on the circumstances, seek Ministerial approval to apply a GRV to these properties.

The Council has determined that spot valuations can be effective in promoting rating equity by ensuring that properties with similar uses are rated on the same method of valuation regardless of their location within the district. However, the Council also recognises that they can be more labour intensive and less administratively efficient than other options, therefore each will be considered on a case by case basis.

1.1.3. Split Rating

Split rating non-rural uses on unimproved land is also permitted which effectively isolates the non-rural use from the remainder of the property, whereby one land parcel would reflect the rural use and the other land parcel would reflect the non-rural use. Council has determined not to implement split rating at this stage based on the cost of its implementation and ongoing administration.

1.2. Specified Area Rate

The Council is able to impose a Specified Area Rate to meet the cost of undertaking specific work, providing a service or facility if the Council considers that the ratepayers or residents within that area will:

- *Have benefited or will benefit from; or*
- *Have access to or will have access to; or*
- *Have contributed or will contribute to the need for,*

that work, service or facility.

The Council will consider its options to set a Specified Area Rates, if appropriate, when developing its Rating Strategy.

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1.3. *Interim Rating*

Subject to section 6.28 of the Local Government Act 1995 and in respect of valuations supplied by the Valuer-General for the purpose of interim valuations, the Shire of Wyndham East Kimberley will back rate or refund rates to property owners where ownership:

- *Has not changed in a prior financial year to the effective date of the change as determined by the Valuer-General; or*
- *Has changed in a prior financial year, to the date of change of ownership.*

For the purposes of this Policy, a change in ownership does not occur where there is a change in the structure of a body corporate (including name change) resulting in the change having no effect on altering the effectual control of the company.

1.4. *Minimum Payments*

The Council will establish and maintain a minimum payment structure to ensure all ratepayers contribute a minimum amount regardless of their property value.

The Council accepts that the adoption of a minimum payment amount is an adjustment to the blanket application of the equity principle. This adjustment is made to ensure property owners make a reasonable contribution to the non-exclusive services, facilities and infrastructure provided for the benefit of the whole district.

1.5. *Rates Exemptions*

The Council's Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land) provides an administrative framework for assessing any application for properties to be classified as non-rateable land on the grounds of being used for charitable purposes in accordance with section 6.26 of the Local Government Act 1995. Such organisations are to make application in accordance with the application form and guidelines attached to the Policy. The properties will be reviewed every two years for continued eligibility.

1.6. *Rates Concessions*

The Councils' Rates Concessions Policy (Rateable Land) provides an administrative framework for assessing any application requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land in accordance with Council's discretionary powers provided by section 6.47 of the Local Government Act 1995.

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Any rates waivers or concessions will be approved for two financial years and considered during the annual budget process. The Council will re-consider rates concessions every two years.

1.7. Rates Discounts

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, the Shire in accordance with the Local Government Act 1995 and Regulations, does not offer a discount for the early payment of any rate or charge.

1.8. Payment Options

The Council will offer three rate payment options as follows:

a. *Payment in full 35 days after the date of service appearing on the rate notice; or*
b. *Two instalments; or*
c. *Four instalments.*

There will be an administrative charge per instalment associated with the establishment and administering the instalment payment option, along with an interest charge to reflect the lost interest from investment opportunities that are not available due to the length of time taken to collect the payment.

1.9. Interest on Overdue Rates and Service Charges

Rates and service charges not paid in accordance with the three payment options will be subject to an overdue interest rate set by the Council in accordance with the Local Government Act 1995.

2. *APPLICATION OF THE INCENTIVE PRINCIPLE*

The Council will provide an incentive through a reduced rate in the dollar for GRV valued land that is improved in comparison to land that remains undeveloped in order to promote land development and assist in achieving Strategy 2.2.1 of the Strategic Community Plan being to "promote the expansion of residential and industrial land".

3. *APPLICATION OF THE EFFICIENCY PRINCIPLE*

The Council will provide for changes in:-

- *Level of rating; and*
- *Structure of its rating policy; and*
- *Application of its discretionary rating powers*

in a way that:-

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a. *Promotes simplicity, transparency and understanding; and*
b. *Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and*
c. *Reduces complexity; and*
d. *Is open to scrutiny.*

4. *APPLICATION OF THE COMPLIANCE PRINCIPLE*

The Council will ensure compliance with the Local Government Act 1995 and all associated regulations in the establishment of its rating structure and rating model.

5. *APPLICATION OF THE SUSTAINABILITY PRINCIPLE*

The Council will consider the four pillars of financial sustainability in the establishment of its rating structure and associated model:

a. *Strategic and Financial Planning;*
b. *Income Diversification;*
c. *Sound Administration and Finance;*
d. *Own Income Generation.*

OBJECTS OF AND REASONS FOR DIFFERENTIAL RATES

1. *GRV – RESIDENTIAL*

A differential rate is applied to GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation, and as outlined in Appendix A.

The GRV differential rate for Residential will be the "base rate" from which all other differential rates that hold a GRV value will be calculated, recognising a 6.0% increase from 2013/14.

Rate in the dollar is 8.8623 cents. Minimum payment is $1,034.00.

2. *GRV – OTHER VACANT*

A differential rate is applied to GRV valued land within the town site which is deemed to be vacant land (unimproved land).

Vacant land is defined in accordance with the Valuation of Land Act 1978 which states:

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- ***"vacant land"*** *means land on which there are no improvements other than merged improvements.*

- ***"merged improvements"*** *means any works in the nature of draining, filling, excavation, grading or levelling of the land, retaining walls or other structures or works for that purpose, the removal of rocks, stone or soil, and the clearing of timber, scrub or other vegetation.*

- ***"land"*** *means lands, tenements and hereditaments, and any improvements to land, and includes any interest in land.*

Where the definitions are amended in the Valuation of Land Act 1978, those amendments will prevail. If the Valuation of Land Act 1978 is superseded, then similar terms in the new Act will prevail (in accordance with any amendments to the Local Government Act 1995).

The vacant land differential is set to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of the Council particularly as there is a different method used for the valuation of vacant land.

It is also to signify that the Council prefers land to be developed. The encouragement of development is strategically important as it has a positive effect on local employment, economic diversity and further community returns from investment in the region.

A multiplier of 1.5 times the base rate in the dollar will be applied.

Rate in the dollar is 13.2935 cents. Minimum payment is $1,034.00.

3. *GRV – COMMERCIAL*

A differential rate is applied to GRV valued land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A.

The commercial sector generates high pedestrian and traffic volumes resulting in a greater impact on the provision of services, facilities and infrastructure, and is also considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with economic development and marketing programs which assist and facilitate economic growth in the region; road construction; maintenance and

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refurbishment including road drainage systems; roadside sweeping; landscaping; verge maintenance and street lighting.

In recognising the greater impact on infrastructure, facilities and services, the Council will establish the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase this each year thereafter, to be capped at 2 times the base rate over a 5 year period.

Rate in the dollar is 9.7485 cents. Minimum payment is $1,034.00.

4. *GRV – INDUSTRIAL*

A differential rate is applied to GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A.

This sector generates high traffic volumes with heavy loads and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems.

In recognising the greater impact on infrastructure in particular, the Council will recognise the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase each year thereafter, to be capped at no more than 1.7 times the base rate over a 5 year period.

Rate in the dollar is 9.7485 cents. Minimum payment is $1,034.00.

5. *UV – RURAL RESIDENTIAL*

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

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

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

It should be noted that this is intended as a transitionary rating differential category while the Shire work through a process to have these properties provided with a

gross rental value instead of an unimproved value given the primary purpose is residential.

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

Rate in the dollar is 0.9335 cents. Minimum payment is $1,034.00.

6. *UV – PASTORAL*

A differential rate is applied to UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

Pastoral purposes have the same meaning as defined in the Land Administration Act 1997 which states:-

***"pastoral purposes"** means the purposes of -*

(a) the commercial grazing of authorised stock; and

(b) agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and

(c) activities ancillary to the activities mentioned in paragraphs (a) and (b).

Due to the valuation being based generally on a lease value, the result is a low valuation over an extensive land area. The sector generates high traffic volumes with heavy loads and has the highest impact on the road infrastructure in particular. While it is considered to have a greater capacity to pay through rates generally being tax deductable, the Council also recognises that because of the higher impact on infrastructure that this sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment.

Rate in the dollar is 2.9471 cents. Minimum payment is $1,034.00.

7. *UV – COMMERCIAL/INDUSTRIAL*

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

This sector generates high traffic volumes, and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should

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therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required, along with other costs associated with marketing and economic development.

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

Rate in the dollar is 0.6278 cents. Minimum payment is $1,034.00.

8. *UV – RURAL AGRICULTURE 1*

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.

It is recognised that this sector has a greater impact on the road infrastructure with the heavy loads that it generates, and also that it has a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

This differential rating category will also be utilised for land where the land meets the objectives outlined above, but is based on a percentage of the overall lot size for which the other portion of the lot is non rateable land.

It is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has also recognised that the fluctuations in market conditions for land in the Rural Agriculture 1 zone can be significant and therefore a separate rating differential category will be retained for land that is within the Rural Agriculture 1 or General Rural zones.

