

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

22 September 2015



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

**HELD ON TUESDAY, 22 SEPTEMBER 2015 AT 5:00 PM**

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**1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 5.00pm.

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

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

**GALLERY**

Jen Ninyette	SWEK Staff
Ebony Daniell	SWEK Staff
Mark Davidson	SWEK Staff
Rourke Walsh	The Kimberley Echo
Jim Lewis	Wyndham
Graeme Trust	Wyndham
Unity MacDonald	Wyndham
Jackie McCoy	Wyndham
Jane Parker	Wyndham
Paul O'Neill	Wyndham
Alma Petherick	Kununurra
M Dear	OIC
Gavin Scott	ElQuestro
Mark Northover	Ratepayer
Simone Rushby	Ratepayer
Steven Hennessy	Timber Creek/ Mayor of Victoria Daly Council

**APOLOGIES**

Cr G King	Councillor
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## LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

### 3. DECLARATION OF INTEREST

- Financial Interest

Councillor	Item	Title	Description of interest
S Cooke	13.4.3	Department of Sport and Recreation Community Sport and Recreation Facility Fund	My husband owns and operates Red Rust Contracting who have provided a quote for the erection of the shed for the purposes of the grant application
D Spackman	13.4.8	Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit	I have financial 'in direct' interest in Tavern

- Impartiality Interest

Councillor	Item	Title	Description of interest
S Cooke	13.4.6	Request for Community Lease – Kununurra Bushmen's Rodeo Association	I am the treasurer of the Rodeo Association
R Dessert	13.4.7	Request for Community Lease – Ord Pistol Club	Membership
R Dessert	13.4.8	Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit	I am a license

- Proximity Interest

Nil

### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

#### Questions from Glen Highett, Wyndham – taken on notice at the 25 August 2015 Ordinary Council Meeting

**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?

*The decisions made in the 2014-15 budget that lead to a deficit budget and a reduction in services and Shire employees was not a positive experience, however it was the right decision to make as we now have financial sustainability and are looking towards a balanced budget by the end of 2015-16.*

*After many years of growth, we have now experienced a reduction in Financial Assistance Grants from the Commonwealth Government and increased costs in doing business. This caused Council to reduce service levels in 2014 with a focus on core service delivery, regulatory requirements, risk mitigation, sustainable asset management and good governance so as to recover financial sustainability. The Shire is currently improving its maintenance in Wyndham and is hopeful of seeing a reduction in vandalism and littering which impacts on the Shire's maintenance resources.*

*The Shire of Wyndham East Kimberley is a member of the Kimberley Regional Zone and meets quarterly with other Kimberley Council's to work on common projects that allow for economies of scale. Running services in conjunction with other Kimberley Councils is sometimes not possible due to the large distances.*

**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?

*Please see the attached table.*

**Question from Harry Ciccotosto, Wyndham – taken on notice at the 25 August 2015 Ordinary Council Meeting**

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?

*It is estimated that if commercial waste was continued to be accepted at the Wyndham landfill site, the site would be full in two years. Council took the decision not to accept further commercial waste at Wyndham in order to extend the life of the site to 6 or 7 years. The Kununurra landfill site is the only alternative landfill site within the Shire for the disposal of commercial waste. Waste is assessed on arrival at the Kununurra landfill site and directed to the appropriate location. It is possible that clean commercial waste could have been directed to the domestic area for a number of reasons, for example, the landfill attendant may have elected to use clean commercial waste as cover material for the domestic tip area. Covering the domestic tip area daily is a licence condition and best practice.*

**Question from Loree Daniel, Wyndham – taken on notice at the 25 August 2015 Ordinary Council Meeting**

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?

*There is no levy for a new tip.*

*A Waste Management Charge of \$200.00 is included in rates notices and is 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. Waste services provided by the Shire are in line with the Waste Management Strategy that was adopted by Council in October 2012.*

*The Waste Management Strategy identifies many actions that are required for implementation. One of these is that a long term waste disposal option for the Shire would be for a modern waste management facility at a new site and that it may be cost effective for the Shire to establish a Waste Transfer Station at the Wyndham landfill.*

*Council reviews the Waste Management Charge each year when the budget is considered.*

Facilities and Services	Adopted Budget 2015/16 - Kununurra		Adopted Budget 2015/16 - Wyndham		Cost per Person based on ABS Population Est.	
	Total Income	Total Expenses	Total Income	Total Expenses	Net Cost to Shire	Net Cost to Shire
Childcare	11,500 -	45,113 -	4,95	21,037 -	21,037 -	20.97
Youth Centre	32,000 -	95,641 -	9.37	149,752 -	103,502 -	103.19
Community Resource Centre	-	-	-	112,400 -	10,555 -	10.52
Leisure Centre & Swimming Complex	578,262 -	1,591,357 -	149.09	222,362 -	200,332 -	199.73
Library	-	309,716 -	45.58	2,500 -	2,500 -	2.49
Public Conveniences	-	104,777 -	15.42	7,143 -	7,143 -	7.12
Foreshores & Boat Ramps	97,500 -	45,130	7.71	33,168 -	33,168 -	33.07
Ovals, Parks & Gardens	26,682 -	1,078,856 -	154.85	404,965 -	403,936 -	402.73
Road Maintenance	-	775,823 -	114.18	155,965 -	155,965 -	155.50
Historical Society	-	10,556 -	1.55	-	-	-
Tourism (incl. Visitor Bays & Tourism House)	10,000 -	11,349 -	0.20	5,000 -	5,000 -	4.99
Administration Buildings (Excl. Salaries)	-	331,870 -	48.84	77,320 -	77,320 -	77.09
Depots	-	70,600 -	10.39	6,000 -	32,306 -	32.21
Business and Structure Planning	-	71,515 -	10.52	2,500 -	42,895 -	-
Public Halls	-	-	-	-	-	42.77
<b>TOTAL</b>	<b>755,944 -</b>	<b>4,542,303 -</b>	<b>557.23</b>	<b>190,209 -</b>	<b>1,095,659 -</b>	<b>1,092.38</b>

Excludes:

\* Depreciation and Administration Overhead Allocations

\* Services that are provided across the Shire such as planning, building, health, animal control, fire prevention, emergency management, other ranger services, mosquito control, airport, landfill, community development

## 5. PUBLIC QUESTION TIME

Public Question Time commences at 5.04pm.

### Question from Gavin Scott, ElQuestro

**Question 1** – Recent conversations with local residents and staff at SWEK landfill raise some concerns. Recyclable materials such as plastic bottles, aluminium cans, steels and aerosol cans can be disposed of at most landfill sites in Australia free of charge. Yet I have been told by SWEK staff that we will be charged \$52.50/m<sup>3</sup>. SWEK residents have weekly bin collections, covered by their rates. ElQuestro pays its SWEK rates, yet we do not receive any similar rubbish collection services, besides the vouchers (not received this year). We are proactive and have recycled 1500kg of cans in the last year and now also separate plastic bottles to recycle. In fact I believe that ELQ is the only large operator making an effort to improve waste management in the region. Can SWEK offer any incentives for us to continue doing the right thing and allow us to dispose of certain materials safely, as they should be and are elsewhere in Australia?

C Askew, Chief Executive Officer provides the following response:

*Thankyou for the question which we have received in writing. There are a number of issues raised and we are not in a position to give you specific answers now, but are happy to follow this up with you after the meeting.*

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** – As per the 2010 missing budget allocation, at the August OCM I asked why the budget had not allowed for any upgrades of Mulligans Lagoon road. Why was my question doctored in the minutes to say “why the budget had not allowed for any maintenance of Mulligans Lagoon Road”. The two are very different, so can you please confirm that your Director Infrastructure knows the difference between maintenance and upgrade?

Cr J Moulden, Shire President provides the following response:

*Yes he does.*

**Question 2** – Could you please appropriately address the correct question – why the budget had not allowed for any upgrades of Mulligans Lagoon Road?

Cr J Moulden, Shire President provides the following response:

*This was discussed at the last Ordinary Council Meeting. The budget allocations were for maintenance issues not an upgrade. The item has been addressed.*

**Question 3** – At the August OCM I asked the Director Corporate Services about the real terms of the increase of fess, charges and imputations. She disputed that the work camp was ever mentioned and asked for “proof”. I had this emailed to her

within less than 24 hours but in four weeks she has failed to answer my query as promised. Carl, if she is unable to answer the question perhaps you can?

C Askew, Chief Executive Officer provides the following response:

*A written response was provided to you this afternoon. The response includes clarification that the reference in the September 2014 Special Council Meeting agenda should have referred to a comparison between 2013/14 and 2014/15 – and not 2015/16 as the item indicates. There is no relevance to the Wyndham Work Camp fees on fees and charges for 2015/16 as highlighted during public question time at the OCM in August 2015 by the Director. This has been incorporated into the minutes of that meeting. The fees and charges outlined in the current budget reflect not only the percentage increase generally of 4.93% that was adopted by the Council, but quantity changes also, depending on the assumptions each business unit has made in terms of numbers of users of various services e.g. Leisure Centre and based on trends and other factors that may be known to each area.*

Public Question Time closes at 5.11pm.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 25/08/2015**

**RECOMMENDATION**

That Council confirms the Minutes of Ordinary Council Meeting held on 25/08/2015

**COUNCIL DECISION**

**Minute No. 11110**

**Moved: Cr B Robinson**

**Seconded: Cr D Learbuch**

**That Council confirms the Minutes of Ordinary Council Meeting held on 25/08/2015**

**Carried Unanimously 8/0**

**9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Shire President, Cr John Moulden thanked the Council for their work over the past 2 years. "This has been the most effective and energetic Council I have worked with over the last 8 years and I would like to thank everyone for their contribution. Everyone has given their opinion and due thought to all decisions. Myself, Cr Dessert, Taylor and Learbuch have nominated for re election. Cr King has not renominated. Thankyou everyone."

**10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**12. MINUTES OF COUNCIL COMMITTEE MEETINGS**

Nil

**13. REPORTS**

**13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 13.2 CORPORATE SERVICES

### 13.2.1 List of Accounts Paid from Municipal Fund and Trust Fund

<b>DATE:</b>	22 September 2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Victoria Nakamya, Creditors Officer
<b>REPORTING OFFICER:</b>	Natalie Octoman, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DECLARATION OF FINANCIAL INTERESTS:</b>	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 26<sup>th</sup> 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 124337 – 124565 (05 August – 31 August 15)	\$ 4,933,017.63
Municipal cheques 51110 - 51127 (05 August – 26 August 15)	\$ 75,855.13
Trust cheques 794 – 799 (19 August – 31 August 15)	\$ 1,984.90
Trust EFT 500993 – 501013 (03 August – 31 August 15)	\$ 16,625.30
Payroll (05 August – 19 August 15)	\$ 434,704.72
Direct bank debits (03 August – 21 August 15)	\$ 91,667.90
TOTAL	\$ 5,553,855.58

**COUNCIL DECISION**

**Minute No. 11111**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

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

<b>Municipal EFT 124337 – 124565 (05 August – 31 August 15)</b>	<b>\$ 4,933,017.63</b>
<b>Municipal cheques 51110 - 51127 (05 August – 26 August 15)</b>	<b>\$ 75,855.13</b>
<b>Trust cheques 794 – 799 (19 August – 31 August 15)</b>	<b>\$ 1,984.90</b>
<b>Trust EFT 500993 – 501013 (03 August – 31 August 15)</b>	<b>\$ 16,625.30</b>
<b>Payroll (05 August – 19 August 15)</b>	<b>\$ 434,704.72</b>
<b>Direct bank debits (03 August – 21 August 15)</b>	<b>\$ 91,667.90</b>
<b>TOTAL</b>	<b>\$ 5,553,855.58</b>

**Carried Unanimously 8/0**

**ATTACHMENT 1****LIST OF ACCOUNTS SUBMITTED TO COUNCIL 22 SEPTEMBER 2015**

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT124337	05/08/2015	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,430.63
EFT124338	05/08/2015	ALLGEAR MOTORCYCLES & SMALL ENG.	OIL - P356	48.20
EFT124339	05/08/2015	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES - JUNE 15	627.66
EFT124340	05/08/2015	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT124341	05/08/2015	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	73,575.00
EFT124342	05/08/2015	AUTO ONE KUNUNURRA	PARTS - 7 PIN METAL BASE - P391	18.95
EFT124343	05/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	29.95
EFT124344	05/08/2015	BLACKWOODS ATKINS PTY LTD	TOILET SIGNAGE - KUNUNURRA LEISURE CENTRE	17.16
EFT124345	05/08/2015	BUSHCAMP SURPLUS STORE	UNIFORMS - OUTDOOR WORKFORCE - KUNUNURRA	622.35
EFT124346	05/08/2015	C & S JOLLY ELECTRICS PTY LTD	VARIOUS ELECTRICAL WORKS - STAFF HOUSING, KUNUNURRA LEISURE CENTRE	2,594.80
EFT124347	05/08/2015	CDM HYDRAULICS PTY LTD	SERVICE AND REPAIRS TO PLANT - P477,P479, P390	875.68
EFT124348	05/08/2015	CARPET, VINYL & TILE CENTRE	SUPPLY OF PAINT - WHITEGUM PARK	24.30
EFT124349	05/08/2015	DSC CONTRACTING	RELOCATE CABINET IN FILE ROOM TO CORRIDOR WALL - KNX AIRPORT	1,230.42
EFT124350	05/08/2015	DAVEY TYRE & BATTERY SERVICE	NEW TYRE, FITTING AND DISPOSAL - P331	687.00
EFT124351	05/08/2015	DRYSDALE RIVER STATION	DIESEL- P388, MEALS & ACCOM.- STAFF MEMBER - KALUMBURU RD INSPECTIONS	560.77
EFT124352	05/08/2015	EK ENGINEERING	FABRICATE AND PAINT PIPE STAND - KNX LANDFILL SITE	3,058.00
EFT124353	05/08/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KNX ADMIN & KNX AIRPORT	94.20
EFT124354	05/08/2015	FARMERS FRUIT AND VEG MART	CATERING FOR AUSTRALIAN CITIZENSHIP CEREMONY - 25/05/2015	50.00
EFT124355	05/08/2015	FRANMOR CONSTRUCTIONS PTY LTD	REMOVAL & DISPOSAL OF ASBESTOS - KNX AIRPORT HOUSE	990.00
EFT124356	05/08/2015	GHD PTY LTD	CONSULTANCY - HYDROGEOLOGICAL ASSESSMENT OF 3 LANDFILL SITES	925.10
EFT124357	05/08/2015	GARY HOLBEN T/A PANDANUS HOMES	REPAIRS TO ROOF, CEILING & EXTRACTOR FAN - ORD RIVER SPORTS CLUB	6,325.00
EFT124358	05/08/2015	HYDRAMET PTY LTD	FREIGHT - WYNDHAM GAS SHUT DOWN SYSTEM	1,006.21
EFT124359	05/08/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - OVAL TOILETS AND CHANGE ROOMS - KNX	3,383.05
EFT124360	05/08/2015	ID WAREHOUSE	CUSTOM LANYARDS AND FREIGHT - KNX AIRPORT	195.47
EFT124361	05/08/2015	IBIS STYLES	ACCOM. & MEALS FOR CONSULTANT - SHIRE BUSINESS PLAN	589.00
EFT124362	05/08/2015	J. CAV ELECTRICAL	TESTING OF EMERGENCY LIGHTS - WYNDHAM ADMIN OFFICE	110.00
EFT124363	05/08/2015	JASON SIGNMAKERS LTD	SIGNAGE - KONKERBERRY DRIVE & KUNUNURRA LANDFILL	234.30
EFT124364	05/08/2015	KI RECRUITMENT PTY LTD	RECRUITMENT SERVICES	3,906.85
EFT124365	05/08/2015	KIMBERLEY TREE SERVICES PTY LTD	TREE REMOVAL - CARBEEN STREET KUNUNURRA	600.00
EFT124366	05/08/2015	KUNUNURRA LOCK & KEY	REPLACEMENT OF PADLOCKS - KUNUNURRA LEISURE CENTRE	82.50

EFT124367	05/08/2015	LAWRENCE & HANSON GROUP	SUPPLY OF LOG BOOK FOR EMERGENCY LIGHTING MAINTENANCE - KNX ADMIN	47.81
EFT124368	05/08/2015	LGIS LIABILITY	INSURANCE 2015/16 - INCL. LIABILITY, PROPERTY & WORK COVER	412,788.82
EFT124369	05/08/2015	LEBENS NICKY	REFUND DUE TO CANCELLATION OF KLC GYM MEMBERSHIP PASS	180.00
EFT124370	05/08/2015	MAXXIA	PAYROLL DEDUCTIONS	7,035.11
EFT124371	05/08/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	4,082.75
EFT124372	05/08/2015	OFFICE NATIONAL KUNUNURRA	DOOR CUPBOARD SHELF & CLIPS - KUNUNURRA ADMIN OFFICE	1,310.00
EFT124373	05/08/2015	PIVOTEL	SATELITE PHONE COSTS - JULY 15	65.00
EFT124374	05/08/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	125.00
EFT124375	05/08/2015	TOLL EXPRESS	FREIGHT - PARTS & HEALTH SAMPLES - KNX DEPOT, P488, KUNUNURRA ADMIN	487.42
EFT124376	05/08/2015	EAST KIMBERLEY TOWING	TRANSFER TRACTOR EKRA-WYN AIRPORT, ABANDONED VEHICLES - KNX LANDFILL	648.00
EFT124377	05/08/2015	THE KIMBERLEY GRANDE	DINNER FOR 15 - GOVERNOR OF WA VISIT TO KUNUNURRA 27/07/2015	826.50
EFT124378	05/08/2015	TROPICAL PEST CONTROL	RECHARGE UNDERGROUND CHEMICAL & REPAIRS - KNX ADMIN BUILDING	770.00
EFT124379	05/08/2015	TYREPLUS KUNUNURRA	PARTS - P387 , P138, P388	1,320.00
EFT124380	05/08/2015	WA LOCAL GOVERNMENT ASSN	MARKETFORCE ADVERTISING - INCL. DISPOSAL OF SURPLUS PLANT & VEHICLES	2,702.28
EFT124381	05/08/2015	WYNDHAM EXCAVATIONS	LOADER HIRE - PUSH UP WYNDHAM LANDFILL FROM 10/4/15 TO 3/7/15	5,635.00
EFT124382	12/08/2015	ASK WASTE MANAGEMENT	TO6 14/15 - WASTE REPORTING AND COMPLIANCE - ANNUAL DER, AER & ACR	3,960.00
EFT124383	12/08/2015	AUSTRALIAN FUEL DISTRIBUTORS	7000 LITRES BULK DIESEL - KUNUNURRA DEPOT	9,463.07
EFT124384	12/08/2015	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	1,574.00
EFT124385	12/08/2015	BEING THERE SOLUTIONS PTY LTD	VIDEO CONFERENCING SUBSCRIPTION - AUGUST 15	715.00
EFT124386	12/08/2015	BLACKWOODS ATKINS PTY LTD	LINE MARKING PAINT AND GUN GREASE BOOSTER- KUNUNURRA AIRPORT, P390	257.24
EFT124387	12/08/2015	BUSHCAMP SURPLUS STORE	PROTECTIVE CLOTHING AND UNIFORMS - STAFF MEMBERS	508.95
EFT124388	12/08/2015	C & S JOLLY ELECTRICS PTY LTD	ELECTRICAL REPAIRS - AGRICULTURAL OVAL KUNUNURRA	363.00
EFT124389	12/08/2015	CABCHARGE	CABCHARGES - STAFF MEMBER -ATTEND TRAINING - JULY 15	192.18
EFT124390	12/08/2015	CHEFMASTER AUSTRALIA	BIN LINERS - KUNUNURRA DEPOT	1,822.50
EFT124391	12/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	2,000.00
EFT124392	12/08/2015	CARPET, VINYL & TILE CENTRE	QUICK SPRAY, FILLER & PAINT SUPPLIES - KLC, EAST KIMBERLY TOURISM HOUSE	269.20
EFT124393	12/08/2015	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	275.88
EFT124394	12/08/2015	DAVEY TYRE & BATTERY SERVICE	REPLACEMENT BATTERY - P354	220.00
EFT124395	12/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	67.00
EFT124396	12/08/2015	DELRON CLEANING PTY LTD	CONTRACT CLEANING - KNX ADMIN, KYC, KLC, CHANGE RMS & TOILETS KNX	15,430.30
EFT124397	12/08/2015	HARWOOD HEALTH SERVICES	FITNESS FOR WORK ASSESSMENT	121.00
EFT124398	12/08/2015	AUTO TOW & REPAIR	PARTS - P122	418.00
EFT124399	12/08/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA DEPOT & EKRA	797.80
EFT124400	12/08/2015	EAST KIMBERLEY PLUMBING	MONTHLY TESTING OF FIRE PUMP - EAST KIMBERLEY REGIONAL AIRPORT- JULY 15	300.65