Rate in the dollar is 0.8878 cents. Minimum payment is $1,034.00.

9. *UV – RURAL AGRICULTURE 2*

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.

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This sector does have a high impact on infrastructure, but not to the extent of those properties zoned Rural Agriculture 1. Properties within the Rural Agriculture 2 zone are also considered to have a greater capacity to pay through rates generally being tax deductible and should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

Along with the lesser impact on infrastructure, the sizes of the lots within the Rural Agriculture 2 zone are generally not as large as those within the Rural Agriculture 1 zone, therefore it is recognised that the capacity to pay is slightly lower for those in the Rural Agriculture 2 zone.

As outlined in the Rural Agriculture 1 differential rating category above, it is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has determined that the market conditions do not fluctuate as considerably as those in the Rural Agriculture 1 zone and therefore it will retain a separate rating differential category for land that is within the Rural Agriculture 2 zone.

Rate in the dollar is 0.6278 cents. Minimum payment is $1,034.00.

10. UV – MINING

A differential rate is applied to UV valued land located outside the gazetted town site which is used primarily for mining purposes.

The mining sector activities require a greater level of non-exclusive services than pastoral activities in the same location and their impact on the community is of a much greater intensity, particularly given the haulage of heavy machinery through the town and its impact on associated infrastructure and the provision of rest/truck parking areas. The sector is considered to have a greater capacity to pay through rates generally being tax deductible, and therefore the sector should contribute to a greater share of the costs of providing infrastructure across the Shire.

Many of the mining tenements have very small values. In order to not only achieve compliance in relation to the number of properties on minimum payments, but to ensure that the minimum payment is reflective of the overall cost of providing services to the community a higher rate in the dollar is imposed.

Rate in the dollar is 25.7167 cents. Minimum payment is $830.00.

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11. UV – OTHER

A differential rate is applied to UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, or Mining to ensure that all property owners contribute to the provision of services, facilities and infrastructure.

Rate in the dollar is 0.6006 cents. Minimum payment is $1,034.00.

GOVERNANCE REFERENCES

Statutory Compliance	*Local Government Act, Part 6, Division 6, Subdivision 1 – Introduction and basis of rating*
Industry Compliance	*Department of Local Government Rating Policies*
Organisational Compliance	*Delegations*
Process Links	*1. Annual Budget Process* *2. Council Policy: Rates Exemptions for Charitable Organisations (Non Rateable Land)* *3. Council Policy: Rates Concessions (Rateable Land)*

POLICY ADMINISTRATION

Directorate		**Officer Title**			**Contact:**
Corporate Services		*Director Corporate Services*			Ext: 121
Date Effective	01/07/2014	**CEO Approved**			
Date Adopted	20/04/2010	**Last Reviewed**		13/05/2014	
Risk Rating	Medium	**Review Cycle**	Annual	**Next Due**	13/05/2015

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 SPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
COMMERCIAL																	
Amusement Parlour	P	AA	AA	X	X	X	AA	X	X	X	X	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.	PREDOMINANT USES TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.	X	GRV Commercial
Art and Craft Centre	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP				GRV Commercial
Art Gallery	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP			IP	GRV Commercial
Bakery - Retail	P	SA	SA	X	X	AA	P	X	SA	X	X	X	X			X	GRV Commercial
Bakery - Wholesale	X	X	X	X	X	P	P	X	SA	X	X	X	X			X	GRV Commercial
Bed and Breakfast	AA	X	P	SA	SA	X	X	X	X	IP	IP	IP	AA			IP	GRV Commercial
Boarding House	P	X	P	SA	AA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Brewery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial
Cabin	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Car Park	P	P	P	AA	AA	IP	IP	IP	IP	IP	IP	X	X			X	GRV Commercial
Caravan Park	P	X	AA	X	X	X	SA	SA	X	X	X	X	X			X	GRV Commercial
Camping Ground	SA	X	SA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Chalet	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Convenience Store	P	P	P	X	X	AA	AA	IP	X	X	X	X	X			X	GRV Commercial
Drive-In Theatre	AA	X	SA	X	X	AA	X	X	X	X	X	X	X			X	GRV Commercial
Dry Cleaning Premises	P	X	X	X	X	P	AA	X	X	X	X	X	X			X	GRV Commercial
Farm Stay	X	X	X	X	X	X	X	X	X	IP	IP	IP	SA			IP	GRV Commercial
Farm Supply Centre	X	X	X	X	X	P	P	P	SA	X	X	X	X			X	GRV Commercial
Fast Food Outlet	P	P	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Funeral Parlour	AA	X	X	X	X	AA	SA	X	X	X	X	X	X			X	GRV Commercial
Garden Centre	P	AA	X	X	X	P	P	AA	AA	AA	AA	AA	AA			AA	GRV Commercial
Health Studio	P	AA	AA	X	X	SA	AA	X	X	X	X	X	X			X	GRV Commercial
Home Business	X	X	X	X	X	X	X	X	AA	AA	AA	AA	AA			AA	GRV Commercial
Home Occupation	P	X	X	P	P	X	X	X	AA	P	P	P	P			P	GRV Commercial
Hotel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Laundromat	P	P	AA	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Lunch Bar	P	P	P	X	X	AA	P	AA	SA	X	X	X	X			X	GRV Commercial
Marine Filling Station	X	X	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Market	P	SA	X	X	X	AA	AA	AA	AA	AA	X	X	X			X	GRV Commercial
Motel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle/Marine Sales Premises	P	X	X	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle Hire	P	X	P	X	X	P	P	X	AA	X	X	X	X			X	GRV Commercial
Motor Vehicle Wash Station	SA	X	SA	X	X	SA	SA	SA	SA	X	X	X	X			X	GRV Commercial
Museum	P	X	AA	X	X	X	X	X	X	IP	X	X	X				GRV Commercial
Night Club	AA	X	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Office	P	P	IP	X	X	IP	AA	IP	IP	IP	IP	IP	IP			IP	GRV Commercial
Plant Nursery	AA	AA	X	X	X	P	P	AA	AA	IP	IP	IP	X			AA	GRV Commercial
Reception Centre	P	X	AA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Restricted Premises	SA	SA	X	X	X	SA	SA	X	X	X	X	X	X			X	GRV Commercial
Restaurant	P	P	P	X	X	X	AA	X	X	SA	SA	SA	X			X	GRV Commercial
Road House	SA	SA	SA	X	X	AA	AA	SA	SA	X	X	X	X			X	GRV Commercial
Service Station	X	X	X	X	X	P	P	SA	SA	X	X	X	X			X	GRV Commercial
Shop	P	P	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Showroom	P	X	X	X	X	P	P	SA	AA	X	X	X	X			X	GRV Commercial
Tavern	P	X	SA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Tourist Accommodation	P	X	P	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Warehouse	AA	X	X	X	X	P	AA	SA	AA	X	X	X	X			X	GRV Commercial
Wayside Stall	X	X	X	X	X	X	X	AA	AA	IP	IP	IP	AA			X	GRV Commercial
Winery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 SPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
RESIDENTIAL																	
Aged & Dependent Persons Dwelling	AA	X	X	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Caretaker's Dwelling	IP	IP	IP	X	X	IP*	IP	IP	AA	IP	IP	IP	X			X	Ancillary Use. Refer to the predominant use of the land for alignment.
Community Home	AA	X	X	P	P	P	X	X	X	X	X	X	X			X	GRV Residential
Grouped Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Multiple Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Residential Building	AA	X	SA	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Residential
Single Dwelling	X	X	X	P	P	X	X	X	AA	P	P	P	P			P	GRV Residential
Transient Accommodation	X	X	AA	X	X	SA	SA	X	AA	AA	AA	AA	X			X	GRV Commercial
INSTITUTIONAL																	
Civic Building	P	AA	X	SA	SA	SA	SA	X	SA	X	X	AA	AA			AA	GRV Commercial
Club Premises	P	AA	SA	X	X	X	AA	X	X	X	X	X	X			X	GRV Commercial
Community Service Depot	AA	X	X	AA	AA	P	P	AA	AA	AA	AA	AA	AA			AA	GRV Commercial
Consulting Rooms	P	P	X	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Day Care Centre	P	AA	X	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Detention Centre	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Commercial
Education Establishment	P	AA	X	SA	SA	AA	AA	X	X	AA	AA	AA	X			X	GRV Commercial
Hospital	P	X	X	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Kennels/Catery	X	X	X	X	X	SA	SA	AA	X	SA	SA	SA	X			X	GRV Commercial
Kindergarten	AA	AA	X	SA	SA	X	X	X	X	X	X	X	X			X	GRV Commercial
Medical Centre	P	P	X	SA	SA	X	P	X	X	X	X	X	X			X	GRV Commercial
Public Amusement	P	AA	AA	X	X	X	SA	X	SA	X	X	X	X			X	GRV Commercial
Public Worship	P	X	X	SA	SA	X	X	X	X	X	X	X	X			X	GRV Commercial
Radio & TV Installation	SA	AA	X	SA	SA	AA	AA	AA	X	AA	AA	AA	X			X	GRV Commercial
Veterinary Consulting Room or Hospital	AA	X	X	X	X	AA	AA	AA	X	X	X	X	X			X	GRV Commercial
INDUSTRIAL																	
Abbattoir	X	X	X	X	X	X	X	SA	X	AA	SA	X	X			X	GRV Industrial
Boat Building Facility	X	X	X	X	X	P	SA	X	AA	X	X	X	X			X	GRV Industrial
Factory Units	X	X	X	X	X	P	P	AA	AA	X	X	X	X			X	GRV Industrial
Fuel Depot	X	X	X	X	X	AA	AA	AA	AA	X	X	X	X			X	GRV Industrial
Industry: General	X	X	X	X	X	AA	AA	X	X	X	X	X	X			X	GRV Industrial
Light	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	GRV Industrial
Service	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	GRV Industrial
Extractive	X	X	X	X	X	X	X	SA	X	AA	AA	X	X			X	GRV Industrial
Hazardous	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Industrial
Noxious	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Industrial
Cottage	AA	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	SA	SA			SA	GRV Industrial
Rural	X	X	X	X	X	X	X	P	AA	P	SA	SA	X			X	GRV Industrial
Motor Vehicle Repair	AA	AA	X	X	X	P	P	AA	AA	X	X	X	X			X	GRV Industrial
Motor Wrecking	X	X	X	X	X	AA	X	X	X	X	X	X	X			X	GRV Industrial
Salvage Yard	X	X	X	X	X	AA	X	X	X	X	X	X	X			X	GRV Industrial
Transport Depot	X	X	X	X	X	AA	X	AA	AA	X	SA	X	X			X	GRV Industrial
RURAL																	
Airfield	X	X	X	X	X	X	X	X	X	AA	AA	X	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Aquaculture	X	X	X	X	X	SA	X	AA	X	SA	SA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Equestrian Centre	X	X	X	X	X	X	X	X	X	P	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Intensive Agriculture	X	X	X	X	X	X	X	X	X	P	P	P	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Milk Depot	X	X	X	X	X	AA	P	P	X	AA	SA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

REDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 PSPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
Piggery	X	X	X	X	X	X	X	X	X	AA	AA	X	X		PREDOMINANT USES	X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Poultry Farming	X	X	X	X	X	X	X	SA	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	AA	AA	X	X	X	AA	X	X	X	X	X	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P	P	P	P	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Rural Pursuit	X	X	X	X	X	X	X	X	X	P	P	P	SA			SA	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	X	X	X	X	AA	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Zoological Gardens	X	X	X	X	X	X	X	X	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
COMMERCIAL								
Amusement Facility	AA	X	X	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.	PREDOMINANT USES TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.	GRV Commercial
Car Park	P	AA	P	AA	AA			GRV Commercial
Dry Cleaning Premises	AA	X	P	X	X			GRV Commercial
Fast Food Outlet	P	X	X	X	X			GRV Commercial
Funeral Parlour	SA	X	AA	X	X			GRV Commercial
Health Studio	AA	X	AA	X	X			GRV Commercial
Home Occupation	AA	AA	AA	AA	AA			GRV Commercial
Hotel	AA	X	X	X	X			GRV Commercial
Laundromat	AA	X	P	X	X			GRV Commercial
Motel	AA	X	X	X	X			GRV Commercial
Motor Vehicle or Marine Sales Premises	AA	X	X	X	X			GRV Commercial
Motor Vehicle Hire	AA	X	P	X	X			GRV Commercial
Night Club	AA	X	P	X	X			GRV Commercial
Office	P	AA	IP	IP	IP			GRV Commercial
Office - Professional	P	X	X	X	X			GRV Commercial
Reception Centre	P	X	X	X	X			GRV Commercial
Restricted Premises	AA	X	AA	X	X			GRV Commercial
Restaurant	P	X	X	X	X			GRV Commercial
Service Station	SA	X	AA	X	X			GRV Commercial
Shop	P	SA	AA	X	X			GRV Commercial
Showroom	P	X	P	X	X			GRV Commercial
Tavern	AA	X	X	X	X			GRV Commercial
Warehouse	AA	X	P	X	X			GRV Commercial

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
RESIDENTIAL								
Aged & Dependent Persons Dwelling	AA	AA	X	X	X			GRV Residential
Caretaker's Dwelling	IP	X	IP	IP	IP			Ancillary Use. Refer to the predominant use of the land for alignment.
Grouped Dwelling	P	AA	X	X	X			GRV Residential
Multiple Dwelling	P	AA	X	X	X			GRV Residential
Residential Building	AA	AA	X	X	X			GRV Residential
Single House	AA	P	X	P	P			GRV Residential
COMMUNITY								
Civic Building	P	AA	X	X	X			GRV Commercial
Club Premises	AA	X	SA	AA	AA			GRV Commercial
Consulting Rooms	P	SA	SA	AA	X			GRV Commercial
Day Care Centre	P	SA	X	SA	X			GRV Commercial
Educational Establishment	P	X	AA	X	X			GRV Commercial
Fire Brigade Depot	P	X	P	P	X			GRV Commercial
Hospital	SA	SA	X	X	X			GRV Commercial
Kennels/Cattery	X	X	AA	SA	SA			GRV Commercial
Kindergarten	P	SA	X	X	X			GRV Commercial
Medical Centre	P	SA	X	X	X			GRV Commercial
Public Utility	P	P	P	P	P			GRV Commercial
Public Worship	P	SA	X	X	X			GRV Commercial
Radio & TV Installation	SA	P	AA	AA	AA			GRV Commercial
Veterinary Consulting Room or Hospital	SA	X	AA	X	AA			GRV Commercial
INDUSTRIAL								
Fuel Depot	X	X	P	X	X			GRV Industrial
Industry: General	X	X	P	X	X			GRV Industrial
Light	SA	X	P	X	X			GRV Industrial
Service	SA	X	P	X	X			GRV Industrial
Extractive	X	X	X	X	SA			GRV Industrial
Hazardous	X	X	SA	X	X			GRV Industrial
Cottage	AA	AA	AA	AA	AA			GRV Industrial
Motor Vehicle Repair	SA	X	P	X	X			GRV Industrial
Motor Wrecking	X	X	AA	X	X			GRV Industrial
Salvage Yard	X	X	P	X	X			GRV Industrial
Transport Depot	X	X	P	X	X			GRV Industrial
RECREATION								
Equestrian Centre	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	X	SA	AA	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

T USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

D TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
Public Amusement	AA	P	X	P	P	PREDOMINANT	PREDOMINANT USES TO BE LIMITE	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
RURAL								
Rural Pursuit	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	P	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

SHIRE of WYNDHAM | EAST KIMBERLEY

POLICY NO	**CP-FIN 3200**	
POLICY	**Strategic Rating Policy**	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 02/09/2014	Resolution No: 10528
REVIEWED/MODIFIED	Date: 28/08/2015	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: August 2016	
LEGISLATION	*Local Government Act 1995 – Sections 6.26, 6.28, 6.33, 6.35* *Valuation of Land Act 1978*	
RELATED POLICIES	1. Town Planning Scheme No. 7 Kununurra and Environs; 2. Town Planning Scheme No. 6 Wyndham Townsite 3. CP FIN-3208 Rates Exemptions for Charitable Organisations Policy (Non Rateable Land) 4. CP FIN-3209 Rates Concession Policy (Rateable Land) 5. CP FIN-3212 Rates and Charges Debt Collection Policy	
RELATED PROCEDURES	N/A	

PURPOSE:

The purpose of this Policy is to outline the Council's principles and methodology when exercising the Council's discretionary powers to determine the level and structure of rates levied under the *Local Government Act 1995*.

DEFINITIONS:

Gross Rental Value of land means the gross annual rental that the land might reasonably be expected to realize if let on a tenancy from year to year upon condition that the landlord were liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land…with further provisions outlined in the *Valuation of Land Act 1978*.

Land means lands, tenements and hereditaments, and any improvements to land, and includes any interest in land.

Merged Improvements means any works in the nature of draining, filling, excavation, grading or levelling of the land, retaining walls or other structures or works for that purpose, the removal of rocks, stone or soil, and the clearing of timber, scrub or other vegetation.

Unimproved Value for land situated within a townsite is the site value of the land. In general this means the value of the land as if it were vacant with no improvements except merged improvements. For land outside a townsite it is valued as if it had no improvements. In this case the land is valued as though it remains in its original, natural state, although any land degradation is taken into account. Please refer to the *Valuation of Land Act 1978* for further criteria used when assessing unimproved values of land.

Vacant Land means land on which there are no improvements other than merged improvements.

POLICY STATEMENTS:

The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to ratepayers and compliant with current legislation.

The Council aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities.

In determining rates, the Council gives primary consideration to its strategic directions, budget considerations, the current economic climate, other external factors and likely impacts upon the community.

The *Local Government Act 1995* provides the Council with defined discretionary powers to levy rates and require contributions from the community for the provision of services to the district.

The rating principles outlined within this Policy are to apply to all rateable land within the Shire of Wyndham East Kimberley.