EFT124401	12/08/2015	EL CABALLO RESORT	ACCOMMODATION & MEALS - STAFF MEMBERS - ATTEND CONFERENCE-JUL 15	870.00
EFT124402	12/08/2015	FRONTIER POST & NEWS	POSTAGE AND NEWSPAPER PURCHASES - WYNDHAM ADMINISTRATION	18.60
EFT124403	12/08/2015	GUERINONI & SON	PICK UP ROLLER AND DELIVER TO KUNUNURRA LANDFILL	330.00
EFT124404	12/08/2015	HYDRO KLEEN	MAINTENANCE - AIRCONDITIONERS - STAFF HOUSING	594.00
EFT124405	12/08/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - BLOCKED TOILETS AT KNX NETBALL COURTS & KLC POOL	562.88
EFT124406	12/08/2015	J & C ATKINS CONTRACTING PTY LTD	SUPPLY AND INSTALLATION OF SECURITY FENCE -WYN DEPOT & KNX LANDFILL	15,977.50
EFT124407	12/08/2015	J. CAV ELECTRICAL	REPLACEMENT AND FITTING OF X4 GLOBES TO EXIT LIGHTS-WYN ADMIN	288.00
EFT124408	12/08/2015	JASON SIGNMAKERS LTD	DIRECTIONAL SIGNAGE - BANDICOOT DVE, DIANELLA WY, COOLIBAH DRIVE KNX	443.30
EFT124409	12/08/2015	JAB INDUSTRIES	HIRE OF 2X6 WHEELERS - 15/07/15-16/07/15 - KUNUNURRA LANDFILL	4,752.00
EFT124410	12/08/2015	KI RECRUITMENT PTY LTD	STAFF RECRUITMENT SERVICES	1,065.50
EFT124411	12/08/2015	KUNUNURRA 4WD SPARES	REPAIRS & SERVICE - P387 & P122	3,400.75
EFT124412	12/08/2015	KIMBERLEY HYDRAULICS	TESTING AND REPLACEMENT OF POOL CHAIR LIFT - KUNUNURRA POOL	940.25
EFT124413	12/08/2015	KIMBERLEY VET CENTRE	ANIMAL CONTROL EXPENSES	40.00
EFT124414	12/08/2015	KUNUNURRA CCI	STANDARD MEMBERSHIP 2015/2016	330.00
EFT124415	12/08/2015	KUNUNURRA DIESEL SERVICE	ELECTRICAL REPAIRS & PARTS - P137	932.90
EFT124416	12/08/2015	KUNUNURRA DISTRICT HIGH SCHOOL	SWEK CONTRIBUTION TO LIBRARY PHOTOCOPYING CHARGES - JUNE 15 KNX LIBRARY	123.95
EFT124417	12/08/2015	KUNUNURRA LOCK & KEY	SUPPLY PADLOCKS & KEYS - KNX TIP & KNX OVAL	1,625.50
EFT124418	12/08/2015	KUNUNURRA SECURITY SERVICE	SECURITY PATROL & ALARM MONITORING - VARIOUS INCL. KNX ADMIN, KLC, KYC	3,386.00
EFT124419	12/08/2015	LOCAL GOVT. MANAGERS AUST.	2015/2016 MEMBERSHIP - STAFF MEMBER	505.00
EFT124420	12/08/2015	LOCAL GOVT SUPERVISORS ASSN	2015/2016 MEMBERSHIP - STAFF MEMBER	38.50
EFT124421	12/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	131.10
EFT124422	12/08/2015	MARKETFORCE PTY LTD	ADVERTISING INCL. LILY CREEK BOAT LAUNCHING FACILITY	1,112.04
EFT124423	12/08/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	4,256.48
EFT124424	12/08/2015	ORD RIVER ELECTRICS	REPAIRS TO APRON FLOOD LIGHT- EKRA, INSTALL SENSOR LIGHT - KNX DEPOT	691.85
EFT124425	12/08/2015	ORDCO	FERTILISER - VARIOUS PARKS INCL. CELEBRITY TREE PARK & NICHOLSON PARK	1,986.60
EFT124426	12/08/2015	OUTBACK CLEANING	CLEANING - STAFF HOUSING PRIOR TO OCCUPATION	385.00
EFT124427	12/08/2015	OFFICE NATIONAL KUNUNURRA	COPY PAPER - EAST KIMBERLEY REGIONAL AIRPORT	57.50
EFT124428	12/08/2015	OLLIE'S IRRIGATION & PLUMB. SUPPLIES	RETICULATION FITTINGS - KUNUNURRA DEPOT	991.80
EFT124429	12/08/2015	ORD FUEL SUPPLIES	FUEL COSTS - JULY 15	1,093.30
EFT124430	12/08/2015	PLANT HIRE SERVICES PTY LTD	RFQ37 14/15 EXCAVATE/STOCKPILE MATERIAL-DUNCAN RD STOCKPILE OF GRAVEL	39,882.22
EFT124431		CANCELLED	CANCELLED	
EFT124432	12/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	47.30
EFT124433	12/08/2015	PINE TIMBER PRODUCTS PTY LTD	TREATED PINE PRECISION POLES X 45 - EAST KIMBERLEY REGIONAL AIRPORT	1,400.09

EFT124434	12/08/2015	SEARLES HOLDINGS T/A AUTO PRO	BATTERY CHARGER - KUNUNURRA DEPOT	233.00
EFT124435	12/08/2015	STATE LAW PUBLISHER	GOVERNMENT GAZETTE ADVERTISING - LG APPOINTMENTS 19/06/2015	83.40
EFT124436	12/08/2015	SHIRE OF BROOME	KIMBERLEY ZONE MEMBER CONTRIBUTION TO SECRETARIAT EXPENSES	60,500.00
EFT124437	12/08/2015	SPEEDO AUSTRALIA PTY LTD	PURCHASE OF SWIM WEAR FOR RESALE - KUNUNURRA LEISURE CENTRE	136.95
EFT124438	12/08/2015	STAPLES AUSTRALIA PTY LIMITED	CLEANING SUPPLIES - EAST KIMBERLEY REGIONAL AIRPORT	799.52
EFT124439	12/08/2015	STITCHED UP EMBROIDERY SERVICES	EMBROIDERY SERVICES - STAFF UNIFORMS	125.00
EFT124440	12/08/2015	SUBWAY - KUNUNURRA	CATERING FOR WORKING IN PARTNERSHIP MEETING 23/07/2015	57.00
EFT124441	12/08/2015	TST ELECTRICAL	SUPPLY AND INSTALLATION OF POWER OUTLETS TO GENSET AT KNX LANDFILL	1,190.00
EFT124442	12/08/2015	THINK WATER KUNUNURRA	RETICULATION FITTINGS - KUNUNURRA DEPOT	19.80
EFT124443	12/08/2015	VANDERFIELD NORTHWEST PTY LTD	PARTS - P138 ,P491	679.11
EFT124444	12/08/2015	WA LOCAL GOVERNMENT ASSN	SUBSCRIPTION TO ROMAN II SOFTWARE LICENCING 2015-2016	7,353.60
EFT124445	12/08/2015	WILD MANGO	CATERING FOR COUNCIL BRIEFING SESSION 21/07/2015	172.50
EFT124446	19/08/2015	GREAT EASTERN MOTOR LODGE	ACCOMMODATION - STAFF MEMBER - ATTEND TRAINING 11/08/2015	177.80
EFT124447	19/08/2015	4D LANDSCAPING SOLUTIONS	GARDEN MAINTENANCE - SWEK PROPERTY ON MARKET	297.00
EFT124448	19/08/2015	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,136.45
EFT124449	19/08/2015	AIRPORT LIGHTING SPECIALISTS	SUPPLY OF RUNWAY LIGHTING - EAST KIMBERLEY REGIONAL AIRPORT	3,872.00
EFT124450	19/08/2015	AUSTRALASIAN PLAYGROUNDS PTY LTD	SUPPLY COIL SPRINGS FOR SEASAW - CELEBRITY TREE PARK	894.30
EFT124451	19/08/2015	AUSTRALIAN SAFETY ENGINEERS	SUPPLY OF AIRGO PRO SET, OXYGEN CYLINDERS & FREIGHT - KLC	3,174.27
EFT124452	19/08/2015	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT124453	19/08/2015	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT JULY 2015	67,584.00
EFT124454	19/08/2015	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	74,930.00
EFT124455	19/08/2015	BLACKWOODS ATKINS PTY LTD	CLEANING SUPPLIES - EAST KIMBERLEY REGIONAL AIRPORT	108.90
EFT124456	19/08/2015	BUSHCAMP SURPLUS STORE	UNIFORMS - OUTDOOR WORKFORCE - KUNUNURRA	548.55
EFT124457	19/08/2015	C Y O'CONNOR TAFE	PROFESSIONAL DEVELOPMENT - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	923.40
EFT124458	19/08/2015	CPS WEAR PARTS T/AS FORTUS GROUP	PARTS - GRADER BLADES - P477	1,679.70
EFT124459	19/08/2015	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - DRAINAGE MAINT. VARIOUS STREETS INCL. PINDAN AVE	1,098.60
EFT124460	19/08/2015	DOWNER EDI WORKS PTY LTD	RFQ ET02 14/15-SUPPLY & LAY ASPHALT VAR. STREETS. INCL.MESSMATE WY KNX	344,970.29
EFT124461	19/08/2015	DAVEY TYRE & BATTERY SERVICE	PUNCTURE REPAIRS - P137	47.00
EFT124462	19/08/2015	DRYSDALE RIVER STATION	T09 14/15 - MAINTENANCE GRADE - GIBB RIVER - KALUMBURU RD	23,085.00
EFT124463	19/08/2015	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA ADMIN, KNX DEPOT	329.95
EFT124464	19/08/2015	EAST KIMBERLEY MARKETING GROUP	ECONOMIC DEVELOPMENT GRANT - AS PER COUNCIL MINUTE 10627	11,000.00
EFT124465	19/08/2015	FIGLEAF POOL PRODUCTS	POOL EQUIPMENT PARTS - WYN & KNX POOLS	2,355.30
EFT124466	19/08/2015	GUERINONI & SON	TIPPER HIRE - CART PINDAN SAND FROM PINDAN PIT TO EKR AIRPORT	1,815.00
EFT124467	19/08/2015	HIGHWAYS TRAFFIC PTY LTD	TRAFFIC MANAGMT FOR ASPHALTING/PROFILING - VAR. INCL. RIVERFIG AV. KNX	31,362.10

EFT124468	19/08/2015	HYDRO KLEEN	MAINTENANCE - AIRCONDITIONERS - STAFF HOUSING	429.00
EFT124469	19/08/2015	INSIDE OR OUT	SUPPLY OF TOP SOIL FOR GARDEN BEDS - KUNUNURRA TOWN CENTRE	154.00
EFT124470	19/08/2015	J & C ATKINS CONTRACTING PTY LTD	REPAIR VANDALISED DOOR & TILES - WYN REC CENTRE, WYN CHILDCARE CENTRE	1,727.00
EFT124471	19/08/2015	JSW HOLDINGS PTY LTD	SUPPLY OF WHITE SAND - MESSMATE WAY NORTH	143.00
EFT124472	19/08/2015	JTAGZ	DOG AND CAT REGISTRATION TAGS	680.90
EFT124473	19/08/2015	JORRITSMA H & CO	FITTINGS FOR PLANT ROOM - KUNUNURRA LEISURE CENTRE	74.60
EFT124474	19/08/2015	KI RECRUITMENT PTY LTD	STAFF RECRUITMENT SERVICES	998.91
EFT124475	19/08/2015	KIMBERLEY KOOL REFRIGERATION	MAINTENANCE OF AIRCONDITIONERS - EAST KIMBERLEY REGIONAL AIRPORT	660.00
EFT124476	19/08/2015	KIMBERLEY VET CENTRE	ANIMAL CONTROL EXPENSES	60.00
EFT124477	19/08/2015	KUNUNURRA COURIERS	DRINKING WATER SUPPLIES - KUNUNURRA LANDFILL JUNE 15	120.00
EFT124478	19/08/2015	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER CHARGES - KUNUNURRA LIBRARY - JULY 15	89.79
EFT124479	19/08/2015	KUNUNURRA LOCK & KEY	KEY CUTTING - EAST KIMBERLEY REGIONAL AIRPORT	330.00
EFT124480	19/08/2015	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING AND PATROL - KUNUNURRA ADMINISTRATION	400.00
EFT124481	19/08/2015	MCLEODS BARRISTERS & SOLICITORS	LEGAL ADVICE - MINOR CASE CLAIM, GENERAL PROCEDURE CLAIM	2,860.66
EFT124482	19/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	210.50
EFT124483	19/08/2015	MAXXIA	PAYROLL DEDUCTIONS	7,035.11
EFT124484	19/08/2015	MERCURE HOTEL PERTH	ACCOMMODATION & MEALS - ELECTED MEMBERS - ATTEND ZONE MEETING	4,751.50
EFT124485	19/08/2015	MICHAEL PAGE INTERNATIONAL P/L	PROFESSIONAL RECRUITMENT SERVICES	3,474.68
EFT124486	19/08/2015	NORTHERN DESIGN CONSULTANTS	CONSULTANCY - PROVISION OF DRAWINGS FOR WYN DEPOT STORAGE SHED	440.00
EFT124487	19/08/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION FITTINGS - STAFF HOUSING , KNX DEPOT, MESSMATE WAY	879.16
EFT124488	19/08/2015	ORD AGRICULTURAL EQUIPMENT	SUPPLY, DELIVERY & REGISTRATION OF FRONT DECK MOWER - KNX DEPOT	28,300.00
EFT124489	19/08/2015	ORD RIVER TEE BALL ASSOCIATION	KIDS SPORT SPONSORSHIP	490.00
EFT124490	19/08/2015	PAINT INDUSTRIES PTY LTD	RUNWAY MARKING PAINT - EAST KIMBERLEY REGIONAL AIRPORT	4,561.70
EFT124491	19/08/2015	PLANNING INSTITUTE AUSTRALIA	CONFERENCE REGISTRATION - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	400.00
EFT124492	19/08/2015	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - JULY 15 - KUNUNURRA ADMINISTRATION	861.54
EFT124493	19/08/2015	ROCLA PIPELINE PRODUCTS	RFQ26 14-15 RD & DRAINAGE UPGRADE-SUPPLY & DELIVERY OF PIPES-EGRET CL.	4,193.64
EFT124494	19/08/2015	ST JOHN AMBULANCE AUST.	WORKPLACE PORTABLE MEDIUM RISK KIT - KUNUNURRA LEISURE CENTRE	302.10
EFT124495	19/08/2015	SCANTEK SOLUTIONS PTY LTD	INSTALLATION/TRAINING -ID SCANNERS - TAKEAWAY ALCOHOL MNGMNT SYSTEM	24,486.00
EFT124496	19/08/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	140.00
EFT124497	19/08/2015	SPIZVAC MARKETING PTY LTD	EQUIPMENT SPARE PARTS FOR PLAYGROUND - SETOSA PARK	365.28
EFT124498	19/08/2015	SUBTROPICAL GARDENING	SUBSCRIPTION RENEWAL - KUNUNURRA LIBRARY	32.85
EFT124499	19/08/2015	SUNNY SIGN COMPANY PTY LTD	SUPPLY AND DELIVERY OF SPEED HUMP SIGNS - MANGALOO STREET	99.00
EFT124500	19/08/2015	TELFORD INDUSTRIES	POOL CHEMICALS - KUNUNURRA POOL	276.87
EFT124501	19/08/2015	THE MURRAY HOTEL	ACCOMMODATION - STAFF MEMBER - ATTEND TRAINING 06/08/2015-08/08/2015	716.00

EFT124502	19/08/2015	TNT AUSTRALIA PTY LIMITED	FREIGHT - KUNUNURRA TO PERTH - HEALTH SAMPLES	349.22
EFT124503	19/08/2015	TOLL EXPRESS	FREIGHT - WELSHPOOL TO KUNUNURRA - DIRECTIONAL SIGNAGE	862.11
EFT124504	19/08/2015	WA LOCAL GOVERNMENT ASSN	SUBSCRIPTIONS - VARIOUS INCL.EMPLOYEE RELATIONS & ANNUAL SUBS 15/16	21,077.94
EFT124505	19/08/2015	WYNDHAM EXCAVATIONS	LOADER HIRE - PUSH LANDFILL TWICE PER WEEK - WYNDHAM LANDFILL	1,980.00
EFT124506	19/08/2015	WARINGARRI CROWS FOOTBALL CLUB	KIDS SPORT SPONSORSHIP	1,400.00
EFT124507	26/08/2015	ABCO PRODUCTS	CLEANING SUPPLIES - KUNUNURRA DEPOT	1,927.02
EFT124508	26/08/2015	ALLGEAR MOTORCYCLES & SMALL ENG.	OIL & PARTS - P357 , P356	394.65
EFT124509	26/08/2015	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL- JULY 15 - KUNUNURRA DEPOT	241.78
EFT124510	26/08/2015	BLACKWOODS ATKINS PTY LTD	SAFETY EQUIPMENT - EAR PLUGS - KUNUNURRA LANDFILL	66.00
EFT124511	26/08/2015	C & S JOLLY ELECTRICS PTY LTD	TESTING AND REPLACEMENT OF 12 GLOBES & IGNITORS - KNX TOWN OVAL LIGHTS	13,797.83
EFT124512	26/08/2015	CENTURION TRANSPORT	FREIGHT - PARTS - P477	242.00
EFT124513	26/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	82.00
EFT124514	26/08/2015	CARPET, VINYL & TILE CENTRE	PAINT SUPPLIES - EAST KIMBERLEY TOURISM HOUSE	124.45
EFT124515	26/08/2015	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - POWER SUPPLY - WYNDHAM LANDFILL	1,336.50
EFT124516	26/08/2015	CROCODILE SIGNS PTY LTD	COMPOSITE SIGNAGE - KUNUNURRA LEISURE CENTRE	256.30
EFT124517	26/08/2015	DOWNER EDI WORKS PTY LTD	ET02-14/15 - SUPPLY AND LAY ASPHALT – VAR. STREETS INCL.MESSMATE WY KNX	285,468.77
EFT124518	26/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	27.00
EFT124519	26/08/2015	DATA #3 LICENSING SOLUTIONS	ANNUAL MAINTENANCE AND BACKUP OF SOFTWARE - KUNUNURRA ADMIN	2,146.78
EFT124520	26/08/2015	DEPT OF FIRE & EMERGENCY SERV.	DFES ANNUAL MONITORING OF TERMINAL BUILDING 2015-2016 EKR AIRPORT	1,728.71
EFT124521	26/08/2015	DIAMONDTECH PLUMBING AND GAS	SUPPLY AND INSTALL HOT WATER SYSTEM TO SINK & BASIN - KNX LANDFILL	1,067.00
EFT124522	26/08/2015	EARTHWORKS TRAINING AND ASSESS.	PROFESSIONAL DEVELOPMENT - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	850.00
EFT124523	26/08/2015	EAST KIMBERLEY HARDWARE	VAR. HARDWARE ITEMS - KNX ADMIN, KNX DEPOT, KNX LANDFILL	364.40
EFT124524	26/08/2015	EAST KIMBERLEY PLUMBING	REPAIRS TO TOILETS - EAST KIMBERLEY REGIONAL AIRPORT	590.55
EFT124525	26/08/2015	GHD PTY LTD	CONSULTANCY - EKRA RUNWAY WORKS APPROVAL APPLICATION	3,883.00
EFT124526	26/08/2015	GALVINS PLUMBING SUPPLIES	PLUMBING SUPPLIES - STAFF HOUSING	59.77
EFT124527	26/08/2015	GUERINONI & SON	DESILT DRAIN WEABER PLAIN RD NEAR HIDDEN VALLEY CARAVAN PARK KNX	3,000.00
EFT124528	26/08/2015	IBAC PLUMBING PTY LTD	PLUMBING WORKS - TOILETS, KNX LEISURE CENTRE, CELEBRITY TREE PARK	1,152.80
EFT124529	26/08/2015	IXOM OPERATIONS PTY LTD	STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS	546.25
EFT124530	26/08/2015	J. CAV ELECTRICAL	REPAIRS TO LIGHTS & CIRCUIT AT WYN ADMIN & SODA ASH PUMP AT WYN POOL	676.50
EFT124531	26/08/2015	JSW HOLDINGS PTY LTD	RFQ 2 14/15 - RECONSTRUCTION OF REFUGE ISLAND - KONKERBERRY DRIVE	65,868.00
EFT124532	26/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	205.02
EFT124533	26/08/2015	JORRITSMA H & CO	SUPPLY OF PIPE FITTINGS - KUNUNURRA ADMINISTRATION	29.20
EFT124534	26/08/2015	KIMBERLEY KOOL REFRIG. & AIRCON	MAINT. - AIRCONS, WATER FILTER - KNX LEISURE CENTRE, KUNUNURRA ADMIN	2,354.00
EFT124535	26/08/2015	KIMBERLEY TRAINING INSTITUTE	FIRST AID TRAINING - STAFF MEMBER 28-29 JULY 2015	250.00

EFT124536	26/08/2015	KIMBERLEY TREE SERVICES PTY LTD	TREE REMOVAL - KUNUNURRA LEISURE CENTRE & BOOBIALLA STREET KNX	1,800.00
EFT124537	26/08/2015	KUNUNURRA COURIERS	DRINKING WATER SUPPLIES - KUNUNURRA LANDFILL JULY 15	254.00
EFT124538	26/08/2015	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - WYNDHAM LIONS PARK, KUNUNURRA DEPOT	58.75
EFT124539	26/08/2015	KUNUNURRA PEST MANAGEMENT	PEST CONTROL TREATMENT - KUNUNURRA ADMIN, KUNUNURRA OVAL GROUNDS	870.00
EFT124540	26/08/2015	KUNUNURRA POOLS & SPAS	POOL EQUIPMENT - WYNDHAM SWIMMING POOL	932.75
EFT124541	26/08/2015	LANDGATE	VALUATION SCHEDULES GRV & UV MINING - JULY 15	427.79
EFT124542	26/08/2015	MANDALAY TECHNOLOGIES PTY LTD	ANNUAL SOFTWARE SUBSCRIPTION 15/16	16,412.55
EFT124543	26/08/2015	DSC CONTRACTING	TESTING OF FIRE ALARMS - EAST KIMBERLEY REGIONAL AIRPORT	132.00
EFT124544	26/08/2015	ORD RIVER ELECTRICS	INSTALL FAN, REPAIRS TO HOT WATER SYSTEM - STAFF HOUSING, P356	1,393.13
EFT124545	26/08/2015	OFFICE NATIONAL KUNUNURRA	STATIONERY AND BATTERIES - KLC	32.30
EFT124546	26/08/2015	OLLIE'S IRRIG. & PLUMBING SUPPLIES	RETICULATION FITTINGS - KUNUNURRA DEPOT, LIONS PARK, WYN DEPOT	2,382.72
EFT124547	26/08/2015	ORD FUEL SUPPLIES	FUEL COSTS - JULY 15	9,559.32
EFT124548	26/08/2015	PLAYRIGHT AUSTRALIA PTY LTD	REGISTRATION AND TRAINING - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	1,925.00
EFT124549	26/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	194.85
EFT124550	26/08/2015	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	107.71
EFT124551	26/08/2015	SEARLES HOLDINGS T/A AUTO PRO	SUPPLY OF SUPER CHARGE BATTERY AND PARTS - EKR AIRPORT, P385	416.99
EFT124552	26/08/2015	SHELF SUPPLY	PROTECTIVE CLOTHING - OUTDOOR WORKFORCE, WATER TANK - KNX LANDFILL	4,192.00
EFT124553	26/08/2015	SIMPLY UNIFORMS	SUPPLY OF STAFF UNIFORMS AND EMBROIDERY - KUNUNURRA ADMINISTRATION	1,200.25
EFT124554	26/08/2015	TERRAIN GROUP PTY LTD	SUPPLY OF 4 SEATER CHAIRS X 5 - EAST KIMBERLEY REGIONAL AIRPORT	3,297.25
EFT124555	26/08/2015	WEST AUSTRALIAN NEWSPAPERS LTD	ADVERTISING - RECRUITMENT, SWEK NEWS - JULY 15	2,600.30
EFT124556	26/08/2015	THINK WATER KUNUNURRA	SUPPLY OF PUMP & RETIC. FITTINGS - KNX LANDFILL, KNX PARKS & GARDENS	9,359.04
EFT124557	26/08/2015	TOP END (AUST) PTY LTD	REPAIRS - P388	326.06
EFT124558	26/08/2015	TOX FREE AUSTRALIA PTY LTD	REFUSE & LITTER COLLECTION, SKIP EMPTIES, ST. SWEEPING-JULY 15, KNX & WYN	69,084.91
EFT124559	26/08/2015	TUCKERBOX / RETRAVISION KNX	PROVISIONS AND MATERIALS - KUNUNURRA ADMINISTRATION	750.16
EFT124560	26/08/2015	VANDERFIELD NORTHWEST PTY LTD	SERVICE AND PARTS - P128 , P394	1,192.35
EFT124561	26/08/2015	WA LOCAL GOVERNMENT ASSN	SUBSCRIPTIONS -TAX SERVICE 15/16, PROCUREMENT CONSULTANCY, LOCAL LAWS	5,324.00
EFT124562	26/08/2015	WA RANGERS ASSOCIATION (INC)	MEMBERSHIP - STAFF MEMBER AS PER CONTRACTUAL ENTITLEMENTS	50.00
EFT124563	26/08/2015	WESTERN AUST. TREASURY CORP.	LOAN REPAYMENT	111,718.20
EFT124564	26/08/2015	WYNDHAM SUPERMARKET	PROVISIONS AND MATERIALS - WYNDHAM ADMINISTRATION	262.06
EFT124565	31/08/2015	DOWNER EDI WORKS PTY LTD	ETO2 14-5 ASPHALT SURFACING OF RUNWAY- EKR AIRPORT	2,869,630.84
<b>TOTAL MUNICIPAL EFT PAYMENTS</b>				<b>4,933,017.63</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
51110	05/08/2015	HORIZON POWER	ELEC. INCL. KNX ADMIN, KNX OVAL LIGHTS, KLC, KNX DEPOT -12/05/15 -9/7/15	13,336.64

51111	05/08/2015	CASH - PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT - EAST KIMBERLEY REGIONAL AIRPORT	94.02
51112	05/08/2015	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENSE - WEST ARM CAMBRIDGE GULF WYNDHAM	38.15
51113	05/08/2015	DEPT OF TRANSPORT PAYMENT CENTRE	REGISTRATION - P117, P120	587.85
51114	05/08/2015	HEALTH INSURANCE FUND OF AUST.	PAYROLL DEDUCTIONS	42.75
51115	05/08/2015	HORIZON POWER	ELEC. INCL.WYN ADMIN, WYN POOL, WYN REC CENTRE - 27/5/15-23/7/15	10,316.26
51116	12/08/2015	DEPT OF TRANSPORT PAYMENT CENTRE	REGISTRATION - P129	282.75
51117	12/08/2015	HORIZON POWER	ELEC. INCL. WYN LIONS PARK, STAFF HOUSING -30/6/15 - 23/7/15	637.67
51118	12/08/2015	WATER CORPORATION	WATER USE INCL. WYN POOL, KNX SPORTS OVAL - 27/05/15 -27/7/15	19,116.32
51119	19/08/2015	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENSE - MAMBI ISLAND	38.15
51120	19/08/2015	HEALTH INSURANCE FUND OF AUST.	PAYROLL DEDUCTIONS	42.75
51121	19/08/2015	HORIZON POWER	ELEC. INCL. VARIOUS STAFF HOUSING, KELLYS KNOB 04/6/15 - 31/7/15	505.47
51122	19/08/2015	TELSTRA	MOBILE PHONE, EXECUTIVE LANDLINES - JULY 2015	2,524.66
51123	19/08/2015	WATER CORPORATION	COSTS FOR REPAIR AND METER REPLACEMENT - ORD RIVER SPORTS CLUB	1,644.55
51124	26/08/2015	DEPT OF TRANSPORT PAYMENT CENTRE	REGISTRATION - P121	282.75
51125	26/08/2015	HORIZON POWER	ELEC. INCL. KNX ADMIN, OVAL LIGHTS, MESSMATE PUMP - 9/7/15 -10/8/15	21,118.62
51126	26/08/2015	TELSTRA	LANDLINE PHONE COSTS - AUG 15	5,038.74
51127	26/08/2015	WATER CORPORATION	SERVICE CHARGE - STAFF HOUSING 01/07/15 - 31/08/15	207.03
<b>TOTAL MUNICIPAL CHEQUE PAYMENTS</b>				<b>75,855.13</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
794	19/08/2015	MATHEW MCMAHON	BOND REFUND - KERB BOND BP: 137/2010	400.00
795	31/08/2015	BUILDING & CONST. INDUSTRY FUND	BCITF COLLECTIONS FOR JULY 2015	572.75
796	31/08/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	BCITF COMMISSION FOR JULY 2015	41.25
797	31/08/2015	SHIRE OF WYNDHAM EAST KIMBERLEY	BSL COMMISSION FOR JULY 2015	45.00
798	31/08/2015	WA DEPT.OF COMMERCE	BSL COLLECTIONS FOR JULY 2015	23.50
799	31/08/2015	WA DEPT.OF COMMERCE	BSL COLLECTIONS FOR JULY 2015	902.40
<b>TOTAL TRUST CHEQUE PAYMENTS</b>				<b>1,984.90</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500993	03/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 03/08/15	1,854.45
500994	04/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 04/08/15	76.00
500995	05/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 05/08/15	807.30
500996	06/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 06/08/15	550.55
500997	07/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 07/08/15	945.75

500998	10/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 10/08/15	1,277.05
500999	11/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 11/08/15	698.80
501000	12/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 12/08/15	358.20
501001	13/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 13/08/15	896.70
501002	14/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 14/08/15	887.45
501003	17/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 17/08/15	773.75
501004	18/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 18/08/15	712.10
501005	19/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 19/08/15	555.05
501006	20/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 20/08/15	149.75
501007	21/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 21/08/15	3,711.10
501008	24/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 24/08/15	168.75
501009	25/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 25/08/15	24.70
501010	26/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 26/08/15	260.60
501011	27/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 27/08/15	470.00
501012	28/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 28/08/15	1,103.40
501013	31/08/2015	TRUST DPI CLEARING	TRANSPORT CLEARING 31/08/15	343.85
				<b>16,625.30</b>

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
	5/08/2015	PAYROLL	PAYROLL	215,462.63
	11/08/2015	PAYROLL	PAYROLL	5,902.98
	17/08/2015	PAYROLL	PAYROLL	3,494.03
	19/08/2015	PAYROLL	PAYROLL	209,845.08
<b>TOTAL PAYROLL PAYMENTS</b>				<b>434,704.72</b>

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
	3/08/2015	NATIONAL AUSTRALIA BANK	BPAY FEES	72.67
	3/08/2015	BANKWEST	BANK FEES	148.85
	10/08/2015	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	39,443.08
	20/08/2015	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	38,837.74
	19/08/2015	BANKWEST	PREPAYMENTS TO MASTERCARD JULY 15	13,737.09
	19/08/2015	BANKWEST	BALANCE TO TRANSFER TO MASTERCARD JULY 15	- 1,279.71
	21/08/2015	WEX AUSTRALIA MOTOR PASS	PUMA FUEL CARD PURCHASES JULY 2015	708.18

**TOTAL DIRECT DEBIT PAYMENTS****91,667.90****DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT PAYMENT 19/8/15**

<b>CHQ/EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
	27/06/2015	VIRGIN AIRLINES	FLIGHTS - PER-KNX 29/6/15 - STAFF RELOCATION AS PER EMPLOYMENT CONTRACT	566.70
	01/07/2015	QBE INSURANCE AUSTRALIA	TRAVEL INSURANCE FOR SWEK CONSULTANT AS PER CONTRACT	12.00
	02/07/2015	QANTAS AIRWAYS	FLIGHTS - PER-KNX 9/7/15, KNX-PER 13/7/15 - CONSULTANT	1,685.00
	03/07/2015	AIR NORTH	FLIGHTS - KNX-TOWNSVILLE-KNX 22/8,31/8/15-STAFF MEMBER ATTEND TRAINING	659.31
	03/07/2015	AIR NORTH	FLIGHTS - PER-KNX - STAFF MEMBER - ATTEND TRAINING 15/08/2015	231.29
	03/07/2015	AIR NORTH	FLIGHTS - PER-KNX - STAFF MEMBER - ATTEND TRAINING 15/08/2015	261.58
	4/07/2015	VIRGIN AIRLINES	FLIGHT CHANGE PER-BRISBANE 8/8/15-ELECTED MEMBER-ATTEND ZONE MEETING	117.70
	04/07/2015	QANTAS AIRWAYS	FLIGHTS - KNX-PER - STAFF MEMBER - ATTEND TRAINING 12/08/2015	1,247.80
	6/07/2015	GO DADDY	DOMAIN NAME SECURE CERTIFICATE FOR NEW EMAIL SERVER	345.98
	8/07/2015	FIXPRESS	IPHONE FRONT GLASS & LCD REPLACEMENT	129.00
	14/07/2015	SWAN TAXIS	TAXI - PERTH CITY TO AIRPORT- STAFF MEMBER - ATTEND TRAINING	43.68
	14/07/2015	MESSAGE MEDIA	SERVER SMS ALERT NOTIFICATION SERVICE	1.23
	14/07/2015	AIR NORTH	FLIGHTS - PER-KNX - STAFF MEMBER - ATTEND TRAINING 08/08/2015	684.78
	15/07/2015	QANTAS AIRWAYS	FLIGHTS - DWN-BRISBANE- STAFF MEMBER - ATTEND TRAINING - 15/08/2015	295.99
	15/07/2015	QANTAS AIRWAYS	FLIGHTS - KNX-BME-KNX 20/9/15- STAFF MEMBER - ATTEND TRAINING	861.85
	15/07/2015	QANTAS AIRWAYS	FLIGHTS - KNX-PER - STAFF MEMBERS - ATTEND TRAINING 06/08/2015	1,037.26
	15/07/2015	VIRGIN AIRLINES	FLIGHTS - KNX-PER-KNX 7/8/15, 16/8/15 - STAFF MEMBER- ATTEND TRAINING	1,125.70
	16/07/2015	ZEBRA ROCK	PURCHASE OF GIFT FOR WA GOVERNOR'S VISIT	79.00
	17/07/2015	AIR NORTH	FLIGHTS - KNX-PER 8/8/15 - STAFF MEMBER AS PER CONTRACT	817.08
	18/07/2015	VIRGIN AIRLINES	FLIGHTS - KNX-PER 20/9/15 - STAFF MEMBER - ATTEND TRAINING	506.70
	18/07/2015	VIRGIN AIRLINES	FLIGHTS - KNX-PER 20/9/15 - STAFF MEMBER - ATTEND TRAINING	506.70
	21/07/2015	TUCKERBOX STORES	PURCHASE OF MOBILE PHONE FOR STAFF MEMBER	99.00
	22/07/2015	WALK ABOUT SOUVENIRS	PLAQUE FOR VIP TREE PLANTING - WA GOVERNOR'S VISIT 27/07/2015	35.00
	27/07/2015	COLES KUNUNURRA	REFRESHMENTS FOR WA GOVERNOR'S VISIT	4.80
	28/07/2015	COLES KUNUNURRA	REFRESHMENTS FOR COUNCIL MEETING 28/07/2015	64.90
	28/07/2015	AGA TRAVEL	TRAVEL INSURANCE - NEW EMPLOYEE RECRUITMENT AND RELOCATION	13.95
	29/07/2015	VIRGIN AIRLINES	FLIGHTS - PER-KNX 28/9/15 - STAFF MEMBER - ATTEND TRAINING	386.70
	29/07/2015	VIRGIN AIRLINES	FLIGHTS - PER-KNX 31/7/15 STAFF RELOCATION AS PER EMPLOYMENT CONTRACT	636.70

### 13.2.2 Interim Monthly Financial Report as at 30 July 2015

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Natalie Octoman, Director Corporate Services
<b>REPORTING OFFICER:</b>	Natalie Octoman, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DECLARATION OF FINANCIAL INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to receive the interim monthly financial report for July 2015.

#### **BACKGROUND**

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

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of the report.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

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

Objective 1.4: Business innovation, efficiency and improved service

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

#### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

**COMMENT**

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

**ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report as at 30 July 2015

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receives the Interim Monthly Financial Report as at 30 July 2015.

**COUNCIL DECISION**

**Minute No. 11112**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That Council receives the Interim Monthly Financial Report as at 30 July 2015.**

**Carried Unanimously 8/0**



# Shire of Wyndham East Kimberley

## Interim Monthly Financial Report 2015/2016

**As at 30 July 2015**

Contents:

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

Financial Activity Legend:  
Above Budget Expectations: ▲  
Below Budget Expectations: ▼

# Shire of Wyndham East Kimberley

## Statement of Financial Activity (Interim Report)

Year to Date Actual v Year to Date Budget

as at 31 July 2015

	YTD Actual 2015/16 \$	YTD Budget 2015/16 \$	YTD Variance 2015/16 \$	%	
<b>Revenue</b>					
General Purpose Funding	17,138	17,138	0	0%	▼
Governance	3,895	3,895	0	0%	▼
Law, Order, Public Safety	2,733	1,530	1,203	79%	▲
Health	6,235	6,235	0	0%	▼
Education and Welfare	0	0	0	0%	▼
Housing	6,919	6,529	390	6%	▲
Community Amenities	110,791	108,130	2,661	2%	▲
Recreation and Culture	88,851	88,851	0	0%	▼
Transport	298,966	298,966	0	0%	▼
Economic Services	1,625	1,625	0	0%	▼
Other Property and Services	8,440	8,440	0	0%	▼
	<u>545,592</u>	<u>541,338</u>	<u>4,254</u>	<u>1%</u>	<u>▲</u>
<b>Expenses</b>					
General Purpose Funding	(515)	(1,578)	1,062	-67%	▼
Governance	(11,538)	(15,982)	4,445	-28%	▼
Law, Order, Public Safety	(51,903)	(33,644)	(18,259)	54%	▲
Health	(18,250)	(18,584)	333	-2%	▼
Education and Welfare	(16,993)	(18,895)	1,902	-10%	▼
Housing	(62,849)	(59,264)	(3,585)	6%	▲
Community Amenities	(198,160)	(205,312)	7,152	-3%	▼
Recreation & Culture	(560,958)	(532,048)	(28,910)	5%	▲
Transport	(730,505)	(691,431)	(39,075)	6%	▲
Economic Services	(34,647)	(28,844)	(5,803)	20%	▲
Other Property and Services	(167,214)	(124,811)	(42,403)	34%	▲
	<u>(1,853,533)</u>	<u>(1,730,393)</u>	<u>(123,141)</u>	<u>7%</u>	<u>▲</u>
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
(Profit)/Loss on Asset Disposals	0	0	0	0%	▼
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	501,666	509,894	(8,228)	-2%	▼
<b>Capital Expenditure and Revenue</b>					
Purchase Land Held for Resale	0	0	0	0%	▲
Purchase Land and Buildings	0	0	0	0%	▲
Purchase Infrastructure Assets - Roads	(28,513)	(28,513)	0	0%	▲
Purchase Infrastructure Assets - Footpaths	0	0	0	0%	▲
Purchase Infrastructure Assets - Drainage	20,873	20,873	0	0%	▲
Purchase Infrastructure Assets - Other	2,672,480	2,672,480	(0)	0%	▲
Purchase Plant and Equipment	0	0	0	0%	▲
Purchase Furniture and Equipment	0	0	0	0%	▲
Grants / Contributions for Development of Assets	674,766	674,766	0	0%	▼
Proceeds from Disposal of Assets	0	0	0	0%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(64,837)	(64,837)	0	0%	▲
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	0	0	0	0%	▲
Transfers from Reserves (Restricted Assets)	0	0	0	0%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,665,875)	(1,665,875)	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	802,620	929,734	(127,114)	-14%	▼
<b>Amount Required to be Raised from Rates</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>	<u>▼</u>

**Shire of Wyndham East Kimberley**  
**Note to Statement of Financial Activity (Interim Report)**

**Net Current Assets**  
as at 31 July 2015

**Composition of Estimated Net Current Asset Position**

	<b>YTD Actual 2015/16</b>	<b>Brought Forward 1 July 2015</b>
<b>CURRENT ASSETS</b>		
Cash - Municipal (Restricted & Unrestricted)*	2,959,099	5,587,874
Cash - Restricted Reserves	11,432,325	11,399,661
Receivables	2,523,011	2,489,010
Inventories & Other Financial Assets	5,044	17,214
	<u>16,919,478</u>	<u>19,493,759</u>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	(4,684,534)	(9,759,973)
Less:		
Restricted - Reserves	(11,432,325)	(11,399,661)
<b>NET CURRENT ASSET POSITION</b>	<u><b>802,620</b></u>	<u><b>(1,665,875)</b></u>
Less:		
Restricted - Unspent Grants	(1,454,206)	(1,454,206)
Restricted - Unspent Loans	(1,019,691)	(1,019,691)
<b>ADJUSTED NET CURRENT ASSET POSITION</b>	<u><u><b>(1,671,277)</b></u></u>	<u><u><b>(4,139,772)</b></u></u>

\* **Cash - Municipal brought forward balances represented by:**

Cash on Hand	1,700	1,700
Cash at Bank - Municipal		
Unrestricted	483,502	3,112,277
Restricted - Unspent Grants	1,454,206	1,454,206
Restricted - Unspent Loans	1,019,691	1,019,691
	<u>2,959,099</u>	<u>5,587,874</u>

\*\* Net current asset position will remain overstated until the position of reserves are calculated for the financial year 2014/15

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 July 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

**Operating**

**Recurrent Income - Excluding Rates** ▲

**Rates**

No material variances to report

Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.

**General Purpose Funding** ▼

No material variances to report

As above

**Governance** ▼

No material variances to report

As above

**Law, Order and Public Safety** ▲

No material variances to report

As above

**Health** ▼

No material variances to report

As above

**Education and Welfare** ▼

No material variances to report

As above

**Housing** ▲

No material variances to report

As above

**Community Amenities** ▲

No material variances to report

As above

**Recreation and Culture** ▼

No material variances to report

As above

**Transport** ▼

No material variances to report

As above

**Economic Services** ▼

No material variances to report

As above

**Other Property and Services** ▼

No material variances to report

As above

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 July 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

**Recurrent Expenditure** ▲

**General Purpose Funding** ▼

No material variances to report

Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.