The Council will consider the following principles (not necessarily listed in priority order) when developing, maintaining and applying its rating methodology:

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

1. EQUITY

Equity is the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community. A differential rating structure can assist in achieving an equitable imposition of rates and charges. The equity principle includes consideration of property wealth tax, user benefit and capacity to pay principles.

a. Property Wealth Tax

The Council is limited to taxing one component of wealth, being real property. The wealth tax principle implies that rates paid are dependent upon the value of a ratepayer's real property and does not necessarily have any correlation to the individual ratepayer's consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates. Some moderation of the effect of property value on the level of rates paid through differential rates may be required to make the rating system more equitable.

b. User Benefit

Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs or constructing or repairing long lengths of local roads to service a small number of properties. It is

therefore recognised that the services provided by the Shire benefit the community as a whole.

c. *Capacity to Pay*
The relativity of rates paid by each property category is to be considered in relation to their respective capacity to pay. Ratepayers with higher value properties generally have a higher wealth and a greater capacity to pay. However, as rates are levied on unrealised wealth in the form of real property their nexus with ratepayer's capacity to pay may be more tenuous. The Council acknowledges that property rates do not recognise that individual ratepayers within a rating category can be "asset rich" and "income poor". While income and goods and services taxes are more reflective of capacity to pay, it is not possible to expect a property rating system to deal practically with all aspects of capacity to pay based on individual households and businesses.

Rating instruments such as differential rates are available to reflect the differing capacity of classes to pay. For example, higher differential rates may reflect the ability of a class of property to obtain concessions from the tax deductibility of rates or the income producing capacity of the class of property.

2. INCENTIVE

Rate setting objectives may be used to support the Council's social, environmental, or economic goals as part of a longer term strategy within the Strategic Community Plan. For example, rates can be altered to encourage business activity, the development of vacant land or environmentally sustainable improvements in order to achieve "Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure" as outlined in Goal 2 of the Strategic Community Plan 2012 2022.

3. ADMINISTRATIVE EFFICIENCY

The Council will endeavour to establish a rating system that:-

a. Promotes simplicity, transparency and understanding; and

b. Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and

c. Reduces complexity; and

d. Is open to scrutiny.

4. COMPLIANCE

The Council will apply its discretionary powers in compliance with the Local Government Act 1995 and associated regulations, while seeking to maximise rate revenue within the adopted rating framework.

5. SUSTAINABILITY

The Council will make decisions that support the financial strategies for the delivery of infrastructure and services identified in the Strategic Community Plan and underpinned by the Long Term Financial Plan, the Asset Management Strategy and other informing plans and strategies.

APPLICATION OF PRINCIPLES

1. APPLICATION OF THE EQUITY PRINCIPLE

1.1. Differential Rating

The Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these.

1.1.1. Alignment with Town Planning Scheme No. 7 Kununurra and Environs, and Town Planning Scheme No. 6 Wyndham Townsite

As far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property. This will be done in a manner whereby the community will be able to understand how and why a particular determination has been made and will therefore utilise the Town Planning Scheme No.7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for the Wyndham Townsite (TPS6).

Where the zoning and land uses are amended in either Town Planning Schemes, or TPS7 or TPS6 are superseded, then this Policy will be reviewed, and the new zones and land uses will be considered when amending the rating system for the following financial year.

The symbols used in the cross reference in the Zoning Table (Appendix A) have the following meanings as defined in TPS7 and TPS6:

'P' means that the use is permitted provided it complies with the relevant standard and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Approval;

'IP' means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 11.2 of TPS7 and Clause 10.2 of TPS6;

'X' means a use that is not permitted by the Scheme.

While Appendix A may indicate that a particular land use is not permitted in a particular zone by the Scheme, this Policy, as in both of the Town Planning Schemes, recognises non-conforming use rights whereby the rating differential category would be considered to be that applicable if the land use was permitted within the particular zone.

Where the land is being predominantly used for a purpose that is not specifically mentioned in the Zoning Table, the Shire will attempt to align it to a land use that is mentioned.

Any land listed as a Special Site in either TPS7 or TPS6 will be aligned to the rating category that best defines its predominant use. For example, any land within the Airport Special Site Zone will be deemed to be operating commercially, and therefore be GRV Commercial rated.

Where the predominant use of the land is for non-rural purposes, the Council will seek to have the land valued on a GRV basis. Where the predominant use of land is for rural purposes, the Council will seek to have the land valued on a UV basis.

1.1.2. Spot Rating

The Council may seek Ministerial approval for a spot valuation where there are a number of lots within a valuation area that are used for purposes that are inconsistent with the predominant use of land within that valuation area. For example, in a predominantly rural area valued on UV, there are a number of non-rural uses including service stations, road houses, tourist accommodation and small, commercial or industrial operations. The Council may, depending on the circumstances, seek Ministerial approval to apply a GRV to these properties.

The Council has determined that spot valuations can be effective in promoting rating equity by ensuring that properties with similar uses are rated on the same method of valuation regardless of their location within the district. However, the Council also recognises that they can be more labour intensive and less administratively efficient than other options, therefore each will be considered on a case by case basis.

1.1.3. Split Rating

Split rating non-rural uses on unimproved land is also permitted which effectively isolates the non-rural use from the remainder of the property, whereby one land parcel would reflect the rural use and the other land parcel would reflect the non-rural use. Council has determined not to implement split rating at this stage based on the cost of its implementation and ongoing administration.

1.2. Specified Area Rate

The Council is able to impose a Specified Area Rate to meet the cost of undertaking specific work, providing a service or facility if the Council considers that the ratepayers or residents within that area will:

- Have benefited or will benefit from; or
- Have access to or will have access to; or
- Have contributed or will contribute to the need for,

that work, service or facility.

The Council will consider its options to set a Specified Area Rates, if appropriate, when developing its Rating Strategy.

1.3. Interim Rating

Subject to section 6.28 of the *Local Government Act 1995* and in respect of valuations supplied by the Valuer-General for the purpose of interim valuations, the Shire of Wyndham East Kimberley will back rate or refund rates to property owners where ownership:

- Has not changed in a prior financial year to the effective date of the change as determined by the Valuer-General; or
- Has changed in a prior financial year, to the date of change of ownership.

For the purposes of this Policy, a change in ownership does not occur where there is a change in the structure of a body corporate (including name change) resulting in the change having no effect on altering the effectual control of the company.

1.4. Minimum Payments

The Council will establish and maintain a minimum payment structure to ensure all ratepayers contribute a minimum amount regardless of their property value.

The Council accepts that the adoption of a minimum payment amount is an adjustment to the blanket application of the equity principle. This adjustment is made to ensure property owners make a reasonable contribution to the non-exclusive services, facilities and infrastructure provided for the benefit of the whole district.

The exception to this statement applies to those properties classified as UV Mining Vacant on the basis that both the rate in the dollar and the minimum payment reflects a similar methodology as that applied in the *Valuation of Land Act 1978* when determining the unimproved valuations.

1.5. Rates Exemptions

The Council's *CP FIN-3208 Rates Exemptions for Charitable Organisations Policy (Non Rateable Land)* provides an administrative framework for assessing any application for properties to be classified as non-rateable land on the grounds of being used for charitable purposes in accordance with section 6.26 of the *Local Government Act 1995*. Such organisations are to make application in accordance with the application form and guidelines attached to the Policy. The properties will be reviewed every two years for continued eligibility.

1.6. Rates Concessions

The Councils' *CP FIN-3209 Rates Concessions Policy (Rateable Land)* provides an administrative framework for assessing any application requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land in accordance with Council's discretionary powers provided by section 6.47 of the *Local Government Act 1995*.

Any rates waivers or concessions will be approved for two financial years and considered during the annual budget process. The Council will re-consider rates concessions every two years.

1.7. Rates Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, the Shire in accordance with the *Local Government Act 1995* and Regulations, does not offer a discount for the early payment of any rate or charge.

1.8. Payment Options

The Council will offer three rate payment options as follows:

a. Payment in full 35 days after the date of service appearing on the rate notice; or

b. Two instalments; or

c. Four instalments.

There will be an administrative charge per instalment associated with the establishment and administering the instalment payment option, along with an interest charge to reflect the lost interest from investment opportunities that are not available due to the length of time taken to collect the payment.

1.9. Interest on Overdue Rates and Service Charges

Rates and service charges not paid in accordance with the three payment options will be subject to an overdue interest rate set by the Council in accordance with the *Local Government Act 1995*.

2. APPLICATION OF THE INCENTIVE PRINCIPLE

The Council will provide an incentive through a reduced rate in the dollar for GRV valued land that is improved in comparison to land that remains undeveloped in order to promote land development and assist in achieving Strategy 2.2.1 of the Strategic Community Plan being to "promote the expansion of residential and industrial land".

3. APPLICATION OF THE EFFICIENCY PRINCIPLE

The Council will provide for changes in:-

- Level of rating; and
- Structure of its rating policy; and
- Application of its discretionary rating powers

in a way that:-

a. Promotes simplicity, transparency and understanding; and

b. Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and

c. Reduces complexity; and

d. Is open to scrutiny.

4. APPLICATION OF THE COMPLIANCE PRINCIPLE

The Council will ensure compliance with the *Local Government Act 1995* and all associated regulations in the establishment of its rating structure and rating model.

5.

APPLICATION OF THE SUSTAINABILITY PRINCIPLE

The Council will consider the four pillars of financial sustainability in the establishment of its rating structure and associated model:

a. Strategic and Financial Planning;

b. Income Diversification;

c. Sound Administration and Finance;

d. Own Income Generation.