**Governance** ▼

No material variances to report

As above

**Law, Order and Public Safety** ▲

No material variances to report

As above

**Health** ▼

No material variances to report

As above

**Education and Welfare** ▼

No material variances to report

As above

**Housing** ▲

No material variances to report

As above

**Community Amenities** ▼

No material variances to report

As above

**Recreation and Culture** ▲

No material variances to report

As above

**Transport** ▲

No material variances to report

As above

**Economic Services** ▲

No material variances to report

As above

**Other Property and Services** ▲

No material variances to report

As above

***Non Cash Expenditure and Revenue***

**Adjustments and Accruals**

No material variances to report

As above

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 July 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

**Capital**

**Purchase Land Held for Resale**

▲

Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.

No material variances to report

**Purchase Land and Buildings**

▲

No material variances to report

As above

**Purchase Infrastructure Assets - Roads**

▲

No material variances to report

As above

**Purchase Infrastructure Assets - Footpaths**

▲

No material variances to report

As above

**Purchase Infrastructure Assets - Drainage**

▲

No material variances to report

As above

**Purchase Infrastructure Assets - Other**

▲

No material variances to report

As above

**Purchase Plant and Equipment**

▲

No material variances to report

As above

**Purchase Furniture and Equipment**

▲

No material variances to report

As above

**Grants / Contributions for Development of Assets**

▼

No material variances to report

As above

**Proceeds from Disposal of Assets**

▼

No material variances to report

As above

**Debentures**

▲

No material variances to report

As above

**Reserves**

▲

No material variances to report

As above

# Shire of Wyndham East Kimberley

## Statement of Financial Activity (Interim Report)

### Budget Remaining to Collect/Spend

as at 31 July 2015

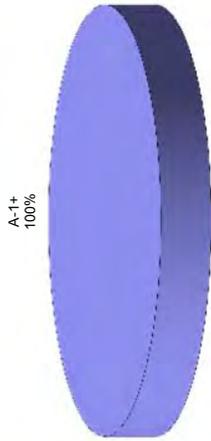
	YTD Actual 2015/16 \$	Annual Budget 2015/16	Budget Remaining 2015/16 \$	%	
<b>Revenue</b>					
General Purpose Funding	17,138	2,547,115	2,529,977	99%	▼
Governance	3,895	150,872	146,977	97%	▼
Law, Order, Public Safety	2,733	58,613	55,880	95%	▼
Health	6,235	92,506	86,271	93%	▼
Education and Welfare	0	11,500	11,500	100%	▼
Housing	6,919	121,590	114,671	94%	▼
Community Amenities	110,791	2,534,733	2,423,942	96%	▼
Recreation and Culture	88,851	997,143	908,292	91%	▼
Transport	298,966	4,160,621	3,861,655	93%	▼
Economic Services	1,625	96,365	94,740	98%	▼
Other Property and Services	8,440	371,933	363,493	98%	▼
	<u>545,592</u>	<u>11,142,991</u>	<u>10,597,399</u>	<u>95%</u>	<u>▼</u>
<b>Expenses</b>					
General Purpose Funding	(515)	(573,835)	(573,320)	100%	▼
Governance	(11,538)	(930,227)	(918,689)	99%	▼
Law, Order, Public Safety	(51,903)	(592,391)	(540,488)	91%	▼
Health	(18,250)	(299,639)	(281,389)	94%	▼
Education and Welfare	(16,993)	(243,541)	(226,548)	93%	▼
Housing	(62,849)	(604,444)	(541,595)	90%	▼
Community Amenities	(198,160)	(4,144,548)	(3,946,388)	95%	▼
Recreation & Culture	(560,958)	(6,897,090)	(6,336,132)	92%	▼
Transport	(730,505)	(8,601,589)	(7,871,084)	92%	▼
Economic Services	(34,647)	(330,981)	(296,334)	90%	▼
Other Property and Services	(167,214)	(1,633,139)	(1,465,925)	90%	▼
	<u>(1,853,533)</u>	<u>(24,851,424)</u>	<u>(22,997,891)</u>	<u>93%</u>	<u>▼</u>
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
(Profit)/Loss on Asset Disposals	0	(40,211)	(40,211)	100%	▼
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	501,666	5,765,188	5,263,522	91%	▼
<b>Capital Expenditure and Revenue</b>					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	0	(187,830)	(187,830)	100%	▼
Purchase Infrastructure Assets - Roads	(28,513)	(5,978,884)	(5,950,371)	100%	▼
Purchase Infrastructure Assets - Footpaths	0	(109,315)	(109,315)	100%	▼
Purchase Infrastructure Assets - Drainage	20,873	(552,970)	(573,843)	104%	▼
Purchase Infrastructure Assets - Other	2,672,480	(6,501,870)	(9,174,350)	141%	▼
Purchase Plant and Equipment	0	(1,501,043)	(1,501,043)	100%	▼
Purchase Furniture and Equipment	0	(191,100)	(191,100)	100%	▼
Grants / Contributions for Development of Assets	674,766	5,621,304	4,946,538	88%	▼
Proceeds from Disposal of Assets	0	363,237	363,237	100%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(64,837)	(954,447)	(889,610)	93%	▼
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	0	(6,707,472)	(6,707,472)	100%	▼
Transfers from Reserves (Restricted Assets)	0	16,576,747	16,576,747	100%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,665,875)	(1,665,875)	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	802,620	178,591	(624,029)	-349%	▲
<b>Amount Required to be Raised from Rates</b>	<u>0</u>	<u>9,951,565</u>	<u>9,951,565</u>	<u>100%</u>	<u>▼</u>

# MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

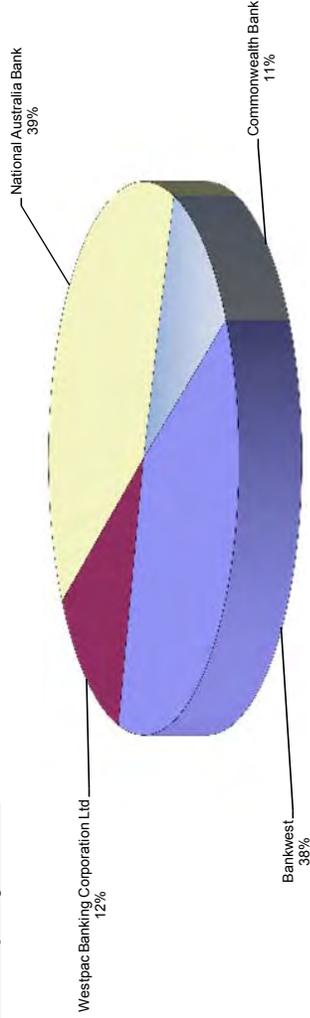
## INVESTMENT POLICY - CP FIN - 3203

RESULTS AS AT 31 July 2015

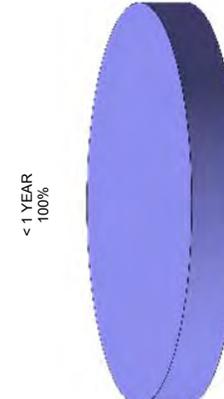
### Overall Portfolio



### Counterparty Credit



### Term to Maturity



Overall Portfolio Limits			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	
AAA	A-1+	100%	
AA	A-1	100%	
	A-2	60%	

Note: "S & P" relates to Standard & Poors credit rating agency

Counterparty Credit Framework			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	
AAA	A-1+	45%	
AA	A-1	35%	
	A-2	20%	

Term to Maturity Framework		
Overall Portfolio Term to Maturity Limits		
Portfolio % < 1 year	100% max	40% min
Portfolio % > 1 year		60%
Portfolio % > 3 year		35%
Individual Investment Maturity Limits		
Authorised Deposit Institution		12 Months
State/Commonwealth Government Bonds		3 years

Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)

### 13.2.3 Interim Monthly Financial Report as at 30 August 2015

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Natalie Octoman, Director Corporate Services
<b>REPORTING OFFICER:</b>	Natalie Octoman, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DECLARATION OF FINANCIAL INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to receive the interim monthly financial report for August 2015.

#### **BACKGROUND**

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

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of the report.

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

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

Objective 1.4: Business innovation, efficiency and improved service

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

#### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

**COMMENT**

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

**ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report as at 30 August 2015

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receives the Interim Monthly Financial Report as at 30 August 2015.

**COUNCIL DECISION**

**Minute No. 11113**

**Moved: Cr K Wright**

**Seconded: Cr D Spackman**

**That Council receives the Interim Monthly Financial Report as at 30 August 2015.**

**Carried Unanimously 8/0**



# Shire of Wyndham East Kimberley

## Interim Monthly Financial Report 2015/2016

**As at 30 August 2015**

Contents:

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

Financial Activity Legend:  
Above Budget Expectations: ▲  
Below Budget Expectations: ▼

# Shire of Wyndham East Kimberley

## Statement of Financial Activity (Interim Report)

Year to Date Actual v Year to Date Budget

as at 31 August 2015

	YTD Actual 2015/16 \$	YTD Budget 2015/16 \$	YTD Variance 2015/16 \$	%	
<b>Revenue</b>					
General Purpose Funding	481,635	476,569	5,065	1%	▲
Governance	5,964	5,020	944	19%	▲
Law, Order, Public Safety	3,984	2,758	1,226	44%	▲
Health	12,374	12,373	1	0%	▲
Education and Welfare	1,808	1,808	0	0%	▼
Housing	19,682	18,512	1,170	6%	▲
Community Amenities	214,882	209,503	5,379	3%	▲
Recreation and Culture	143,454	143,454	0	0%	▼
Transport	558,017	558,017	0	0%	▼
Economic Services	6,364	6,364	0	0%	▼
Other Property and Services	44,303	44,303	0	0%	▼
	<u>1,492,466</u>	<u>1,478,681</u>	<u>13,785</u>	<u>1%</u>	<u>▲</u>
<b>Expenses</b>					
General Purpose Funding	(2,259)	(4,147)	1,889	-46%	▼
Governance	(112,826)	(109,270)	(3,555)	3%	▲
Law, Order, Public Safety	(105,180)	(76,799)	(28,381)	37%	▲
Health	(48,401)	(47,592)	(808)	2%	▲
Education and Welfare	(41,169)	(42,216)	1,047	-2%	▼
Housing	(110,940)	(100,966)	(9,974)	10%	▲
Community Amenities	(603,712)	(557,037)	(46,676)	8%	▲
Recreation & Culture	(1,142,254)	(1,073,951)	(68,303)	6%	▲
Transport	(1,464,786)	(1,396,347)	(68,440)	5%	▲
Economic Services	(74,423)	(54,782)	(19,641)	36%	▲
Other Property and Services	(183,657)	(90,647)	(93,010)	103%	▲
	<u>(3,889,606)</u>	<u>(3,553,754)</u>	<u>(335,852)</u>	<u>9%</u>	<u>▲</u>
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
(Profit)/Loss on Asset Disposals	(33,055)	(33,055)	0	0%	▼
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	1,003,333	1,019,788	(16,456)	-2%	▼
<b>Capital Expenditure and Revenue</b>					
Purchase Land Held for Resale	0	0	0	0%	▲
Purchase Land and Buildings	(114,773)	(100,000)	(14,773)	15%	▲
Purchase Infrastructure Assets - Roads	(32,726)	(32,326)	(400)	1%	▲
Purchase Infrastructure Assets - Footpaths	0	0	0	0%	▲
Purchase Infrastructure Assets - Drainage	(63,074)	(63,074)	0	0%	▲
Purchase Infrastructure Assets - Other	(85,967)	(85,329)	(638)	1%	▲
Purchase Plant and Equipment	(25,727)	(25,727)	0	0%	▲
Purchase Furniture and Equipment	0	0	0	0%	▲
Grants / Contributions for Development of Assets	1,644,174	1,644,174	0	0%	▼
Proceeds from Disposal of Assets	0	0	0	0%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(153,541)	(153,541)	0	0%	▲
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	0	0	0	0%	▲
Transfers from Reserves (Restricted Assets)	0	0	0	0%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,665,875)	(1,665,875)	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	(1,924,372)	(1,570,038)	(354,333)	23%	▼
<b>Amount Required to be Raised from Rates</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>	<u>▼</u>

**Shire of Wyndham East Kimberley**  
**Note to Statement of Financial Activity (Interim Report)**

**Net Current Assets**  
as at 31 August 2015

**Composition of Estimated Net Current Asset Position**

	<b>YTD Actual 2015/16</b>	<b>Brought Forward 1 July 2015</b>
<b>CURRENT ASSETS</b>		
Cash - Municipal (Restricted & Unrestricted)*	822,881	5,587,874
Cash - Restricted Reserves	11,450,024	11,399,661
Receivables	1,112,694	2,489,010
Inventories & Other Financial Assets	13,076	17,214
	<u>13,398,675</u>	<u>19,493,759</u>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	(3,873,023)	(9,759,973)
Less:		
Restricted - Reserves	(11,450,024)	(11,399,661)
	<u>(1,924,372)</u>	<u>(1,665,875)</u>
<b>NET CURRENT ASSET POSITION</b>		
Less:		
Restricted - Unspent Grants	(1,454,206)	(1,454,206)
Restricted - Unspent Loans	(1,019,691)	(1,019,691)
<b>ADJUSTED NET CURRENT ASSET POSITION</b>	<u>(4,398,269)</u>	<u>(4,139,772)</u>

\* **Cash - Municipal brought forward balances represented by:**

Cash on Hand	1,700	1,700
Cash at Bank - Municipal		
Unrestricted	(1,652,716)	3,112,277
Restricted - Unspent Grants	1,454,206	1,454,206
Restricted - Unspent Loans	1,019,691	1,019,691
	<u>822,881</u>	<u>5,587,874</u>

\*\* Net current asset position will remain overstated until the position of reserves are calculated for the financial year 2014/15

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 August 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

**Operating**

**Recurrent Income - Excluding Rates** ▲

**Rates**

No material variances to report

Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.

**General Purpose Funding** ▲

No material variances to report

As above

**Governance** ▲

No material variances to report

As above

**Law, Order and Public Safety** ▲

No material variances to report

As above

**Health** ▲

No material variances to report

As above

**Education and Welfare** ▼

No material variances to report

As above

**Housing** ▲

No material variances to report

As above

**Community Amenities** ▲

No material variances to report

As above

**Recreation and Culture** ▼

No material variances to report

As above

**Transport** ▼

No material variances to report

As above

**Economic Services** ▼

No material variances to report

As above

**Other Property and Services** ▼

No material variances to report

As above

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 August 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

<b>Recurrent Expenditure</b>	▲	
<b>General Purpose Funding</b>	▼	
No material variances to report		Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.
<b>Governance</b>	▲	
No material variances to report		As above
<b>Law, Order and Public Safety</b>	▲	
No material variances to report		As above
<b>Health</b>	▲	
No material variances to report		As above
<b>Education and Welfare</b>	▼	
No material variances to report		As above
<b>Housing</b>	▲	
No material variances to report		As above
<b>Community Amenities</b>	▲	
No material variances to report		As above
<b>Recreation and Culture</b>	▲	
No material variances to report		As above
<b>Transport</b>	▲	
No material variances to report		As above
<b>Economic Services</b>	▲	
No material variances to report		As above
<b>Other Property and Services</b>	▲	
Indirect Salaries - Outdoor Workforce	25,100 ▲	Budget transfer required due to change of methodology in allocation of outdoor workforce salaries. Budget held in different account. Timing impact only.

**Non Cash Expenditure and Revenue**

**Adjustments and Accruals**

No material variances to report

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity (Interim Report)**  
**For the Period Ended 31 August 2015**

**Explanation of Material Variances** (between YTD Budget and YTD Actual)

*Variances +/- \$50,000 at Financial Statement Level*

*Variances +/- \$20,000 and 10% at Account Level*

**Capital**

<b>Purchase Land Held for Resale</b>	▲	
No material variances to report		
Budget was adopted after the reporting period. Actuals for end of the period have been used as the YTD Budget amount. This will continue until the September reports when the budget was adopted by Council.		
<b>Purchase Land and Buildings</b>	▲	
No material variances to report		As above
<b>Purchase Infrastructure Assets - Roads</b>	▲	
No material variances to report		As above
<b>Purchase Infrastructure Assets - Footpaths</b>	▲	
No material variances to report		As above
<b>Purchase Infrastructure Assets - Drainage</b>	▲	
No material variances to report		As above
<b>Purchase Infrastructure Assets - Other</b>	▲	
No material variances to report		As above
<b>Purchase Plant and Equipment</b>	▲	
No material variances to report		As above
<b>Purchase Furniture and Equipment</b>	▲	
No material variances to report		As above
<b>Grants / Contributions for Development of Assets</b>	▼	
No material variances to report		As above
<b>Proceeds from Disposal of Assets</b>	▼	
No material variances to report		As above
<b>Debentures</b>	▲	
No material variances to report		As above
<b>Reserves</b>	▲	
No material variances to report		As above

# Shire of Wyndham East Kimberley

## Statement of Financial Activity (Interim Report)

### Budget Remaining to Collect/Spend

as at 31 August 2015

	YTD Actual 2015/16 \$	Annual Budget 2015/16	Budget Remaining 2015/16 \$	%	
<b>Revenue</b>					
General Purpose Funding	481,635	2,547,115	2,065,480	81%	▼
Governance	5,964	150,872	144,908	96%	▼
Law, Order, Public Safety	3,984	58,613	54,629	93%	▼
Health	12,374	92,506	80,132	87%	▼
Education and Welfare	1,808	11,500	9,692	84%	▼
Housing	19,682	121,590	101,908	84%	▼
Community Amenities	214,882	2,534,733	2,319,851	92%	▼
Recreation and Culture	143,454	997,143	853,689	86%	▼
Transport	558,017	4,160,621	3,602,604	87%	▼
Economic Services	6,364	96,365	90,001	93%	▼
Other Property and Services	44,303	371,933	327,630	88%	▼
	<u>1,492,466</u>	<u>11,142,991</u>	<u>9,650,525</u>	<u>87%</u>	<u>▼</u>
<b>Expenses</b>					
General Purpose Funding	(2,259)	(573,835)	(571,576)	100%	▼
Governance	(112,826)	(930,227)	(817,401)	88%	▼
Law, Order, Public Safety	(105,180)	(592,391)	(487,211)	82%	▼
Health	(48,401)	(299,639)	(251,238)	84%	▼
Education and Welfare	(41,169)	(243,541)	(202,372)	83%	▼
Housing	(110,940)	(604,444)	(493,504)	82%	▼
Community Amenities	(603,712)	(4,144,548)	(3,540,836)	85%	▼
Recreation & Culture	(1,142,254)	(6,897,090)	(5,754,836)	83%	▼
Transport	(1,464,786)	(8,601,589)	(7,136,803)	83%	▼
Economic Services	(74,423)	(330,981)	(256,558)	78%	▼
Other Property and Services	(183,657)	(1,633,139)	(1,449,482)	89%	▼
	<u>(3,889,606)</u>	<u>(24,851,424)</u>	<u>(20,961,818)</u>	<u>84%</u>	<u>▼</u>
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
(Profit)/Loss on Asset Disposals	(33,055)	(40,211)	(7,156)	18%	▼
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	1,003,333	5,765,188	4,761,855	83%	▼
<b>Capital Expenditure and Revenue</b>					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	(114,773)	(187,830)	(73,057)	39%	▼
Purchase Infrastructure Assets - Roads	(32,726)	(5,978,884)	(5,946,158)	99%	▼
Purchase Infrastructure Assets - Footpaths	0	(109,315)	(109,315)	100%	▼
Purchase Infrastructure Assets - Drainage	(63,074)	(552,970)	(489,896)	89%	▼
Purchase Infrastructure Assets - Other	(85,967)	(6,501,870)	(6,415,903)	99%	▼
Purchase Plant and Equipment	(25,727)	(1,501,043)	(1,475,316)	98%	▼
Purchase Furniture and Equipment	0	(191,100)	(191,100)	100%	▼
Grants / Contributions for Development of Assets	1,644,174	5,621,304	3,977,130	71%	▼
Proceeds from Disposal of Assets	0	363,237	363,237	100%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(153,541)	(954,447)	(800,906)	84%	▼
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	0	(6,707,472)	(6,707,472)	100%	▼
Transfers from Reserves (Restricted Assets)	0	16,576,747	16,576,747	100%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,665,875)	(1,665,875)	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	(1,924,372)	178,591	2,102,963	1178%	▼
<b>Amount Required to be Raised from Rates</b>	<u>0</u>	<u>9,951,565</u>	<u>9,951,565</u>	<u>100%</u>	<u>▼</u>

# MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

## INVESTMENT POLICY - CP FIN - 3203

RESULTS AS AT 31 August 2015

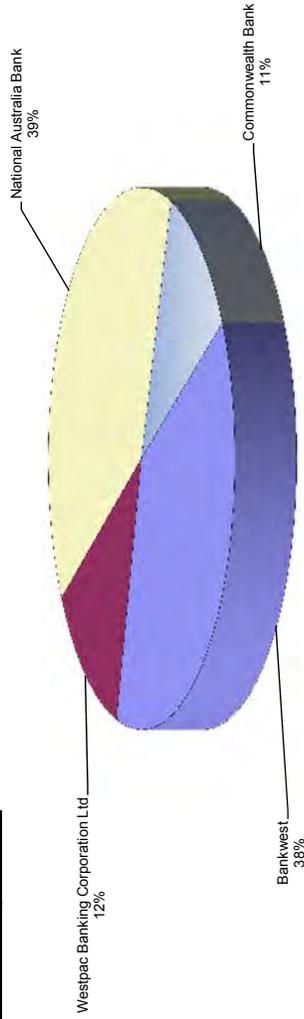
### Overall Portfolio

A-1+  
100%

"Overall Portfolio Limits"			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Direct Investment Maximum %
AAA	A-1+		100%
AA	A-1		100%
A	A-2		60%

Note: "S & P" relates to Standard & Poors credit rating agency

### Counterparty Credit



### Term to Maturity

< 1 YEAR  
100%

### "Term to Maturity Framework"

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100% max 40% min
Portfolio % > 1 year	60%
Portfolio % > 3 year	35%

Individual Investment Maturity Limits	
Authorised Deposit Institution	12 Months
State/Commonwealth Government Bonds	3 years

Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)

## 13.3 INFRASTRUCTURE

### 13.3.1 Review of Private Works Policy and the Maintenance of Shire Assets Policy

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	David Klye, Director Infrastructure
<b>REPORTING OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	CM.11.2
<b>DECLARATION OF INTERESTS:</b>	NIL

#### PURPOSE

To revise Council's Private Works policy by removing reference to the provision of in-kind contributions by Council.

To correct an error in the reference numbers of the Maintenance of Shire Assets policy and the Private Works policy.

#### BACKGROUND

Council at its 18 November 2014 meeting adopted a Maintenance of Shire Assets policy and a Private Works policy.

#### COUNCIL DECISION

Minute No. 10653

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council; rescinds the following policies:

1. Policy Number E1 Community use of Council Plant;
2. Policy Number E3 Private Works / Plant Hire;
3. Policy Number E7 Aboriginal community access roads.

Alter the definition of Station Access Road in the proposed policy IS003 Maintenance of Shire Assets be amended to read as follows: "Station Access Road means any road, track or driveway that is not on the roads register of the shire of Wyndham East Kimberley and is related to a pastoral lease."

Adopt the following proposed policies:

1. Policy IS003 Maintenance of Shire Assets;
2. Policy IS005 Private Works.

**Carried Unanimously 8/0**

## **STATUTORY IMPLICATIONS**

Under the *Local Government Act 1995 Clause 2.7(2)(b)*, Council is to determine the Local Government's policies.

## **POLICY IMPLICATIONS**

This matter directly addresses Council's policy position on private works and developments on road verges and Shire managed land.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations of this report.

These policies directly address the issue of management costs associated with repeatedly dealing with private works and developments on road verges and Council maintained land.

## **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 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 in relation to this item

## **COMMENT**

Clause 10 of the Private Works policy (Attachment 1) is redundant as it has been superseded by the CP/COM-3582 Community Grant Scheme policy. It is proposed that Clause 10 be deleted from the Private Works policy.

There was an error in the numbering of the policies in the November 2014 agenda and in the meeting minutes. The adopted policies were referred to as Policy IS003 Maintenance of Shire Assets and Policy IS005 Private Works when the titles should have read CP/OPS - 3649 Maintenance of Shire Assets and CP/OPS - 3650 Private Works.

## **ATTACHMENTS**

Attachment 1 - CP/OPS - 3650 Private Works

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council;

1. Deletes Clause 10 "The CEO will consider, and at his discretion approve, applications from community groups and local sporting organisations for in-kind works contributions by Council on a case by case basis up to a value of \$1,000." from the policy IS005 Private Works.
2. Amends the title of the policies IS003 Maintenance of Shire Assets and IS005 Private Works, adopted at its meeting of 18 November 2014, to CP/OPS - 3649 Maintenance of Shire Assets and CP/OPS - 3650 Private Works respectively.

## **COUNCIL DECISION**

**Minute No. 11114**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

That Council;

1. **Deletes Clause 10 "The CEO will consider, and at his discretion approve, applications from community groups and local sporting organisations for in-kind works contributions by Council on a case by case basis up to a value of \$1,000." from the policy IS005 Private Works.**
2. **Amends the title of the policies IS003 Maintenance of Shire Assets and IS005 Private Works, adopted at its meeting of 18 November 2014, to CP/OPS - 3649 Maintenance of Shire Assets and CP/OPS - 3650 Private Works respectively.**

**Carried Unanimously 8/0**



POLICY NO	CP/OPS-3650	
POLICY	Private Works	
RESPONSIBLE DIRECTORATE	Infrastructure	
COUNCIL ADOPTION	Date: 18/11/2014	Resolution No: 10653
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
LEGISLATION	<i>Local Government Act 1995, Section 2.7</i>	
RELEVANT DELEGATIONS	14. Private Works	
CEO SIGNATURE		

### OBJECTIVES:

The objective of this policy is to provide guidance on the extent of private works that the Shire will undertake.

### DEFINITION/S:

**Government business enterprise** is an organization that is a separate legal entity with the power to contract in its own name and in the normal course of its business, maintain its operations and meet its liabilities from revenues received from sources outside of the government reporting entity.

### POLICY STATEMENT/S:

1. The Shire avoids where possible carrying out private works.
2. The Shire avoids carrying out private works where involvement in such works would place the Shire in competition with private supply.
3. Where the cost of private works is expected to be less than \$25,000 the CEO may approve the works.
4. Where the cost of the private works is likely to exceed \$25,000 a report must be submitted to Council for consideration.
5. Private works authority must be provided to the Shire prior to the commencement of any private work.
6. Private works authority must be provided to the Shire on a completed Private Works Request – Authority form.
7. All costs reasonably attributed to the private works project including plant, labour and materials (including overheads) are to be charged to the private works project. In accordance with Council's Fees and Charges schedule, an additional 15% is charged to provide for administrative costs. GST is also applicable and is charged on the works and on the 15% administrative cost.

8. Works for government business enterprises are treated as private works.
9. Quotations are not to be provided for works, but an indicative cost to a party requesting work may be given. Charges to that party are strictly the actual costs, plus the administrative on costs plus GST.
10. The CEO will consider, and at his discretion approve, applications from community groups and local sporting organisations for in-kind works contributions by Council on a case by case basis up to a value of \$1,000.

#### **EXPLANATORY NOTES:**

The intent of this policy is to remove the Shire's capabilities and operation from being in direct competition with private enterprise and local private service providers while still allowing for the provision of services where there is a market failure or where necessary.

#### **APPLICATIONS:**

This policy applies to all functions of the Shire of Wyndham East Kimberley.

## 13.4 COMMUNITY DEVELOPMENT

### 13.4.1 Development Application for Grouped Dwellings at Lot 933 Dulverton Street, Wyndham

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Broadhurst and Bott Architects
<b>LOCATION:</b>	Lot 933 Dulverton Street, Wyndham
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	A371P
<b>ASSESSMENT NO:</b>	A371
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to consider a development application for two Grouped Dwellings at Lot 933 Dulverton Street, Wyndham.

#### **BACKGROUND**

An application for planning approval was lodged on 7 July 2015 by for two proposed grouped dwellings at Lot 933 Dulverton Street, Wyndham.

The property is located on the eastern side of Dulverton Street, between (and opposite) the Kwinana Street and Koojarra Street intersections, in the Three Mile area of Wyndham, and has an area of 1062m<sup>2</sup>. The land is zoned Residential R20 under Town Planning Scheme No. 6 – Wyndham Townsite (TPS 6). A location plan is provided below and at Attachment 1.



Location of Subject Site

*Proposal*

The proposal is for the development of two 3 bedroom modular units to be established on the site for Government Regional Officer Housing (GROH) provided by the Department of Housing.

The plans submitted are provided at Attachment 2.

**STATUTORY IMPLICATIONS**

*Town Planning Scheme No. 6 – Wyndham Townsite*

The land at Lot 933 is zoned Residential R20 under TPS 6. The objectives of the Residential zone are:

- a) *for the allocation and density coding of the Residential zone throughout the Scheme Area to be designed to provide for the development of the Scheme Area in such a way as will:-*
  - i) *Provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice sites;*
  - ii) *Promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas.*
  
- b) *notwithstanding that a proposed development conforms in all other respects with the requirements of the Scheme, Council may at its discretion refuse to grant approval if in its opinion such development would be its siting or construction result in significant deterioration of the amenity or landscape quality of the town.*

### *Residential Design Codes (R Codes)*

Clause 5.4 of TPS 6 outlines the requirement for development of land for any residential purpose dealt with by the R Codes to confirm to the provisions of, and schedules to, those codes.

This clause also outlines that any application for planning consent of any residential building other than a single dwelling shall be accompanied by a plan showing the proposed landscaping onsite to show:

- a) the location and general nature of planted areas;
- b) the location and nature of materials to be used on non-planted areas;
- c) the location and size of any outbuildings or minor proposed structures.

TPS 6 also stipulates that the applicant shall commence the implementation of the approved landscape plan within 6 calendar months of the completion of all other approved works and shall complete the works no later than 6 months following approval to occupy any building.

This application is required to be considered by Council as TPS 6 does not contain a statement of delegation for Council to provide decision-making authority to officers.

### **POLICY IMPLICATIONS**

#### *State Planning Policy 3.1 Residential Design Codes*

The purpose of the R-Codes is to provide a comprehensive basis for the guidance of residential development throughout Western Australia.

#### *Landscaping*

Clause 6.3.2 of the R-Codes outlines the design principle that the space around a dwelling is designed to allow for planting, and that landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:

- meets the projected needs of the residents;
- enhances security and safety for residents; and
- contributes to the streetscape.

The deemed-to-comply requirements outlines that the street setback areas should be developed without car parking, with a maximum of 50 per cent hard surface. While this criteria has been met, the site plan shows no indication of landscaping proposed within the front setback area, or other landscaping across the site, with large areas of the site shown proposed to be concreted.

#### *Stormwater management*

Clause 6.3.8 outlines the design principle that stormwater is managed on-site whenever possible by containment or infiltration, as permitted by the soil and other site conditions.

The deemed-to-comply requirements is for all water draining from roofs, driveways and other impermeable surfaces to be directed into garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.

The site slopes naturally to the rear of the property and historically, overland flow of stormwater would flow to the rear of the property onto unallocated Crown land (UCL). As part of this application it is proposed to establish two concrete stormwater drains parallel to each side boundary of Lot 933 to direct stormwater runoff away from the buildings and to the rear of the property.

### **FINANCIAL IMPLICATIONS**

The applicant has paid the planning application fee.

### **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 3.3.6 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

### **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.

The application was however referred to the Department of Lands in relation to the proposal to direct stormwater onto unallocated Crown land (UCL) lots 1353-1355 located to the rear of the property.

The Department of Lands advised that it does not support the developer disposing of the excess stormwater into the UCL lots to the rear of Lot 933, and have recommended that either:

- the excess is to be diverted back into Dulverton St, or;
- creation of a Shire managed reserve (or easement) for drainage with suitable earthworks to support, which would direct the excess into the Minderoo Street reserve; and
- with both options being at the developer's expense.

This is to allow any future release of the UCL lots to have reduced impact from the stormwater from this site.

The Department of Housing have advised that they will agree to create an easement at their cost, and for the approval to be conditioned accordingly.

### **COMMENT**

The application generally complies with the Residential Design Codes, however is required to be considered by Council as TPS 6 does not allow for decision-making authority to be delegated to officers.

The only issues are in relation to the proposed method of stormwater management and lack of landscaping, and in particular the large area of the site intended to be hard surface.

The Department of Lands have agreed to allow excess stormwater from the property to be directed to the rear onto the adjoining UCL lots, subject to the developer (Department of Housing) undertaking appropriate earthworks within the UCL lots creating an easement. The easement (or easements) would be for the benefit of Lot 933, meaning that the maintenance and responsibility for the easements would be that of Department of Housing as the landowner.

However, it is recommend that some stormwater should be retained onsite by additional garden beds and lawn areas that allow for some infiltration, and will also improve the amenity of the proposed dwellings.

It is recommended that approval can be granted, subject to the submission of a new site plan showing a reduction in the areas to be concreted, additional areas and details of landscaping or impermeable surfaces, and other appropriate stormwater management methods such as a rock lined stormwater channel, as opposed to a concrete channel.

### **ATTACHMENTS**

Attachment 1 - Location Plan

Attachment 2 - Plans

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council grants planning consent for two Grouped Dwellings at Lot 933 Dulverton 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. A revised stormwater management plan shall be submitted and approved by the Shire and the Department of Lands prior to a building permit being issued, to provide details on the proposed method of control and disposal of stormwater both on site to garden areas or rainwater tanks and off site into Councils (existing or proposed) stormwater system.
3. A landscaping plan is to be submitted and approved by the Shire to show:
  - (a) the location and general nature of planted areas;
  - (b) the location and nature of materials to be used on non-planted areas.
4. An amended detailed site plan is to be submitted and approved by the Shire, in line with the approved revised stormwater management and landscaping plans, to show:
  - (a) the increase in proposed areas of landscaping;
  - (b) the reduction in proposed hard stand areas; and

- (c) any other changes as a result of the approved landscaping and stormwater management plans.
5. Implementation of the approved landscape plan shall be completed no later than 6 months following approval to occupy the dwellings.

Advice to Applicant:

1. A building permit application will be required before the commencement of any construction.
2. An application for the proposed crossovers shall be submitted to the Shire's Infrastructure Directorate.
3. The sewer system in Wyndham is classified as an effluent only scheme. It is a requirement for all properties to install holding tanks for solids, which are required to comply with AS/NZS3500.2. Application for connection to the sewer system is required to be made to the Water Corporation.
4. In relation to Condition 2, the Department of Lands has advised that creation of an easement for drainage, to be supported by suitable earthworks, is required to be undertaken at the developer's expense, to enable excess stormwater to be directed into the Minderoo Street reserve.

**MOTION**

Cr K Wright moves that the item be deferred until negotiations regarding the easement are completed.

**COUNCIL DECISION**

**Minute No. 11115**

**Moved: Cr K Wright**

**Seconded: Cr D Spackman**

**That the item (13.4.1 Development Application for Grouped Dwellings at Lot 933 Dulverton Street, Wyndham is deferred until negotiations regarding the easement are completed.**

**Lost 2/6**

**For: Cr K Wright, Cr D Spackman**

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor**

**MOTION**

Cr B Robinson moves the Officer's Recommendation.

## **COUNCIL DECISION**

**Minute No. 11116**

**Moved: Cr B Robinson**

**Seconded: Cr S Cooke**

**That Council grants planning consent for two Grouped Dwellings at Lot 933 Dulverton 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. A revised stormwater management plan shall be submitted and approved by the Shire and the Department of Lands prior to a building permit being issued, to provide details on the proposed method of control and disposal of stormwater both on site to garden areas or rainwater tanks and off site into Councils (existing or proposed) stormwater system.**
- 3. A landscaping plan is to be submitted and approved by the Shire to show:**
  - (a) the location and general nature of planted areas;**
  - (b) the location and nature of materials to be used on non-planted areas.**
- 4. An amended detailed site plan is to be submitted and approved by the Shire, in line with the approved revised stormwater management and landscaping plans, to show:**
  - (a) the increase in proposed areas of landscaping;**
  - (b) the reduction in proposed hard stand areas; and**
  - (c) any other changes as a result of the approved landscaping and stormwater management plans.**
- 5. Implementation of the approved landscape plan shall be completed no later than 6 months following approval to occupy the dwellings.**

### **Advice to Applicant:**

- 1. A building permit application will be required before the commencement of any construction.**
- 2. An application for the proposed crossovers shall be submitted to the Shire's Infrastructure Directorate.**
- 3. The sewer system in Wyndham is classified as an effluent only scheme. It is a requirement for all properties to install holding tanks for solids, which are required to comply with AS/NZS3500.2. Application for connection to the sewer system is required to be made to the Water Corporation.**
- 4. In relation to Condition 2, the Department of Lands has advised that creation of an easement for drainage, to be supported by suitable earthworks, is required to be undertaken at the developer's expense, to enable excess stormwater to be directed into the Minderoo Street reserve.**

**Carried 6/2**

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,  
Cr G Taylor**

**Against: Cr K Wright, Cr D Spackman**

Attachment 1 – Location Plan





**NOTES**

This plan has been prepared for the client and should not be used for any other purpose unless authorised by Whelans Australia Pty Ltd.

Cadastral boundaries are subject to survey.

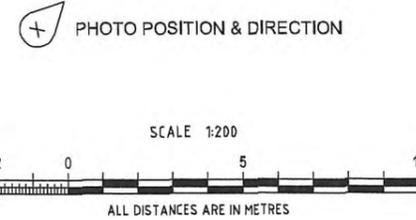
Boundary dimensions have been sourced from the Plan/Diagram for this lot and are subject to survey.

Prior to the commencement of any work, relevant authorities should be contacted for the location of underground services.

All boundaries are unfenced unless otherwise shown.

Levels are based on AHD and derived from WYN13.

This note is an integral part of this plan.



DOCUMENTATION BY:

**whelans**

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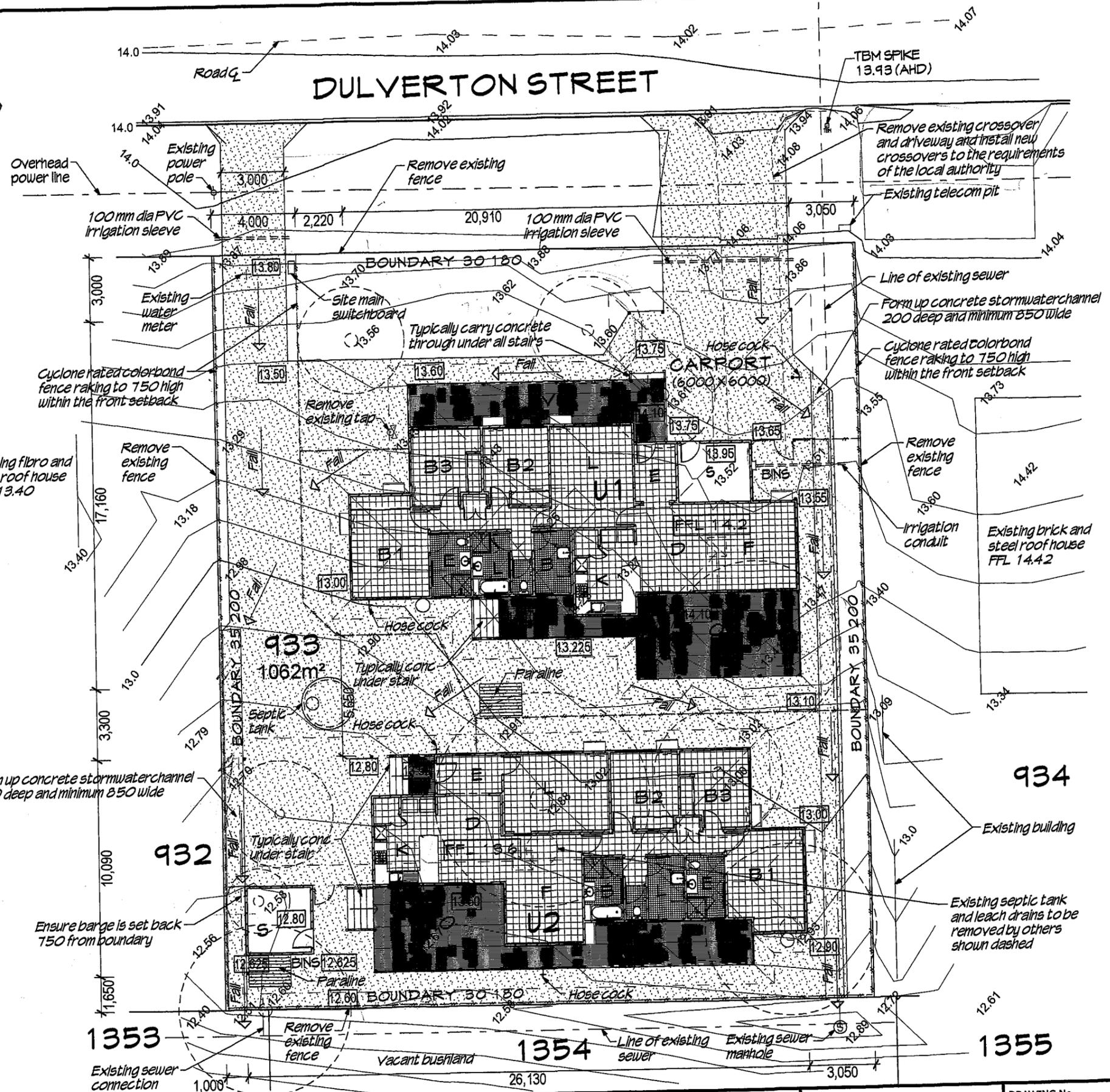
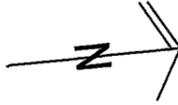
WHELANS PLAN:16775-001		CAD FILE: lof933u01a6.dwg	
<b>LOT 933</b>		HORIZ. DATUM: WYN94	
DULVERTON STREET		VERT. DATUM:AHD	
WYNDHAM		SHEET 1 OF 1	
SITE SURVEY			
SURVEYOR	MJA	SURVEY DATE	04/11/13
DRAWN	AMM	DATE DRAWN	05/11/13
CHECKED	DG	WHELANS JOB No.	16775
SCALE	1:200 (A3)	DRAWING No.	U.01

# LEGEND

- 13.30 Finished floor level
- 13.20 Finished ground level
- 151.73 Existing ground level
- 151.73 Existing Contours
- Existing tree to be removed
- Existing tree to be retained
- Cyclone rated colorbond fencing 1800m high
- Concretework to engineer's drawings

# NOTES

1. Construction is fully framed construction with a colorbond roof.
2. The geotech report states that the soil classification is MD.
3. Soil and vegetation to a depth of 200mm deep are to be removed from the site. Excavate as necessary to provide a compacted sand pad under the stores only that is to be a minimum of 800 mm. Compact the remaining natural ground under the store only to a minimum of 8 blows per 300 mm in layers of 300 mm maximum.
4. Contractor is to engage a licensed surveyor and pay all fees to repeg the site to confirm the true boundaries. It is preferable to engage the surveyor who undertook the feature survey which is included with these drawings.
5. Install a 20 mm dia retc-cut in valve in box where shown on hydraulics drawings.
6. Ceiling insulation is to be R4.0. External walls to have Kingspan Air-Cell Permishield 65 thermal break and R2.5 wall insulation. Internal wall insulation to be R1.5.  
  