OBJECTS OF AND REASONS FOR DIFFERENTIAL RATES

1. GRV – RESIDENTIAL

A differential rate is applied to GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation, and as outlined in Appendix A.

The GRV differential rate for Residential will be the "base rate" from which all other differential rates that hold a GRV value will be calculated, recognising a 4.93% increase from 2014/15.

Rate in the dollar is 9.2992 cents. Minimum payment is $1,085.00.

2. GRV – OTHER VACANT

A differential rate is applied to GRV valued land within the town site which is deemed to be vacant land (unimproved land).

Vacant land is defined in accordance with the *Valuation of Land Act 1978*, and outlined in the definitions section of this Policy.

Where the definitions are amended in the *Valuation of Land Act 1978*, those amendments will prevail. If the *Valuation of Land Act 1978* is superseded, then similar terms in the new Act will prevail (in accordance with any amendments to the *Local Government Act 1995*).

The vacant land differential is set to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of the Council particularly as there is a different method used for the valuation of vacant land.

It is also to signify that the Council prefers land to be developed. The encouragement of development is strategically important as it has a positive effect on local employment, economic diversity and further community returns from investment in the region.

A multiplier of 1.5 times the base rate in the dollar will be applied.

Rate in the dollar is 13.9488 cents. Minimum payment is $1,085.00.

3. GRV – COMMERCIAL

A differential rate is applied to GRV valued land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A.

The commercial sector generates high pedestrian and traffic volumes resulting in a greater impact on the provision of services, facilities and infrastructure, and is also considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with economic development and marketing programs which assist and facilitate economic growth in the region; road construction; maintenance and refurbishment including road drainage systems; roadside sweeping; landscaping; verge maintenance and street lighting.

In recognising the greater impact on infrastructure, facilities and services, the Council will establish the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase this each year thereafter, to be capped at 2 times the base rate over a 5 year period. The 2015/16 financial year will be year 2 of this transition and the Council has established the rate in the dollar at 1.3 times the base rate.

Rate in the dollar is 12.0890 cents. Minimum payment is $1,085.00.

4. GRV – INDUSTRIAL

A differential rate is applied to GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A.

This sector generates high traffic volumes with heavy loads and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems.

In recognising the greater impact on infrastructure in particular, the Council will recognise the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase each year thereafter, to be capped at no more than 1.7 times the base rate over a 5 year period. The 2015/16 financial year will be year 2 of this transition and the Council has established the rate in the dollar at 1.2 times the base rate.

Rate in the dollar is 11.1590 cents. Minimum payment is $1,085.00.

5. UV – RURAL RESIDENTIAL

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

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

a. Providing for those people wishing to reside on a small rural holding (as in the case of a Rural Living Zone in TPS7); or

b. Providing for those people wishing to reside on rural lifestyle lots (as in the case of the Rural Smallholding Zone in TPS7); or

c. Providing for those people wishing to reside on a small rural holding (as in the case of the Special Rural Zone in TPS6).

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

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

Rate in the dollar is 0.9795 cents. Minimum payment is $1,085.00.

6. UV – PASTORAL

A differential rate is applied to UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

Pastoral purposes have the same meaning as defined in the *Land Administration Act 1997* which states:-

"pastoral purposes" means the purposes of -

(a) the commercial grazing of authorised stock; and

(b) agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and

(c) activities ancillary to the activities mentioned in paragraphs (a) and (b).

Due to the valuation being based generally on a lease value, the result is a low valuation over an extensive land area. The sector generates high traffic volumes with heavy loads and has the highest impact on the road infrastructure in particular. While it is considered to have a greater capacity to pay through rates generally being tax deductable, the Council also recognises that because of the higher impact on infrastructure that this sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment.

Rate in the dollar is 5.3057 cents. Minimum payment is $1,085.00.

7. UV – COMMERCIAL/INDUSTRIAL

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

This sector generates high traffic volumes, and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required, along with other costs associated with marketing and economic development.

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

Rate in the dollar is 0.6719 cents. Minimum payment is $1,085.00.

8. UV – RURAL AGRICULTURE 1

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.

It is recognised that this sector has a greater impact on the road infrastructure with the heavy loads that it generates, and also that it has a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

This differential rating category will also be utilised for land where the land meets the objectives outlined above, but is based on a percentage of the overall lot size for which the other portion of the lot is non rateable land.

It is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has also recognised that the fluctuations in market conditions for land in the Rural Agriculture 1 zone can be significant and therefore a separate rating differential category will be retained for land that is within the Rural Agriculture 1 or General Rural zones.

Rate in the dollar is 0.9502 cents. Minimum payment is $1,085.00.

9. UV – RURAL AGRICULTURE 2

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.

This sector does have a high impact on infrastructure, but not to the extent of those properties zoned Rural Agriculture 1. Properties within the Rural Agriculture 2 zone are also considered to have a greater capacity to pay through rates generally being tax deductible and should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

Along with the lesser impact on infrastructure, the sizes of the lots within the Rural Agriculture 2 zone are generally not as large as those within the Rural Agriculture 1 zone, therefore it is recognised that the capacity to pay is slightly lower for those in the Rural Agriculture 2 zone.

As outlined in the Rural Agriculture 1 differential rating category above, it is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has determined that the market conditions do not fluctuate as considerably as those in the Rural Agriculture 1 zone and therefore it will retain a separate rating differential category for land that is within the Rural Agriculture 2 zone.

Rate in the dollar is 0.9502 cents. Minimum payment is $1,085.00.

10. UV – MINING

A differential rate is applied to UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses mining leases, petroleum exploration permits and general purpose mining leases.

The mining sector activities require a greater level of non-exclusive services than pastoral activities in the same location and their impact on the community is of a much greater intensity, particularly given the haulage of heavy machinery through the town and its impact on associated infrastructure and the provision of rest/truck parking areas. The sector is considered to have a greater capacity to pay through rates generally being tax deductible, and therefore the sector should contribute to a greater share of the costs of providing infrastructure across the Shire.

Many of the mining tenements have very small values. In order to not only achieve compliance in relation to the number of properties on minimum payments, but to ensure that the minimum payment is reflective of the overall cost of providing services to the community a higher rate in the dollar is imposed.

Rate in the dollar is 27.5246 cents. Minimum payment is $1,085.00.

10. UV – MINING VACANT

A differential rate is applied to UV valued land located outside the gazetted town site which is used primarily for mining purposes and encompasses exploration and prospecting licences.

Exploration and prospecting licences are considered to have a minimal impact on the cost of providing services, facilities and infrastructure across the Shire and could be considered to be vacant land and only when minerals are discovered is it anticipated that the property holder would seek to convert the property into a mining lease.

Many of the mining tenements for exploration and prospecting have very small values and with exploration licences, it is understood that there is a requirement for the licence holder to return half of the land back to the State each year, however there is no such requirement for prospecting licences. In order to ensure that there is some equity in the application of the rate in the dollar to these licences, a 50% reduction in comparison to the UV Mining rate in the dollar has been applied.

Rate in the dollar is 13.7623 cents. Minimum payment is $543.00.

11. UV – OTHER

A differential rate is applied to UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Commercial/Industrial, Rural Agriculture 1, Rural Agriculture 2, Mining or Mining Vacant to ensure that all property owners contribute to the provision of services, facilities and infrastructure.

Rate in the dollar is 0.6302 cents. Minimum payment is $1,085.00.

EXPLANATORY NOTES:

BACKGROUND

This Policy has been developed within the context of the Shire of Wyndham East Kimberley's Strategic Community Plan and Corporate Business Plan. In setting rates, the Council considers the long term vision for the Shire, strategic directions, financial sustainability and the likely impacts on the community.

Rates are based on property values and are therefore a property tax. Under the *Valuation of Land Act 1978*, the Valuer-General must maintain valuation rolls of rateable and taxable land throughout Western Australia. These rolls are periodically provided to the Shire for rating purposes. On behalf of the Valuer-General, Property & Valuations Services, Landgate (the Western Australian Land Information Authority), conducts general valuations (revaluations) and makes interim valuations as required.

The types of values made are:
1. Unimproved Value (UV), and
2. Gross Rental Value (GRV).

The unimproved value and gross rental value are defined within the *Valuation of Land Act 1978* and have been outlined in the definitions section of this Policy.

The Shire has no role in the process of determining the valuations attributed to each property. All land within the Shire is rateable except for land specifically exempt under section 6.26 of the *Local Government Act 1995* as outlined above and the Council's *CP FIN-3208 Rates Exemption Policy for Charitable Organisations (Non-Rateable Land)*.

The Council determines the amount of revenue required from rates collections each year to meet its financial, strategic, operational and statutory responsibilities for the coming financial year.

Valuations are not the sole factor in determining the rates income of the Shire, and as a result, valuations increases or decreases to not necessarily cause a rate rise or reduction.

SCOPE AND LIMITATIONS

The *Local Government Act 1995* provides the Council with defined discretionary powers to levy rates and require contributions from the community for the provision of services to the district.

The rating principles outlined within this Policy are to apply to all rateable land within the Shire of Wyndham East Kimberley.