Install 55 mm anticon (or equal approved) under roof sheeting including to outdoor area and verandah but not eaves.  
  
To underside of floor joists (ie. to top of bearers) screw fix an approved water permeable sarking.
7. Flooring to be 19 mm thick Scyon Secura flooring fixed to joists at 450 cts according to the manufacturer's instructions.
8. All window sills are to be tiled with ceramic wall tiles.
9. Balustrading to comply with BCA Parts 3.9.1 and 3.9.2



**Broadhurst & Bott Architects**

Unit 8/355 Stirling Highway, CLAREMONT WA 6010

Telephone (08) 9384 1133 Fax (08) 9383 4993

ACN 009 273 812

22 September 2015

PROJECT 2 X 3 BED GROH MODULAR UNITS  
AT LOT 933 (10) DULVERTON ST, WYNDHAM  
FOR THE DEPARTMENT OF HOUSING

DATE JUNE 2015

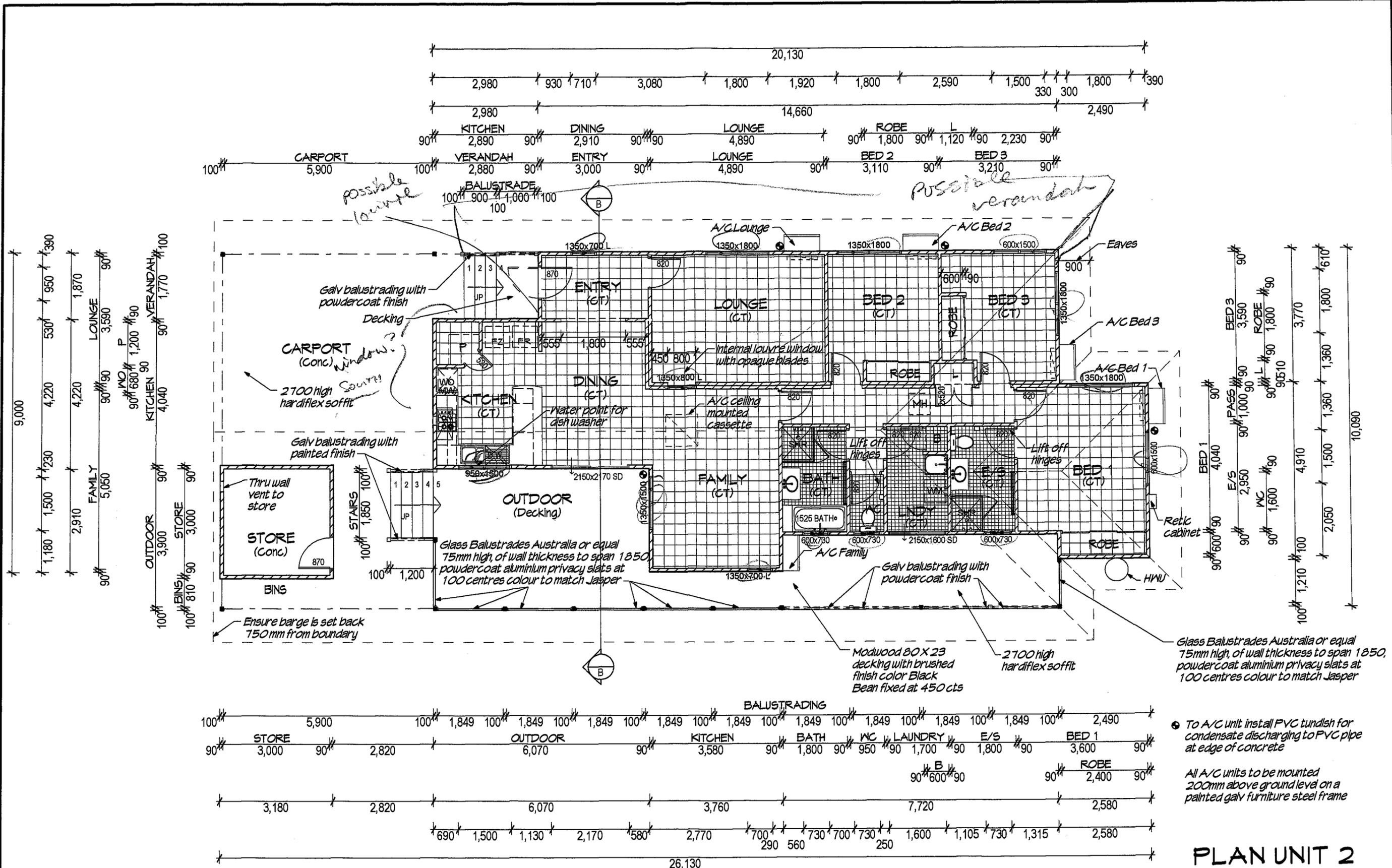
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DRAWN J B

DRAWING No.

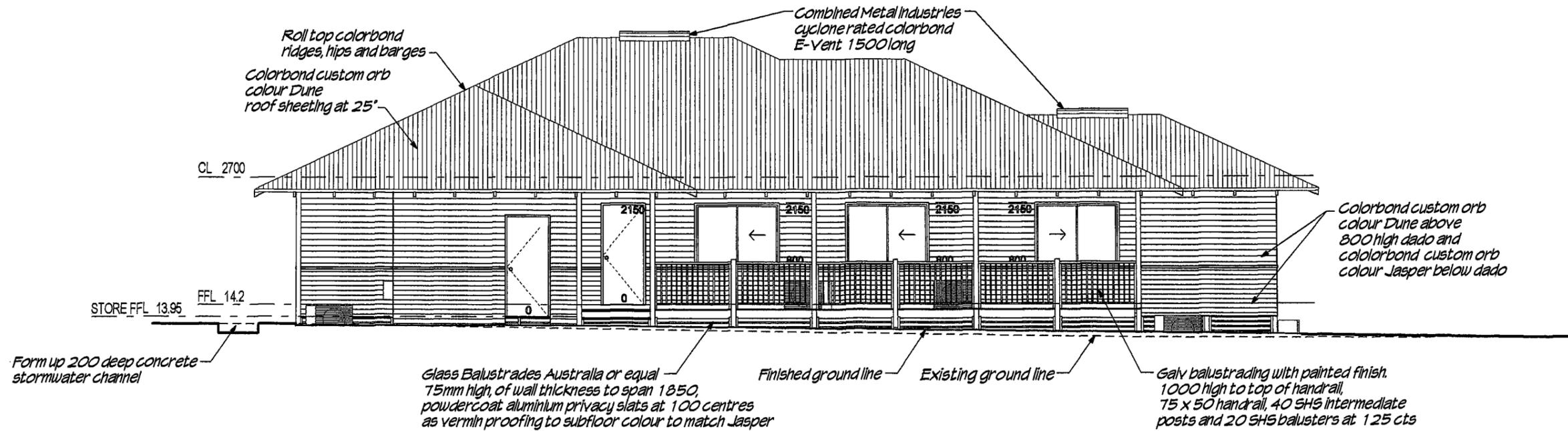
**A-01**



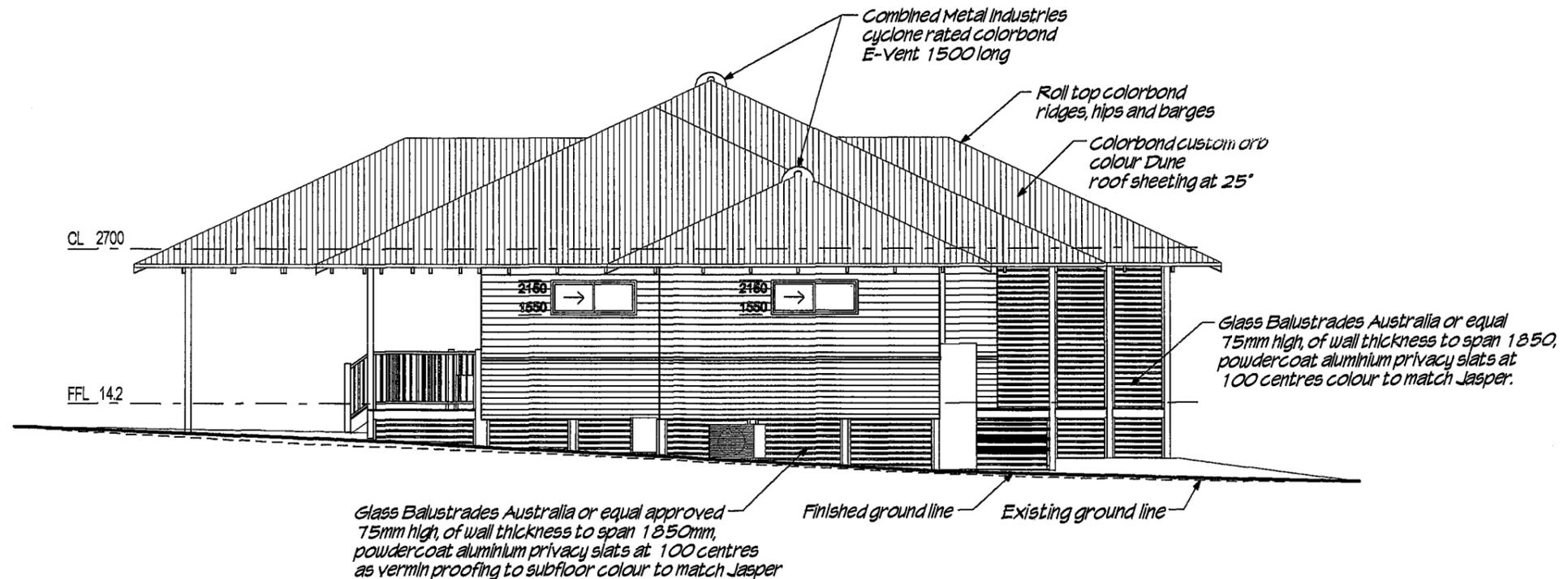


**PLAN UNIT 2**

<p><b>Broadhurst &amp; Bott Architects</b>          Unit 8/355 Stirling Highway, CLAREMONT WA 6010          Telephone (08) 9384 1133 Fax (08) 9383 4993</p>	<p>PROJECT: 2 X 3 BED GROH MODULAR UNITS AT LOT 933 (10) DULVERTON ST, WYNDHAM FOR THE DEPARTMENT OF HOUSING</p>	<p>DATE: JUNE 2015</p>	<p>DRAWING No. <b>A-03</b></p>
	<p>ACN 009 273 812</p>	<p>SCALE: 1 : 100</p>	<p>DRAWN: J B</p>
<p>Member Australian Institute of Architects</p>	<p>22 September 2015</p>	<p>APPROVED</p>	<p>JOB No. 13/120</p>
<p>Minutes Ordinary Council Meeting</p>	<p>LOCAL GOVT. COUNCIL SHIRE OF WYNDHAM - EAST KIMBERLEY</p>	<p>PLOTTING DETAILS</p>	<p>REVISION No. 3 of 8</p>
			<p>DATE: 12/06/15</p>



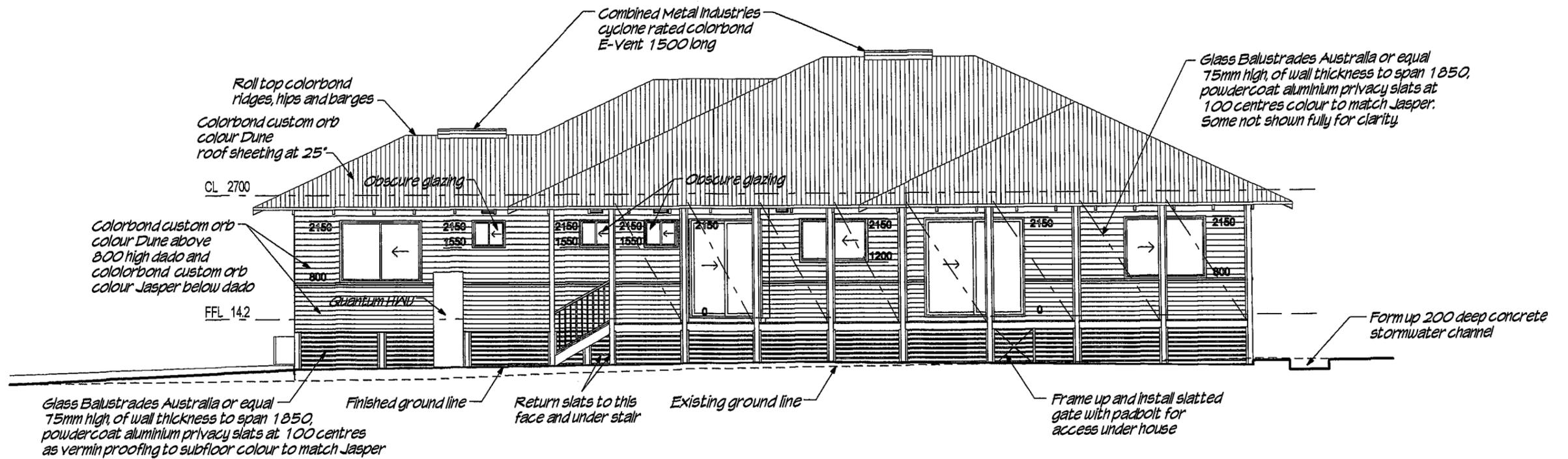
WEST ELEVATION



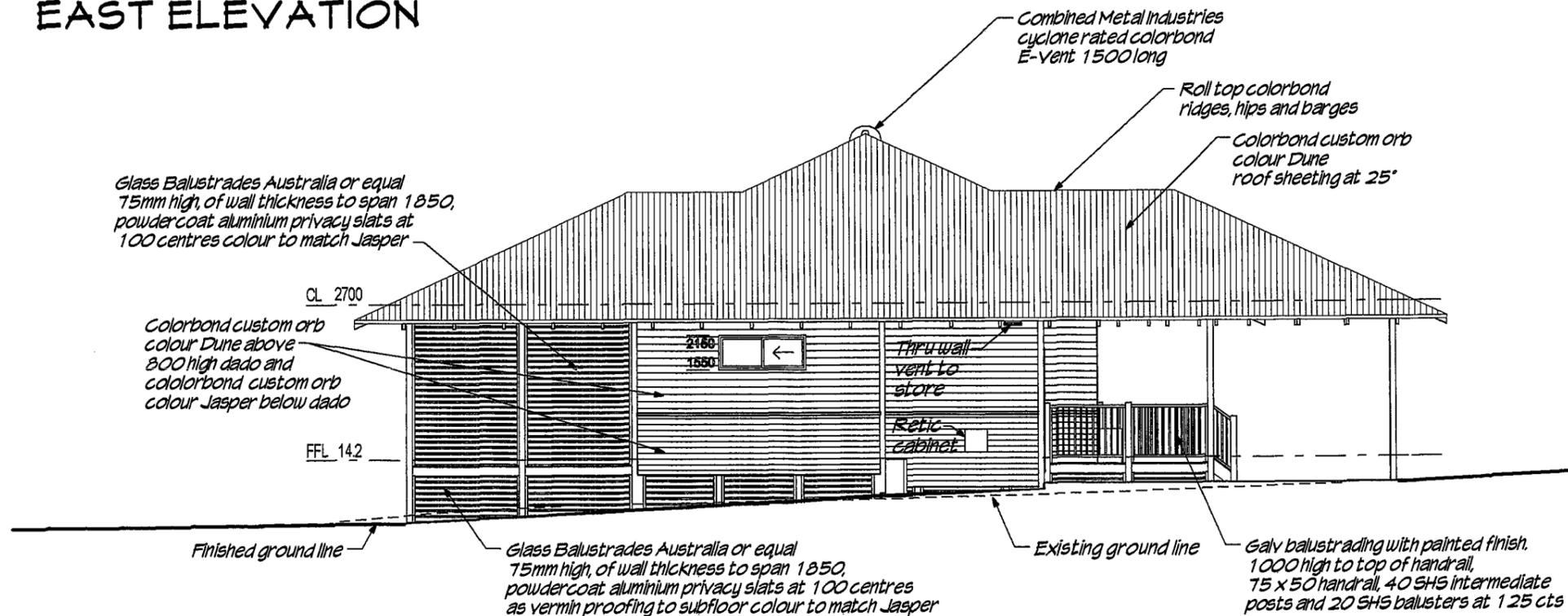
SOUTH ELEVATION

UNIT 1 ELEVATIONS

 <p><b>Broadhurst &amp; Bott Architects</b>          Unit 8/355 Stirling Highway, CLAREMONT WA 6010          Telephone (08) 9384 1133 Fax (08) 9383 4993          ACN 009 273 812</p>	PROJECT	2 X 3 BED GROH MODULAR UNITS AT LOT 933 (10) DULVERTON ST, WYNDHAM FOR THE DEPARTMENT OF HOUSING	DATE	JUNE 2015	DRAWING No.	<b>A-04</b>		
	CHECKED	22 September 2015	APPROVED	SCALE	1 : 100			
	MEMBER	Australian Institute of Architects	MINUTES	DRAWN	J B		REVISION No.	64 of 378
	Minutes Ordinary Council Meeting	Kenneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects	LOCAL GOVT. COUNCIL	SHIRE OF WYNDHAM - EAST KIMBERLEY	PLOTTING DETAILS		TIME : 11:30	DATE : 12/06/15



**EAST ELEVATION**



**NORTH ELEVATION**

**UNIT 1 ELEVATIONS**



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Unit 8/355 Stirling Highway, CLAREMONT WA 6010

Keneth Broadhurst Architects Pty Ltd trading as Broadhurst & Bott Architects

22 September 2015

PROJECT  
**2 X 3 BED GROH MODULAR UNITS  
AT LOT 933 (10) DULVERTON ST, WYNDHAM  
FOR THE DEPARTMENT OF HOUSING**

APPROVED

DATE JUNE 2015

SCALE 1 : 100

DRAWN J B

JOB No. 13/120

DRAWING No.

**A-05**

REVISION No. 65 of 378





### 13.4.2 Draft Corporate Business Plan

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Louise Gee, Director Community Development
<b>REPORTING OFFICER:</b>	Wayne Richards, Acting Director Community Development
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to adopt the draft Corporate Business Plan 2015 – 2019.

#### **BACKGROUND**

At the 24 September 2013 Ordinary Council Meeting, Council adopted the Corporate Business Plan 2012-2016:-

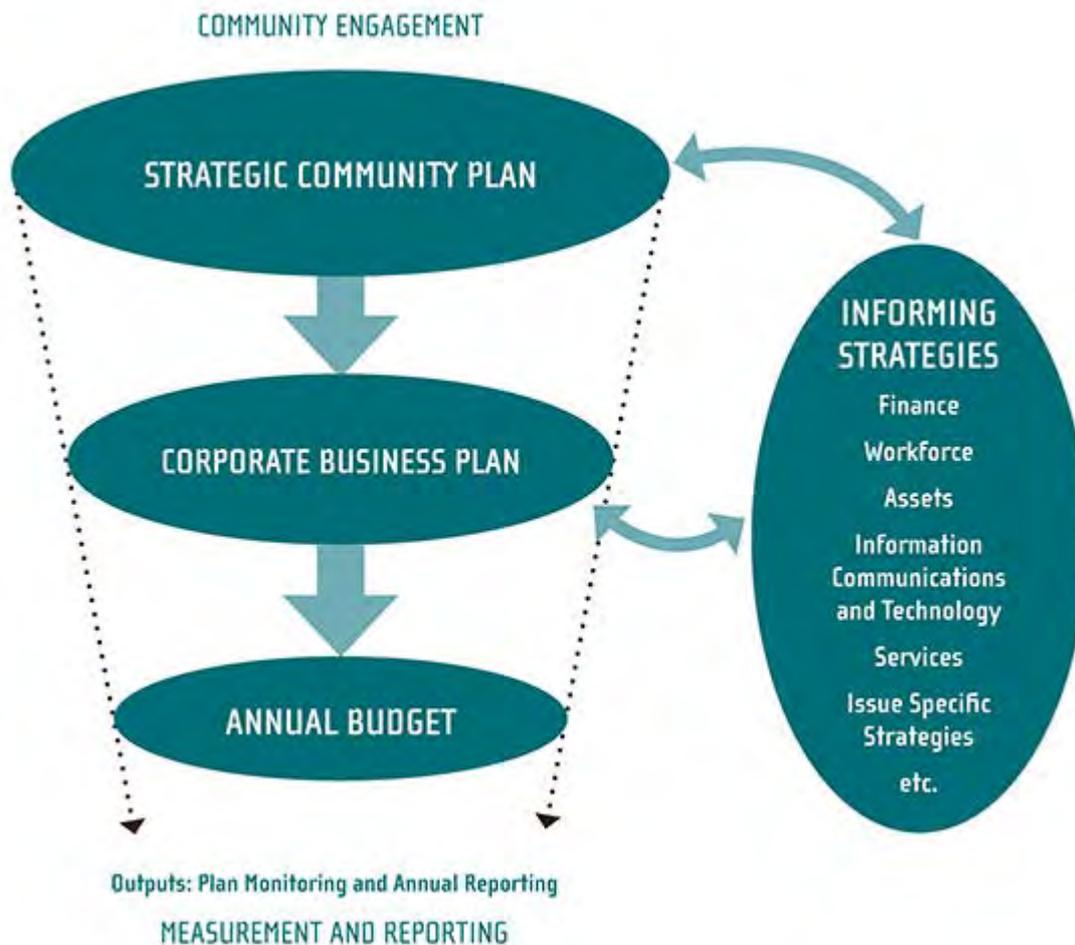
*“Minute No. 10204*

*That Council*

- 1. Adopts the Corporate Business Plan 2012-2016.*
- 2. Provides notice to the public that the Corporate Business Plan 2012-2016 has been adopted.”*

The Integrated Planning and Reporting Framework as outlined in the diagram below was developed as part of the State Government’s Local Government Reform Program. In December 2014 Council endorsed the reviewed Strategic Community Plan, the next step in the Integrated Planning Framework is the development and endorsement of a four (4) year Corporate Business Plan.

The Corporate Business Plan is the pivotal point of integration between long and short term planning; strategy and operation delivery; and aspirations and affordability. It provides for the activation of the Strategic Community Plan through operational planning recognising the risks and limitations of informing strategies.



**STATUTORY IMPLICATIONS**

**Local Government Act 1995**

Section 5.56 (1) and (2) of the Act requires that each local government is “to plan for the future of the district”, by developing plans in accordance with the regulations.

Section 5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

**Local Government (Administration) Regulations 1996**

Regulation 19DA requires each local government of adopt a Corporate Business Plan.

19DA Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

*A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*

- (2) *A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (3) *A local government is to review the current corporate business plan for its district every year.*
- (4) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The adopted 2015/16 Budget has identified the resource requirements to achieve the 2015/16 Actions within the draft Corporate Business Plan.

Resource requirements for the following financial years will be considered further in the preparation of the reviewed Long Term Financial Plan.

## **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

Although there is no legislative requirement to notify the community regarding the adoption of the draft Corporate Business Plan 2015-2019 it is considered that public notification of the endorsement would inform interested community members of the specific actions/projects identified to be undertaken to deliver on the goals identified by the community in the Strategic Community Plan.

## **COMMENT**

The draft Corporate Business Plan 2015-2019 (refer Attachment 1) details the services, operations and projects the Shire will deliver within a four (4) year period. It also includes the processes for delivering these and the costs associated.

To ensure that there is an alignment between the numerous informing strategies/plans and the draft Plan an internal review was undertaken of all Council adopted documents. The identified actions within these documents were prioritised over a ten (10) year timeframe, with those identified for implementation incorporated for consideration and prioritisation by Council in the formation of the 2015/16 Budget. The outcome of these discussions have been captured in the draft Plan as Actions. This ensures there is an alignment between the adopted 2015/16 Budget and the draft Corporate Business Plan 2015 – 2019.

It is acknowledged that the alignment between the key informing strategies; Long Term Financial Plan, Asset Management Plan and Workforce Plan could be stronger however, as Council is aware these documents are presently under review.

## **ATTACHMENTS**

Attachment 1 - Draft Corporate Business Plan 2015 - 2019

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council

1. In accordance with *Regulation 19DA of the Local Government (Administration) Regulations 1996* adopt the Corporate Business Plan 2015-2019 as per Attachment 1.
2. Endorse the advertising of the adopted Corporate Business Plan 2015-2019.

**COUNCIL DECISION**

**Minute No. 11117**

**Moved: Cr K Wright**

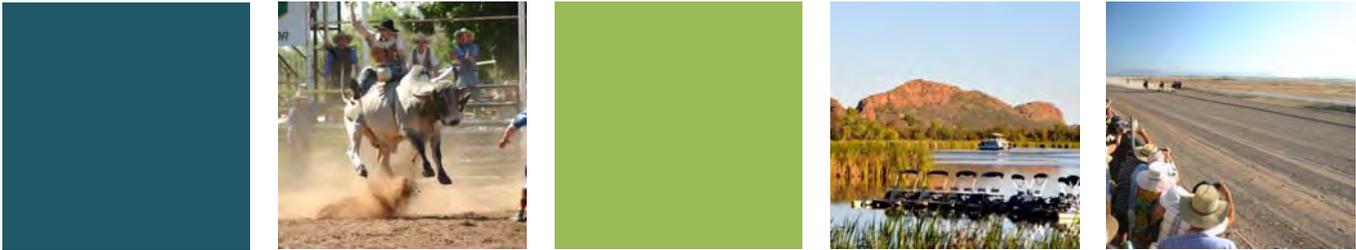
**Seconded: Cr B Robinson**

**That Council**

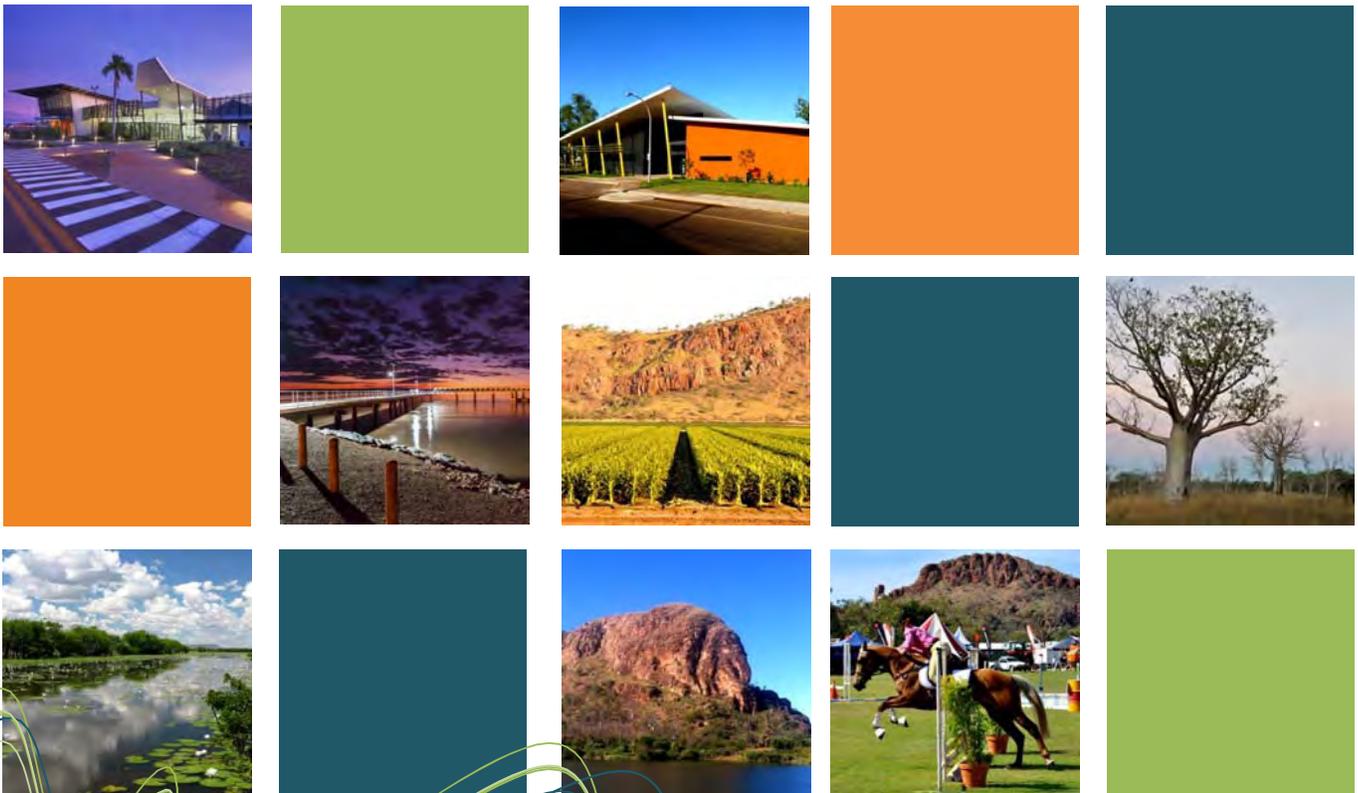
- 1. In accordance with *Regulation 19DA of the Local Government (Administration) Regulations 1996* adopt the Corporate Business Plan 2015-2019 as per Attachment 1.**
- 2. Endorse the advertising of the adopted Corporate Business Plan 2015-2019.**

**Carried Unanimously 8/0**

# SHIRE of WYNDHAM EAST KIMBERLEY



## Corporate Business Plan 2015/16 - 2018/19



The Corporate Business Plan has been developed and endorsed by the Shire of Wyndham East Kimberley



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# Foreword

## Message from the President



The Corporate Business Plan maps out the operations of the Shire of Wyndham East Kimberley over a four year period, including the development and delivery of services and projects. The Corporate Business Plan ensures that the vision and goals of the Strategic Community Plan are achieved, reflecting the priorities and aspirations of all who work, live and play in the East Kimberley.

The East Kimberley has a rich history and exceptional natural beauty, and people are attracted to it for the lifestyle opportunities. It is an exciting time to be living in the East Kimberley, with the expansion of the Ord irrigation scheme and a commitment to developing the north by the Federal government.

Despite all the positives, we have significant challenges. A recent reduction in mining activity has reduced employment opportunities and our aboriginal population continues to experience social and material disadvantage. The desire to bring meaningful improvements in these areas is a strong theme coming from all parts of the community and one we hope to address through the Corporate Business Plan. I am pleased to endorse this Corporate Business Plan.

John Moulden  
Shire President

## Message from the CEO



This Corporate Business Plan guides the Shire of Wyndham East Kimberley on what services and projects will be resourced and delivered over the next four year period. The Corporate Business Plan is the key document informing the development of our annual budget and ensures that the Strategic Community Plan is activated while also taking into account other key strategies and plans such as the Asset Management Plan, Long Term Financial Plan and Workforce Plan.

The activities within the Corporate Business Plan are reviewed and reprioritised annually to ensure the community's vision is being implemented as well as ensuring we meet our legislative obligations as a Local Government.

I would like to thank all staff for their continued commitment to delivering on the Corporate Business Plan, as well as our Councillors who have supported the implementation of our Strategic Community Plan to ensure that the long-term vision for the Shire is achieved.

Carl Askew  
Chief Executive Officer

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# Planning Context

## The Integrated Planning and Reporting Framework

The Integrated Planning and Reporting Framework provides the basis for improving the practice of strategic and business planning in Local Government and therefore its long term sustainability. It addresses the requirements to meet the intent of the Local Government Act 1995, and outlines the processes and activities to develop and integrate the necessary plans.

The core plans in the Integrated Planning and Reporting Framework are the:

### Strategic Community Plan

States a long term (10+ years) vision, goals, outcomes and strategies, which drives the development of other local government informing strategies and plans.

### Corporate Business Plan

A rolling 4 year plan which identifies the services, activities and projects and their resourcing requirements to deliver on the strategies and outcomes of the Strategic Community Plan.

### Annual Budget

The resources required to deliver the Corporate Business Plan on an annual basis.

Figure 1: Core Plans in the Integrated Planning and Reporting Framework



## Developing the Corporate Business Plan

The Corporate Business Plan addresses all of the Shire's operations – including services, assets (capital works and ongoing operating) and projects. It also identifies how the Shire's operations link to the Strategic Community Plan through strategies and outcomes.

The Corporate Business Plan identifies service related actions and projects that are aligned with the Strategic Community Plan and Informing Strategies (see figure below).

The following sections of this Plan outline the actions, projects and associated resource requirements over the 4 year period of the Plan.

Figure 2: The Corporate Business Plan within the Integrated Planning Framework



# Strategic Context

## Our Vision

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

## Our Mission

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



## Key Drivers

The following key drivers of community and economic development for the 10 years to 2022 have been identified for the Shire of Wyndham East Kimberley:

- Agriculture
- Rangelands (Pastoral)
- Tourism
- Minerals and energy
- Government services
- Construction – linked to agriculture and resource development

## Challenges Facing the Shire

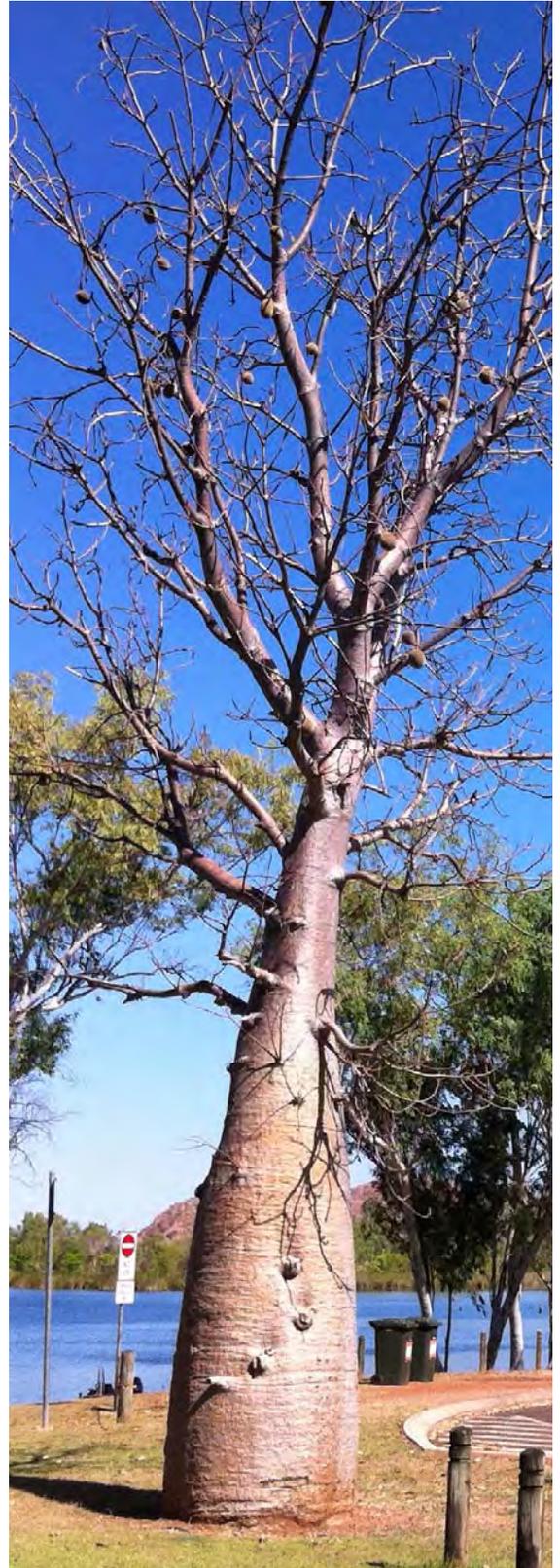
The Shire of Wyndham East Kimberley faces a variety of challenges. The critical challenges affecting the Shire have been identified through community engagement and the strategic community planning process. These include:

- Cost of living
- Provision and maintenance of Infrastructure
- Attraction and retention of key workers
- The gap between Indigenous and non Indigenous

These challenges have been considered in the development of the Corporate Business Plan.

The development of this plan is based on the Shire's current knowledge. However, there are some critical uncertainties that the Shire has no control over, which may affect its planning, resourcing and implementation of key initiatives. These include:

- Global financial conditions that may affect the resources industry and the Australian economy
- Change of State or Federal government policy
- Change of resource sector operations
- Climatic/weather changes
- Natural disasters.



## Key Opportunities

The following opportunities have been identified by the Shire during the development of the Strategic Community Plan and the Corporate Business Plan:

- Greater opportunity to work in partnership with different levels of government – to facilitate discussion and to avoid duplication
- To promote racial harmony and address key social issues
- To enhance and build upon what residents feel are the East Kimberley's most attractive attributes
- Build vibrancy and connectedness in our town centres
- To ensure that new facilities are able to serve multiple purposes and are budgeted in consideration of expenses for their whole of life cost
- To improve educational and training opportunities that will have long-term benefits for the region including the availability of locally trained employees
- To seek opportunities for grants by working collaboratively with other agencies and organisations
- The potential to extend the runway at the East Kimberley Regional Airport in order to increase competition and therefore reduce airfares.

## Our Priorities

The Shire has identified its priorities as being:

### **Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational stability.**

- Building community capacity and engagement
- Participation in regional and local projects to ensure alignment and collaboration
- Advocacy of the East Kimberley at Regional, State and Federal levels
- Business innovation, efficiency and improvements specifically in the areas of customer service, financial and risk management.

### **Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.**

- Maintenance of economic diversity through appropriate land use planning, operation of the East Kimberley Regional Airport, collaboration with the tourism sector, support for Ord East Kimberley expansion project and advocacy for improved roads and information and communication technology
- Advocate for improved access to appropriate health, education, family and community services
- Strategic and effective asset management that factors in whole of life costing and maintenance - in particular storm water drainage, Shire buildings and facilities, rural and urban roads, pathways, parks and gardens.

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

- Sustainable waste management (landfills and litter) and protection of the environment
- Management of public places, parks and reserves for safe and inviting towns
- Provision and where possible enhancement of community facilities including libraries, parks, leisure, recreation and youth.

## Role and Responsibilities

Council consists of nine elected members. Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The implementation of Council’s policy and plans and the ongoing management and administration of Shire affairs is the responsibility of the Chief Executive Officer and employed staff.

The Council undertakes a range of roles which are put into practice by the Shire officers. These roles inform how the Shire will activate the Strategic Community Plan through new projects and operational activities.

Council’s Role	Description	Example
Leader	Plan and provide direction through policy and practices.	Local Planning Strategy and Scheme.
Provider	Provide physical infrastructure and essential services.	Waste management, roads, drainage, parks, East Kimberley Regional Airport, sport and recreation facilities.
Regulator	Enforces State legislation and local laws.	Environmental health, land use planning, building services, ranger services, emergency management.
Advocator	Advocate and support initiatives on behalf of the local community and the Kimberley.	Ord stage two, relocation of wastewater treatment plant and drinking water reserve, Kununurra bypass and improvements to the Great Northern Highway, and an active member of the Kimberley Regional Collaborative Group and Kimberley Zone.
Facilitator	Bring stakeholders together.	Participate in human services interagency networks and Foreshore Committee.
Funder	Provide funds or other resources.	Community grants

## Informing Plans

The following Council plans have been referenced in the development of the Corporate Business Plan:

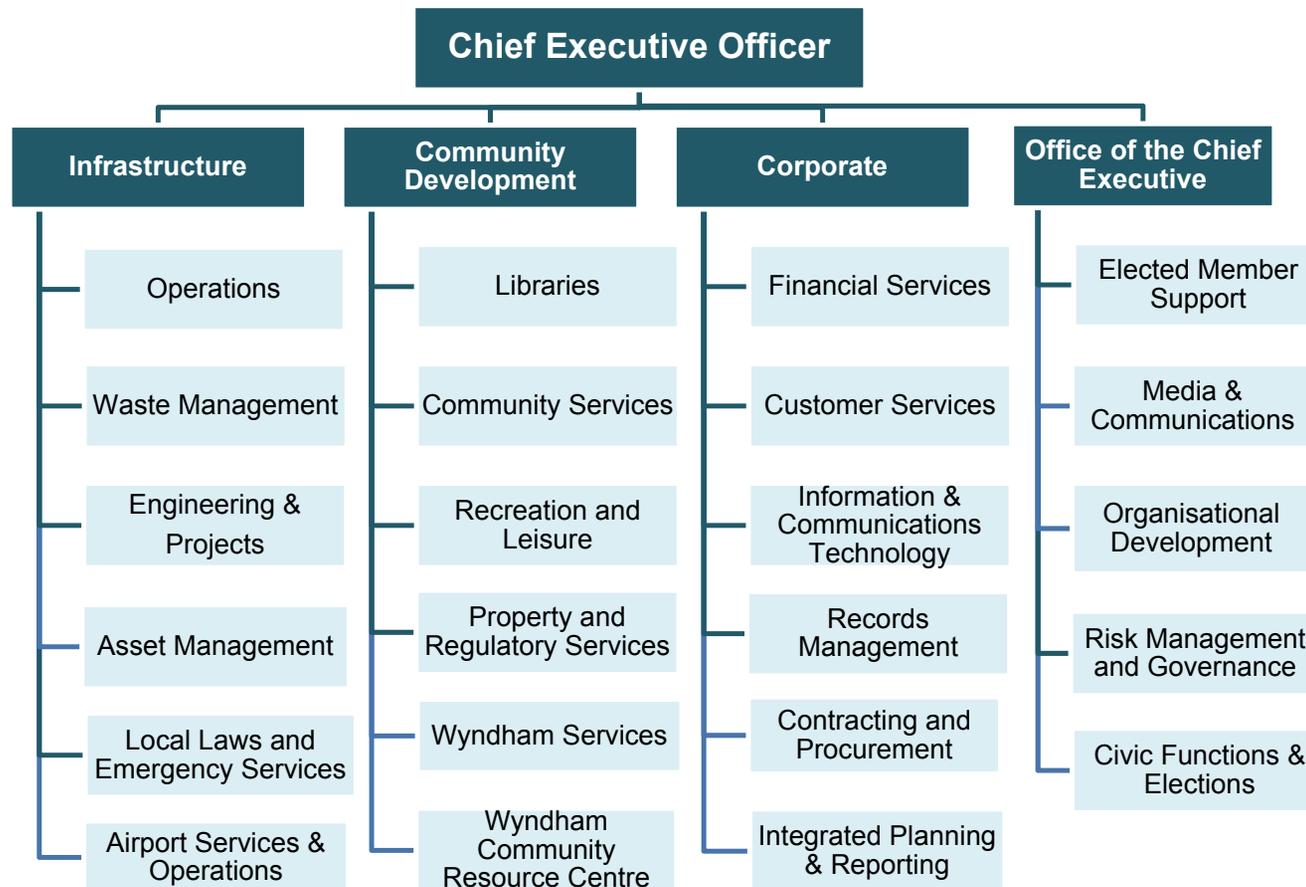
1. Strategic Community Plan 2012-2022
2. Long Term Financial Plan 2013
3. Asset Management Plan 2013
4. Workforce Management Plan 2013 - 2016
5. Asset Management Improvement Strategy 2012
6. Review of Risk Management, Legislative Compliance and Internal Controls, 2015
7. Probity Compliance Audit Report 2015
8. 10 Year Plant Replacement Program 2013
9. Financial Services Review, 2013
10. Procurement Review, 2015
11. Financial Management Review, 2014
12. Record Keeping Plan, 2012
13. Environmental Sustainability Strategy, 2011
14. Lake Kununurra Foreshore and Aquatic Use Plan, 2011
15. Anthon's Landing Landscape Report & Concept, 2012
16. Lake Kununurra Boat Ramp & Jetty 2013
17. Draft Kununurra Sports Precinct Master Plan Responses to Recommendations, 2011
18. Community Engagement Strategy, 2014
19. Disability Access and Inclusion Plan 2013-2017
20. Community Safety Plan 2008/9 - 2011/12
21. Equal Employment Opportunity Management Plan, 2015
22. East Kimberley Regional Airport Master Plan, 2013
23. East Kimberley Regional Airport Asset Management Plan, 2014
24. Kununurra Aerodrome Manual Version 3.0, 2015
25. Wyndham Aerodrome Manual Version 1, 2010
26. Waste Management Strategy, 2012
27. The Waste Strategy Implementation Program
28. Regional Waste Management Plan - Kimberley Region, 2013
29. Draft Local Planning Strategy 2015
30. Draft Local Planning Scheme No. 9