The applicable legislation in reference to limitations is section 6.26 of the *Local Government Act 1995* which outlines land that is not rateable, and is therefore exempt from rates section 6.26 states:-

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) *is being used or held for a public purpose; or*

(ii) *is unoccupied, except —*

(I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*

(II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

and

(b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*

(c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*

(d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*

(e) *land used exclusively by a religious body as a school for the religious instruction of children; and*

(f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*

(g) *land used exclusively for charitable purposes; and*

(h) *land vested in trustees for agricultural or horticultural show purposes; and*

(i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*

(j) *land which is exempt from rates under any other written law; and*

(k) *land which is declared by the Minister to be exempt from rates.*

(3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*

(4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*

(5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

In determining the methodology of how rates will be applied, the Council is to consider the basis of rates in accordance with section 6.28 of the *Local Government Act 1995* which states:

6.28. Basis of rates

(1) The Minister is to —

(a) determine the method of valuation of land to be used by a local government as the basis for a rate; and

(b) publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

(a) where the land is used predominantly for rural purposes, the unimproved value of the land; and

(b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

(3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

(4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.

(5) Where during a financial year —

(a) an interim valuation is made under the Valuation of Land Act 1978; or

(b) a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or

(c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,

the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

In determining the differential general rates, the Council must consider section 6.33 and section 6.35 of the *Local Government Act 1995* which states:

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation [1] is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.35. Minimum payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —

(a) 50% of the total number of separately rated properties in the district; or

(b) 50% of the number of properties in each category referred to in subsection (6),

on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6),

unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

TRANSITIONARY PERIOD

As outlined within the objects of and reasons for differential rates within this Policy, the UV Rural Residential, UV Commercial/Industrial are intended to be transitionary differential rating categories while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is residential, commercial, industrial and/or tourism and the land owners should have been contributing more equitably to these costs.

Council therefore commits to continuously working through this process.

RISK:

Risk: Inability to fund the infrastructure gap.
Control: Develop LTFP to ensure critical assets maintained in Annual Budgets.

Risk: Inability to deliver levels of service expected by the community.
Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.
Control: Review policies and procedures in accordance with review schedule.

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 SPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
COMMERCIAL																	
Amusement Parlour	P	AA	AA	X	X	X	AA	X	X	X	X	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.	PREDOMINANT USES TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.	X	GRV Commercial
Art and Craft Centre	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP				GRV Commercial
Art Gallery	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP			IP	GRV Commercial
Bakery - Retail	P	SA	SA	X	X	AA	P	X	SA	X	X	X	X			X	GRV Commercial
Bakery - Wholesale	X	X	X	X	X	P	P	X	SA	X	X	X	X			X	GRV Commercial
Bed and Breakfast	AA	X	P	SA	SA	X	X	X	X	IP	IP	IP	AA			IP	GRV Commercial
Boarding House	P	X	P	SA	AA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Brewery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial
Cabin	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Car Park	P	P	P	AA	AA	IP	IP	IP	IP	IP	IP	X	X			X	GRV Commercial
Caravan Park	P	X	AA	X	X	X	SA	SA	X	X	X	X	X			X	GRV Commercial
Camping Ground	SA	X	SA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Chalet	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Convenience Store	P	P	P	X	X	AA	AA	IP	X	X	X	X	X			X	GRV Commercial
Drive-In Theatre	AA	X	SA	X	X	AA	X	X	X	X	X	X	X			X	GRV Commercial
Dry Cleaning Premises	P	X	X	X	X	P	AA	X	X	X	X	X	X			X	GRV Commercial
Farm Stay	X	X	X	X	X	X	X	X	X	IP	IP	IP	SA			IP	GRV Commercial
Farm Supply Centre	X	X	X	X	X	P	P	P	SA	X	X	X	X			X	GRV Commercial
Fast Food Outlet	P	P	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Funeral Parlour	AA	X	X	X	X	AA	SA	X	X	X	X	X	X			X	GRV Commercial
Garden Centre	P	AA	X	X	X	P	P	AA	AA	AA	AA	AA	AA			AA	GRV Commercial
Health Studio	P	AA	AA	X	X	SA	AA	X	X	X	X	X	X			X	GRV Commercial
Home Business	X	X	X	X	X	X	X	X	AA	AA	AA	AA	AA			AA	GRV Commercial
Home Occupation	P	X	X	P	P	X	X	X	AA	P	P	P	P			P	GRV Commercial
Hotel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Laundromat	P	P	AA	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Lunch Bar	P	P	P	X	X	AA	P	AA	SA	X	X	X	X			X	GRV Commercial
Marine Filling Station	X	X	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Market	P	SA	X	X	X	AA	AA	AA	AA	AA	X	X	X			X	GRV Commercial
Motel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle/Marine Sales Premises	P	X	X	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle Hire	P	X	P	X	X	P	P	X	AA	X	X	X	X			X	GRV Commercial
Motor Vehicle Wash Station	SA	X	SA	X	X	SA	SA	SA	SA	X	X	X	X			X	GRV Commercial
Museum	P	X	AA	X	X	X	X	X	X	IP	X	X	X				GRV Commercial
Night Club	AA	X	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Office	P	P	IP	X	X	IP	AA	IP	IP	IP	IP	IP	IP			IP	GRV Commercial
Plant Nursery	AA	AA	X	X	X	P	P	AA	AA	IP	IP	IP	X			AA	GRV Commercial
Reception Centre	P	X	AA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Restricted Premises	SA	SA	X	X	X	SA	SA	X	X	X	X	X	X			X	GRV Commercial
Restaurant	P	P	P	X	X	X	AA	X	X	SA	SA	SA	X			X	GRV Commercial
Road House	SA	SA	SA	X	X	AA	AA	SA	SA	X	X	X	X			X	GRV Commercial
Service Station	X	X	X	X	X	P	P	SA	SA	X	X	X	X			X	GRV Commercial
Shop	P	P	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Showroom	P	X	X	X	X	P	P	SA	AA	X	X	X	X			X	GRV Commercial
Tavern	P	X	SA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Tourist Accommodation	P	X	P	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Warehouse	AA	X	X	X	X	P	AA	SA	AA	X	X	X	X			X	GRV Commercial
Wayside Stall	X	X	X	X	X	X	X	AA	AA	IP	IP	IP	AA			X	GRV Commercial
Winery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 SPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
RESIDENTIAL																	
Aged & Dependent Persons Dwelling	AA	X	X	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Caretaker's Dwelling	IP	IP	IP	X	X	IP*	IP	IP	AA	IP	IP	IP	X			X	Ancillary Use. Refer to the predominant use of the land for alignment.
Community Home	AA	X	X	P	P	P	X	X	X	X	X	X	X			X	GRV Residential
Grouped Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Multiple Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X			X	GRV Residential
Residential Building	AA	X	SA	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Residential
Single Dwelling	X	X	X	P	P	X	X	X	AA	P	P	P	P			P	GRV Residential
Transient Accommodation	X	X	AA	X	X	SA	SA	X	AA	AA	AA	AA	X			X	GRV Commercial
INSTITUTIONAL																	
Civic Building	P	AA	X	SA	SA	SA	SA	X	SA	X	X	AA	AA			AA	GRV Commercial
Club Premises	P	AA	SA	X	X	X	AA	X	X	X	X	X	X			X	GRV Commercial
Community Service Depot	AA	X	X	AA	AA	P	P	AA	AA	AA	AA	AA	AA			AA	GRV Commercial
Consulting Rooms	P	P	X	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Day Care Centre	P	AA	X	SA	SA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Detention Centre	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Commercial
Education Establishment	P	AA	X	SA	SA	AA	AA	X	X	AA	AA	AA	X			X	GRV Commercial
Hospital	P	X	X	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Kennels/Catery	X	X	X	X	X	SA	SA	AA	X	SA	SA	SA	X			X	GRV Commercial
Kindergarten	AA	AA	X	SA	SA	X	X	X	X	X	X	X	X			X	GRV Commercial
Medical Centre	P	P	X	SA	SA	X	P	X	X	X	X	X	X			X	GRV Commercial
Public Amusement	P	AA	AA	X	X	X	SA	X	SA	X	X	X	X			X	GRV Commercial
Public Worship	P	X	X	SA	SA	X	X	X	X	X	X	X	X			X	GRV Commercial
Radio & TV Installation	SA	AA	X	SA	SA	AA	AA	AA	X	AA	AA	AA	X			X	GRV Commercial
Veterinary Consulting Room or Hospital	AA	X	X	X	X	AA	AA	AA	X	X	X	X	X			X	GRV Commercial
INDUSTRIAL																	
Abbattoir	X	X	X	X	X	X	X	SA	X	AA	SA	X	X			X	GRV Industrial
Boat Building Facility	X	X	X	X	X	P	SA	X	AA	X	X	X	X			X	GRV Industrial
Factory Units	X	X	X	X	X	P	P	AA	AA	X	X	X	X			X	GRV Industrial
Fuel Depot	X	X	X	X	X	AA	AA	AA	AA	X	X	X	X			X	GRV Industrial
Industry: General	X	X	X	X	X	AA	AA	X	X	X	X	X	X			X	GRV Industrial
Light	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	GRV Industrial
Service	X	X	X	X	X	P	AA	AA	AA	X	X	X	X			X	GRV Industrial
Extractive	X	X	X	X	X	X	X	SA	X	AA	AA	X	X			X	GRV Industrial
Hazardous	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Industrial
Noxious	X	X	X	X	X	X	X	SA	X	X	X	X	X			X	GRV Industrial
Cottage	AA	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	SA	SA			SA	GRV Industrial
Rural	X	X	X	X	X	X	X	P	AA	P	SA	SA	X			X	GRV Industrial
Motor Vehicle Repair	AA	AA	X	X	X	P	P	AA	AA	X	X	X	X			X	GRV Industrial
Motor Wrecking	X	X	X	X	X	AA	X	X	X	X	X	X	X			X	GRV Industrial
Salvage Yard	X	X	X	X	X	AA	X	X	X	X	X	X	X			X	GRV Industrial
Transport Depot	X	X	X	X	X	AA	X	AA	AA	X	SA	X	X			X	GRV Industrial
RURAL																	
Airfield	X	X	X	X	X	X	X	X	X	AA	AA	X	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Aquaculture	X	X	X	X	X	SA	X	AA	X	SA	SA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Equestrian Centre	X	X	X	X	X	X	X	X	X	P	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Intensive Agriculture	X	X	X	X	X	X	X	X	X	P	P	P	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Milk Depot	X	X	X	X	X	AA	P	P	X	AA	SA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

REDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 PSPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
Piggery	X	X	X	X	X	X	X	X	X	AA	AA	X	X		PREDOMINANT USES	X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Poultry Farming	X	X	X	X	X	X	X	SA	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	AA	AA	X	X	X	AA	X	X	X	X	X	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P	P	P	P	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Rural Pursuit	X	X	X	X	X	X	X	X	X	P	P	P	SA			SA	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	X	X	X	X	AA	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Zoological Gardens	X	X	X	X	X	X	X	X	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
COMMERCIAL								
Amusement Facility	AA	X	X	X	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.	PREDOMINANT USES TO BE LIMITED TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.	GRV Commercial
Car Park	P	AA	P	AA	AA			GRV Commercial
Dry Cleaning Premises	AA	X	P	X	X			GRV Commercial
Fast Food Outlet	P	X	X	X	X			GRV Commercial
Funeral Parlour	SA	X	AA	X	X			GRV Commercial
Health Studio	AA	X	AA	X	X			GRV Commercial
Home Occupation	AA	AA	AA	AA	AA			GRV Commercial
Hotel	AA	X	X	X	X			GRV Commercial
Laundromat	AA	X	P	X	X			GRV Commercial
Motel	AA	X	X	X	X			GRV Commercial
Motor Vehicle or Marine Sales Premises	AA	X	X	X	X			GRV Commercial
Motor Vehicle Hire	AA	X	P	X	X			GRV Commercial
Night Club	AA	X	P	X	X			GRV Commercial
Office	P	AA	IP	IP	IP			GRV Commercial
Office - Professional	P	X	X	X	X			GRV Commercial
Reception Centre	P	X	X	X	X			GRV Commercial
Restricted Premises	AA	X	AA	X	X			GRV Commercial
Restaurant	P	X	X	X	X			GRV Commercial
Service Station	SA	X	AA	X	X			GRV Commercial
Shop	P	SA	AA	X	X			GRV Commercial
Showroom	P	X	P	X	X			GRV Commercial
Tavern	AA	X	X	X	X			GRV Commercial
Warehouse	AA	X	P	X	X			GRV Commercial

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
RESIDENTIAL								
Aged & Dependent Persons Dwelling	AA	AA	X	X	X			GRV Residential
Caretaker's Dwelling	IP	X	IP	IP	IP			Ancillary Use. Refer to the predominant use of the land for alignment.
Grouped Dwelling	P	AA	X	X	X			GRV Residential
Multiple Dwelling	P	AA	X	X	X			GRV Residential
Residential Building	AA	AA	X	X	X			GRV Residential
Single House	AA	P	X	P	P			GRV Residential
COMMUNITY								
Civic Building	P	AA	X	X	X			GRV Commercial
Club Premises	AA	X	SA	AA	AA			GRV Commercial
Consulting Rooms	P	SA	SA	AA	X			GRV Commercial
Day Care Centre	P	SA	X	SA	X			GRV Commercial
Educational Establishment	P	X	AA	X	X			GRV Commercial
Fire Brigade Depot	P	X	P	P	X			GRV Commercial
Hospital	SA	SA	X	X	X			GRV Commercial
Kennels/Cattery	X	X	AA	SA	SA			GRV Commercial
Kindergarten	P	SA	X	X	X			GRV Commercial
Medical Centre	P	SA	X	X	X			GRV Commercial
Public Utility	P	P	P	P	P			GRV Commercial
Public Worship	P	SA	X	X	X			GRV Commercial
Radio & TV Installation	SA	P	AA	AA	AA			GRV Commercial
Veterinary Consulting Room or Hospital	SA	X	AA	X	AA			GRV Commercial
INDUSTRIAL								
Fuel Depot	X	X	P	X	X			GRV Industrial
Industry: General	X	X	P	X	X			GRV Industrial
Light	SA	X	P	X	X			GRV Industrial
Service	SA	X	P	X	X			GRV Industrial
Extractive	X	X	X	X	SA			GRV Industrial
Hazardous	X	X	SA	X	X			GRV Industrial
Cottage	AA	AA	AA	AA	AA			GRV Industrial
Motor Vehicle Repair	SA	X	P	X	X			GRV Industrial
Motor Wrecking	X	X	AA	X	X			GRV Industrial
Salvage Yard	X	X	P	X	X			GRV Industrial
Transport Depot	X	X	P	X	X			GRV Industrial
RECREATION								
Equestrian Centre	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	X	SA	AA	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

T USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

D TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
Public Amusement	AA	P	X	P	P	PREDOMINANT	PREDOMINANT USES TO BE LIMITE	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
RURAL								
Rural Pursuit	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	P	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

Shire of Wyndham East Kimberley
Council Policy
F20

POLICY No:	**F20**
DIVISION	**Finance**
SUBJECT:	**Non Current Asset Capitalisation and Depreciation Control**
REPORTING OFFICER	**Executive Manager Corporate Services**
ENABLING LEGISLATION	**Local Government Act (1995) Section 2.7 and Australian Accounting Standards AASB 116**

OBJECTIVE:

To ensure legislative compliance in accordance with Australian Accounting Standards and provide guidelines for financial management of Non Current Assets for the Shire of Wyndham East Kimberley.

POLICY:

Non Current Assets held by Council are recorded in accordance with the Australian Accounting Standards Board (AASB) general classifications in order to provide meaningful, consistent and accurate details on the Shire's asset base for financial reporting and management purposes.

Non Current Assets arise from capital expenditure that can be either purchased directly or manufactured/constructed. The Shire of Wyndham East Kimberley may also receive donated or partially funded assets, which although maybe at a lower or no cost to Council, still satisfies the requirements for asset recognition. All capital expenditure incurred by Council must be considered in terms of the definition of assets.

Non Current Assets

Non Current Assets should comply with the recognition and measurement requirements of AASB 116 Property, Plant and Equipment.

For the purposes of recording Non Current Assets in Council's accounts, an item will be considered an "asset", based on whether the item has been allocated to a capital account, is not of a consumable nature and is valued over the threshold amounts. All items purchased and allocated to a capital general ledger account are known as "asset acquisitions". A value threshold of $5,000.00 applies under which an asset is considered immaterial and expensed in the year it is required.

Attractive Items

Assets that may be considered non current in nature but are not recorded in the Asset Register due to threshold limits (ie: items under $5,000) are to be recorded as the 'attractive' items should it be considered necessary to maintain a record of the item for the purposes of security, control or insurance. All attractive items should be included in any stocktake of all assets. The values of these items are to be expensed in the year they are purchased. These items are recorded in a subsection of the Asset Register as Attractive Items (a non-depreciable asset).

Works of Art

Council also has a large number of pieces of art work. These pieces shall also be included on the asset register, similar to attractive items, in that they are not to be depreciated but kept as a record and subject to stocktake.

Reporting of Assets

The accurate classification and recording of non current assets allows Council to determine the amount of funds invested and the cost involved in supplying the necessary infrastructure to support the activities of the Shire.

For reporting purposes, assets are recorded by group and class:

Group	Class	Examples
Land & Buildings	Land	Land, vacant/occupied
	Landfill	Refuse (land component only)
	Brick/concrete buildings	
	Transportable Buildings	
	Steel Construction Buildings	
	Ancillary Structures to buildings	Small sheds, carports, fencing, retaining walls
Furniture & Equipment	Computer equipment	Computers Scanners Computer software
	Office Equipment	Audio/ Visual Communication Equipment Fax machines photocopiers Plan Printer Plotter Other Office equipment
	Phone Systems	Phone System
	Office Furniture	Chairs Desks Cupboards
	Kitchen Equipment	Dishwashers
		refrigerators

	Fit-outs	Flooring
	Outdoor furniture	Picnic Tables/chairs park benches Barbeque
Plant & Equipment	Light Plant	Motor vehicles
		Sedans 4WD Vehicles Mowers Utes
	Medium Plant	Surveying equipment Tractors up to 100hp Light trucks Bush Fire fighting vehicles
	Sport & Recreation Equipment	Recreation Equipment Sound Equipment Sporting Equipment
	Other Equipment	Line Markers Playground Equipment Generators Pumps Security Systems
	Heavy Plant	Rollers Bulldozers Loaders Heavy Trucks Tractors over 100hp Graders Street Cleaners Street Sweepers Trailers
	Broadcasting	Rebroadcasting equipment
Infrastructure - Airports	Airfields	Runways Aprons Taxiways
Infrastructure - Road	Kerbs	Kerbs Median Strips
	Town road formation	
	Town - Pavement under seal	
	Town - Road seal (aggregate)	
	Town - Road Seals (Asphalt)	
	Town - Sheeting on paved roads	
	Rural Road Formation	
	Rural - Pavement under seal	
	Rural - Road Seal (Aggregate)	
	Rural - Road Seal (Asphalt)	
	Rural - Sheeting on paved roads	
Infrastructure -	Bridges	Bridges

Bridges		Culverts
Infrastructure - Drainage	Retarding Basins	Retarding Basins
	Drains	Drains
Infrastructure - Footpaths	Footpaths (Concrete)	Footpaths Cyclepaths Sidewalks
	Footpaths (Slab)	Footpaths Cyclepaths Sidewalks
Infrastructure - Other	Carparks	Sealed Carparks
	Boat Ramps	Boat Ramps
	Retic	Staff housing retic Oval retic Parks Retic
	Street Lights	Street Lighting
	Jetties	Jetties
	Outdoor Pools	Swimming complexes
	Sporting Facilities	Hardcourts Skatepark
Uncompleted Works	Property, Plant and Equipment	Uncompleted Buildings
	Infrastructure	Uncompleted footpaths
Attractive Items	Art Register	Artwork
	Attractive Items	Mobile Telephones Laptop Computers Cameras

Land and Building

The purchase of Land and/or Building constitutes capital expenditure and should be recorded as a “Land & Buildings” asset. The construction of buildings are to be recorded at cost. All improvements to land and/or buildings in this class include:

- Housing
- Office Buildings
- Fencing and retaining walls
- Airport Terminals

Furniture and Equipment

Purchase of furniture including chairs, desks, bookshelves, filing cabinets. Office Equipment is inclusive of photocopiers, printers, scanners.

Computers –this class includes hardware and software – hardware being UPS, servers, personal computers and laptops and software being that which is integral to the operation of the computer (such as set-up software) which would constitute capital expenditure and should be included in the total cost of the purchasing of the

computer package. Purchases of computer applications which relate directly to the day-to-day running of the Shire (eg: Synergy) should be recorded on the asset register however word processing programmes are to reported as expenditure through the profit and loss statement.

Plant and Equipment

Purchase of all motor vehicles including sedans, graders, loaders, trailers and tractors. Purchases of plant (power tools-mowers, brush cutters etc) with a value equal to or greater $5,000 included in are recorded at invoice value ex GST as an asset. Any purchases less than $5,000 that may remain accountable should be included as attractive items.

Uncompleted Works

It is common at the end of any given financial year for a number of assets under construction to be uncompleted. In the event that this occurs, these assets are to be recorded separately on the asset register as uncompleted infrastructure works and uncompleted property, plant and equipment works respectively. The assets held in these groups are not to be depreciated until the completion of the work. The asset is then moved to its appropriate group and class, and depreciation will then commence from the completion date of the works.

Residual Values

The residual value of an asset is the estimated amount that would be obtained from disposal of the asset, after deducting the estimated costs of disposal.

Residual values have been applied to specific items that are subject to regular disposal, such as plant.

The Standards require the residual value of an asset to be assessed at least annually, and, if expectations differ from previous estimates, the change in useful life is to be accounted for as a change in an accounting estimate.

Depreciation of Assets

Depreciation is to commence from the date the non current asset is ready or available for use.

Assets are depreciated on an 'estimated useful life' basis:

Group	Class	Examples	Estimated Useful Life (Years)	Residual Value (%)
Land & Buildings	Land	Land, vacant/occupied	infinite	Not applicable
	Landfill	Refuse (land component only)	30	Not applicable
	Brick/concrete		40	Not applicable

	buildings			
	Transportable Buildings		10	Not applicable
	Steel Construction Buildings		35	Not applicable
	Ancillary Structures to buildings	Small sheds, carports, fencing, retaining walls	10	Not applicable
Furniture & Equipment	Computer equipment	Computers Scanners Computer software	3	Not applicable
	Office Equipment	Audio/ Visual Communication Equipment Fax machines Photocopiers Plan Printer Plotter Other Office equipment	5	Not applicable
	Phone Systems	Phone System	10	Not applicable
	Office Furniture	Chairs Desks Cupboards	10	Not applicable
	Kitchen Equipment	Dishwashers Refrigerators	5	Not applicable
	Fitouts	Flooring	20	Not applicable
	Outdoor furniture	Picnic Tables/chairs Park benches Barbeque	10	Not applicable

Group	Class	Examples	Estimated Useful Life (Years)	Residual Value (%)
Plant & Equipment	Light Plant	motor vehicles Sedans 4WD Vehicles Mowers Utes	3	33% 33% 33% 10% 33%
	Medium Plant	Surveying equipment Tractors up to 100hp Light trucks Bush Fire fighting vehicles	7	Not applicable 33% 33% 33%
	Sport & Recreation Equipment	Recreation Equipment Sound Equipment Sporting Equipment	7	Not applicable Not applicable Not applicable
	Other Equipment	Line Markers Playground Equipment Generators Pumps Security Systems	10	Not applicable Not applicable Not applicable Not applicable Not applicable

	Heavy Plant	Rollers Bulldozers Loaders Heavy Trucks Tractors over 100hp Graders Street Cleaners Street Sweepers Trailers	10	33% 33% 33% 33% 33% 33% 33% 33% 33%
	Broadcasting	Rebroadcasting equipment	15	Not applicable
Infrastructure - Airports	Airfields	Runways Aprons Taxiways	25	Not applicable

Group	Class	Examples	Estimated Useful Life (Years)	Residual Value (%)
Infrastructure - Road	Kerbs	Kerbs Median Strips	40	Not applicable
	Town road formation		infinite	Not applicable
	Town - Pavement under seal		45	Not applicable
	Town - Road seal (aggregate)		10	Not applicable
	Town - Road Seals (Asphalt)		25	Not applicable
	Town - Sheeting on paved roads		20	Not applicable
	Rural Road Formation		infinite	Not applicable
	Rural - Pavement under seal		40	Not applicable
	Rural - Road Seal (Aggregate)		10	Not applicable
	Rural - Road Seal (Asphalt)		20	Not applicable
	Rural - Sheeting on paved roads		10	Not applicable
Infrastructure - Bridges	Bridges	Bridges Culverts	30	Not applicable
Infrastructure	Retarding	Retarding Basins	infinite	Not applicable

- Drainage	Basins			
	Drains	Drains	40	Not applicable
Infrastructure - Footpaths	Footpaths (Concrete)	Footpaths Cyclepaths Sidewalks	20	Not applicable
	Footpaths (Slab)	Footpaths Cyclepaths Sidewalks	15	Not applicable

Group	Class	Examples	Estimated Useful Life (Years)	Residual Value (%)
Infrastructure - Other	Carparks	Sealed Carparks	30	Not applicable
	Boat Ramps	Boat Ramps	10	Not applicable
	Retic	Staff housing retic oval retic Parks Retic	15	Not applicable
	Street Lights	Street Lighting	25	Not applicable
	Jetties	Jetties	30	Not applicable
	Outdoor Pools	Swimming complexes	30	Not applicable
	Sporting Facilities	Hardcourts Skatepark	35	Not applicable
Uncompleted Works	Property, Plant and Equipment	Uncompleted Buildings		Not applicable
	Infrastructure	Uncompleted footpaths		Not applicable
Attractive Items	Art Register	Artwork		Not applicable
	Attractive Items	Mobile Telephones Laptop Computers Cameras		Not applicable Not applicable Not applicable

Disposal of Assets

Assets identified for disposal may be disposed with by using the following acceptable methods of disposal:

- Sale by public tender or auction
- Trade-in

In addition assets may be removed from the asset register or attractive items register if it has been identified that they have been:

- Destroyed
- Lost or Stolen

The disposal of assets will normally be influenced by the nature of goods for disposal and by their location and market value.

Disposals by way of sale or trade-in are to be recorded on the asset register at the value of the disposal and profit/loss recorded.

If item has been destroyed, lost or stolen then the disposal is defined as a write off and the disposal value is equal to the net book value.

Asset Inspection and Control

An asset stocktake will occur at least every three years to physically assess what assets are still controlled by Council to maintain accuracy of the asset register.

Impairment

As per Policy F7 – Significant Accounting Policies assets are to be assessed for impairment and reported on accordingly.

Adopted: 19 August 2008
Amended: 15 September 2009
Effective: 1 July 2009

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

17. MATTERS BEHIND CLOSED DOORS

Nil

18. CLOSURE

The Shire President declares the meeting closed at 7:24pm.