31. Kununurra Strategic Directions: Town Centre Development Concept Plan & Strategic Land Use Plan, 2010
32. East Kimberley @ 25K, 2013
33. Kimberley Regional Planning and Infrastructure Framework, 2014
34. Kimberley Strategic Community Plan 2012 - 2021
35. East Kimberley Tourism Plan & Operational Marketing Plan 2022, 2013
36. Kimberley Regional Business Plan 2012 – 2015
37. 2036 and Beyond: A Regional Blueprint for the Kimberley 2014

The actions to be resourced in the 4 year timeframe of the Corporate Business Plan are shown in the tables in Section 4 of this document. These tables include a column labelled “Informing Plans”, which shows the linkage of actions to the corresponding Informing Plans.



# Organisation Structure



## Service Delivery

The four Directorates are responsible for delivering services and infrastructure to the community. Shire services are both internal and external to the organisation.

Infrastructure	Community Development	Corporate	Office of the Chief Executive
<ul style="list-style-type: none"> <li>▪ Asset Management</li> <li>▪ Project Management</li> <li>▪ Depot and Plant</li> <li>▪ Roads and Bridges</li> <li>▪ Drainage Systems</li> <li>▪ Parks, Ovals and Reserves</li> <li>▪ Footpaths, Trails and Cycle ways</li> <li>▪ Play Spaces</li> <li>▪ Waste Management</li> <li>▪ Airport Management</li> <li>▪ Ranger Services</li> <li>▪ Emergency Services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Community Development</li> <li>▪ Libraries</li> <li>▪ Strategic and Landuse Planning</li> <li>▪ Disability Access</li> <li>▪ Youth Services</li> <li>▪ Wyndham Office Services</li> <li>▪ Wyndham Community Resource Centre</li> <li>▪ Recreation and Leisure</li> <li>▪ Building Services</li> <li>▪ Property and Facility Management</li> <li>▪ Environmental Health</li> </ul>	<ul style="list-style-type: none"> <li>▪ Corporate Services</li> <li>▪ Information &amp; Communications Technology</li> <li>▪ Financial Services</li> <li>▪ Records Management</li> <li>▪ Customer Services</li> <li>▪ Contracting &amp; Procurement</li> <li>▪ Insurance</li> <li>▪ Integrated Planning &amp; Reporting</li> </ul>	<ul style="list-style-type: none"> <li>▪ Office of the Chief Executive</li> <li>▪ Council Secretariat</li> <li>▪ Economic Development</li> <li>▪ Media &amp; Communications</li> <li>▪ Organisational Development</li> <li>▪ Governance</li> <li>▪ Risk Management</li> <li>▪ Occupational Health and Safety</li> <li>▪ Civic Functions</li> <li>▪ Elections</li> </ul>

## Organisation SWOT Analysis

The following analysis of organisational strengths, weaknesses, opportunities and threats was reviewed in 2015. It provides an overview of the operational context within which the Corporate Business Plan has been developed. The concerns identified through the SWOT analysis have been considered and addressed in the development of actions in Section 4 of this Plan.

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Efficient delivery of a defined set of services</li> <li>▪ Reduced legacy infrastructure projects</li> <li>▪ Senior management is experienced and skilled in Local Government</li> <li>▪ Council has a strategic focus for the future</li> <li>▪ Open and approachable management</li> <li>▪ Multi-skilling of staff and staff prepared to take on new opportunities</li> <li>▪ Location (scenery)</li> <li>▪ Team oriented workforce</li> <li>▪ Friendly and welcoming</li> <li>▪ Occupational Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff turnover</li> <li>▪ Ability to attract qualified and experienced staff</li> <li>▪ Some staff are inexperienced in Local Government</li> <li>▪ The budget currently limits optimum staffing for service delivery</li> <li>▪ Reliance on grant funding</li> <li>▪ Inability to fund the infrastructure gap</li> <li>▪ Costs of operating across a large geographical region</li> <li>▪ Limited local training opportunities and high cost of alternatives</li> <li>▪ Loss of corporate knowledge</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Increase Indigenous employment</li> <li>▪ Increase productivity through a planned and strategic approach</li> <li>▪ Government investment through the White Paper on developing Northern Australia and Regional Centres Growth Plan</li> <li>▪ Stronger position for funding through integrated planning and reporting process</li> <li>▪ Greater understanding of asset management</li> <li>▪ Increasing revenue streams through investment in regional airport</li> <li>▪ Shared and regional services with other Kimberley Shires</li> <li>▪ Increase use of ICT which allows for onsite communications and training</li> <li>▪ Retention of employees</li> <li>▪ Developing a culture of trust</li> </ul>	<ul style="list-style-type: none"> <li>▪ High cost of housing and cost of living</li> <li>▪ Competition by developing regions for staff (higher salaries)</li> <li>▪ Downturn in major industries that drive the local economy and population</li> <li>▪ Lack of economies of scale for agriculture</li> <li>▪ Cost shifting from State Government</li> <li>▪ Municipal service delivery to Indigenous communities that is not fully funded</li> <li>▪ Reducing Federal Assistance Grants</li> <li>▪ Extreme weather events (flooding, cyclones, fire)</li> <li>▪ Public perception and expectations</li> </ul>

## Asset Management Planning

Recommendations from the Shire's Asset Management Plan have been incorporated into the Long Term Financial Plan, through the inclusion of annual upgrade, renewal and operating expenditures for each of the Shire's asset classes.

The Shire holds a portfolio of \$55.2m in infrastructure assets (as at 30 June 2014 prior to the transition to fair value). The \$55.2m is only reflective of the written down value of the assets, and not what the assets would cost to renew. The Shire's expenditure on infrastructure assets can be dependent upon weather conditions such as flooding, however generally the spend is on average approximately \$5.995m per annum on asset renewal and maintenance.

The 2013 Asset Management Plan is currently under review given the transition of all assets to be measured at fair value which will be finalised during the preparation of the 2014/15 financial statements. Both the residual values and conditions of the Shire assets are incorporated as part of this review, and will guide the Shire long term in relation to the amount of funds required for asset renewal and maintenance.

A guideline in asset management is that approximately 4% of the infrastructure value is needed for asset renewal and maintenance combined, however It is anticipated that the value of infrastructure assets will significantly increase as a result of the fair value revaluation, and therefore the amount of funds required will also increase. It is likely that the current expenditure on asset renewal and maintenance will be lesser than that required, therefore resulting in an asset management gap. As these figures are still being worked through, the results will be incorporated into the 2016-2020 Corporate Business Plan.





The Shire is working through the process to establish the conditions for all of its assets which will then be utilised for asset management purposes. With the previous data held, there was a significant asset management gap in terms of the funds currently being expended in comparison to those actually required for renewal and maintenance.

To close the funding gap, the Shire needs to consider options including:



- Rationalising assets where possible
- Setting hierarchies across all asset groups and defining levels of service across each level of the hierarchy
- Targeting funding opportunities and developing a long term funding strategy to address the renewal gap.

## Workforce Planning

The Shire's Workforce Plan identified a range of key issues that impact the current and future workforce:

- Lack of specialised and experienced people available locally
- Competition from developing regions for experienced and skilled labour
- Lack of affordable housing
- Comparatively high staff turnover in the Local Government sector which is also a feature of the Kimberley region
- A lack of systems to facilitate the capture of corporate knowledge.

The 4 year Workforce Plan identified the additional requirement for three (3) new positions in 2015/16 and one (1) additional position in 2016/17.

The three (3) new positions in 2015/16 consist of:

1. Senior Procurement and Contracts Officer
2. Senior Risk Management and Governance Officer
3. Integrated Planning and Reporting Project Officer.

These positions were identified as a result of the outcomes of the Probity Review; the Chief Executive Officer'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 their implementation. The costs associated with these positions have been incorporated in both the Corporate Business Plan, the Annual Budget (for those identified relating to 2015/16) along with the Long Term Financial Plan.

In 2016/17 there will be a requirement for an Economic Development Officer to drive the development of the Growth Plan as part of the Regional Centres Development Plan which is about attracting business, investment and people to support the growth of Western Australia's Regional Centres including the East Kimberley.

Other key areas of focus and the actions and tasks to address them identified in the Workforce Plan include the following:

Workforce Focus	Actions / Tasks
Preparedness around succession planning for any future loss of key positions within the organisation.	Encourage mentoring and up skilling/job rotation of staff to ensure critical positions can be covered in the short term.
Attraction and retention of staff	Develop and implement strategies to retain and attract people into the Shire's workforce (e.g. Improve focus on local workforce and suitable housing options where applicable).
Performance management	Improve annual performance appraisals including KPIs.
Agreement on employment conditions between employer and employees	Review and amend the Enterprise Agreement (13/14-15/16).
Employee engagement	Improve internal communications and the retention of corporate knowledge through the development of appropriate knowledge management tools.



## Long Term Financial Planning

Global assumptions surrounding the ongoing annual increases in revenue and expenditure items, for example rates, fees and charges, operating grants, interest rates and employee costs have all been established by the Shire in the Long Term Financial Plan developed in 2013.

The Long Term Financial Plan is currently under review, whereby the following assumptions will be discussed and further tested to ensure financial sustainability in the long term.

	2015/2016	2016/2017	2017/2018	2018/2019
<b>OPERATING REVENUES</b>				
Rates - Annual Increases on Base Rate	4.93%	4.93%	4.93%	4.93%
Rates - Growth in Rate Base	0.0%	0.0%	0.0%	0.0%
Operating Grants, Subsidies and Contributions	0%	0%	0%	0%
Non-operating Grants, Subsidies, Contributions	0%	0%	0%	0%
Fees and Charges	4.93%	4.93%	4.93%	4.93%
Interest Earnings	1.0%	1.0%	1.0%	1.0%
Other Revenue	2.5%	2.5%	2.5%	2.5%
<b>OPERATING EXPENSES</b>				
Employee Costs	4.0%	4.0%	4.0%	4.0%
Materials and Contracts	4.93%	4.93%	4.93%	4.93%
Utility Charges	8.0%	7.0%	7.0%	7.0%
Interest Expenses (as per loan schedules)	0%	0%	0%	0%
Insurance Expense	3.5%	3.5%	3.5%	3.5%
Other Expenditure	3.0%	3.0%	3.0%	3.0%

It is evident from the current draft Long Term Financial Plan that the Shire is reliant on external capital grant funding to supplement capital works projects.

With Federal Government Assistance grant funding now reduced and a relatively static rate base for the 4 year span of the Corporate Business Plan, the focus of the Shire is on prioritising capital works expenditure, reviewing services for efficiency gains and closely managing operating expenditure.

The Shire's draft Long Term Financial Plan only incorporates funding levels for capital that are equivalent to depreciation, where possible, however there is clearly an infrastructure funding gap whereby additional funding is required to meet current and projected infrastructure requirements (refer key points under Section 3.3).

The Shire's draft Long Term Financial Plan shows the Operating Surplus Ratio moving in a more positive direction over the next 10 years, partially as a reflection of the major decisions that were made in 2014/15 which resulted in many positions and programs being reduced. The Own Source Revenue ratio and indeed all ratios, are improving over the next 10 years given the revised base position that the Shire is now working with.

Council is committed to continuing to explore initiatives and options to ensure its operations and capital commitments are financially sustainable and are confident that with strong fiscal policy and management this will occur.



## Priority projects

The Shire is actively planning and advocating for funding for a number of significant projects. These priority projects have been identified to improve the quality of services in the Shire and include:

- New Leisure and Aquatic Facility for Kununurra
- Wyndham town site road reseal programme
- Wyndham Airport runway maintenance
- East Kimberley Regional Airport overflow carpark and runway extension
- Urban and Rural Road maintenance, renewal and upgrade projects
- Stormwater drainage renewal for key areas
- Investigation and planning for Events Precinct
- Wyndham townsite footpath upgrade programme
- Develop and implement the Playspace Plan
- Trails masterplan
- Upgrade Lily Creek Lagoon boating facilities and carpark
- Long vehicle parking
- Implementation of the 12 month Take Away Alcohol Management System (TAMS) trial

# Actions Linked to Strategic Community Plan and Services

The following tables provide details for specific actions that the Shire will undertake over the next 4 years. These actions are in addition to core service provision.

All actions in the Corporate Business Plan have been linked to their appropriate service. The services that the Shire provides have been outlined in Section 3.2 of this document. Also, each action has been linked to a strategy from the Strategic Community Plan. This linkage ensures that the Shire is implementing appropriate activities in order to achieve the long term strategies that have been outlined in the Strategic Community Plan.

Budget estimates relating to the 2015/16 programs have been assigned to the respective Goal to ensure consistent linkages to the Long Term Financial Plan and annual budget.

The actions will be reviewed and refined in future years as they are completed, and new projects will be prioritised and Shire service delivery standards reviewed.



## Leadership and Governance

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

The anticipated cost of Leadership and Governance actions, tasks and services estimated for 2015/2016:	<b>\$,000</b>
Revenue	<b>12,764</b>
Expenditure	<b>2,109</b>
Capital	<b>116</b>

### Objective 1.1: Strong community engagement

#### Strategy 1.1.1: Investigate & implement options to encourage & integrate community input in Council planning, policies & decisions.

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.1.1.1 Undertake community satisfaction survey	Integrated Planning & Reporting	●		●		Strategic Community Plan Community Engagement Strategy

#### Strategy 1.1.2: Improve planning processes to ensure broader engagement and identification of relevant issues from all parties.

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.1.2.1 Review Strategic Community Plan	Integrated Planning & Reporting	●	●	●	●	Local Government Act 1995 and Regulations
<ul style="list-style-type: none"> <li>Annual desktop review</li> </ul>		●		●	●	
<ul style="list-style-type: none"> <li>Full review</li> </ul>			●			

Action 1.1.2.2 Ensure effective communication with the community	Media & Communications	●	●	●	●	Community Engagement Strategy
<ul style="list-style-type: none"> <li>Review website design and management</li> </ul>		●				
<ul style="list-style-type: none"> <li>Promote good news stories</li> </ul>		●	●	●	●	

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

**Strategy 1.2.1: Work collaboratively with agencies for forward planning to expand opportunities & reduce wastage & duplication**

Actions	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.2.1.1 Liaise with government departments and other stakeholders on key community issues <ul style="list-style-type: none"> <li>- Participate in human services interagency networks</li> <li>- Support the Kimberley Regional Blueprint</li> </ul>	Community Development	●	●	●	●	Strategic Community Plan

**Strategy 1.2.2: Continue to actively participate in the Kimberley Zone and RCG on regional projects such as waste management and affordable housing**

Actions	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.2.2.1 Work with RCG to implement Kimberley Strategic Plan and Kimberley Regional Business Plan - Waste - ICT - Youth	Office of the Chief Executive	●	●	●	●	Kimberley Strategic Plan Kimberley Regional Business Plan
<ul style="list-style-type: none"> <li>Kimberley Zone / RCG records management initiative</li> </ul>	ICT	●				
<ul style="list-style-type: none"> <li>Kimberley Zone / RCG business systems improvement initiative</li> </ul>	ICT	●				

**Strategy 1.2.3: Promote the colocation of community facilities and sharing of resources among community groups**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.2.3.1 Review Shire facilities to identify colocation opportunities in consultation with community groups	Community Development		●			Strategic Community Plan

**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**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.3.1.1 Seek opportunities to have Councillor representation on relevant boards and organisations <ul style="list-style-type: none"> <li>- Roadwise committee</li> <li>- Liquor Accord</li> <li>- Kimberley Regional Road Group</li> <li>- North Kimberley LCDC</li> </ul>	Governance	●	●	●	●	Strategic Community Plan
Action 1.3.1.2 Advocate key local issues and priorities to Government representatives as contained in Strategic Plans including the <ul style="list-style-type: none"> <li>- Kimberley Regional Blueprint</li> <li>- Kimberley Regional Planning and Infrastructure Framework</li> <li>- Strategic Community Plan</li> </ul>	Office of the Chief Executive	●	●	●	●	Kimberley Regional Blueprint Strategic Community Plan Kimberley Regional Planning and infrastructure F/work

**Strategy 1.3.2: Actively participate in the review and implementation of municipal services to remote and Aboriginal communities**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.3.2.1 Liaise with State and Federal government agencies regarding service delivery in Aboriginal communities	Office of the Chief Executive	●	●	●	●	Strategic Community Plan

**Objective 1.4: Business innovation, efficiency and improved services**

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

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.4.1.1 Develop process to ensure compliance efficiency and effective application of the Local Government Act 1995 and Regulations	Integrated Planning Reporting		●			IPR Framework
<ul style="list-style-type: none"> <li>Implement integrated solution for IP&amp;R Framework</li> </ul>			●			
Action 1.4.1.2 Manage records to ensure compliance with legislation and the needs of the organisation	Records Management	●	●	●	●	Record Keeping Plan
<ul style="list-style-type: none"> <li>Undertake a review of the Record Keeping plan</li> </ul>			●			
<ul style="list-style-type: none"> <li>Develop General Disposal Authority process</li> </ul>		●	●			
<ul style="list-style-type: none"> <li>Undertake a review of vital records</li> </ul>			●			
<ul style="list-style-type: none"> <li>Develop a roadmap for digitisation</li> </ul>		●				

Action 1.4.1.3 Provide financial functions that comply with legislative requirements	Contracting & Procurement Financial Services	●	●	●	●	Probity Review Procurement Review Financial Services Review
<ul style="list-style-type: none"> <li>Implement improvements to enhance compliance and effectiveness in contracting and procurement</li> </ul>		●	●	●	●	
<ul style="list-style-type: none"> <li>Undertake fair value revaluation</li> </ul>		●				
<ul style="list-style-type: none"> <li>Implement purchase requisition approvals module in SynergySoft</li> </ul>		●				
Action 1.4.1.4 Review Local Laws	Governance		●			Local Government Act 1995 and Regulations
Action 1.4.1.5 Implement recommendations from the Review of risk management, legislative compliance and internal controls report	Risk Management	●	●	●	●	Local Government Act 1995 and Regulations Review of Risk Management, Legislative Compliance & Internal Controls Report
<ul style="list-style-type: none"> <li>Undertake Biennial review</li> </ul>			●		●	

<ul style="list-style-type: none"> <li>Develop and maintain status report pm the recommendations of the Review to present quarterly to the Audit (Finance and Risk) Committee</li> </ul>		●	●	●	●	
<ul style="list-style-type: none"> <li>Develop and implement a Risk Management Framework</li> </ul>		●	●	●	●	

### Strategy 1.4.2: Improve the efficiency and productivity of Shire services

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.4.2.1 Conduct service reviews and identify workforce requirements	Organisational Development	●				Workforce Management Plan
Action 1.4.2.2 Develop Operational and Service Delivery Plans	Office of the Chief Executive	●				Strategic Community Plan

### Strategy 1.4.3: Maintain Council's long term financial viability

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.4.3.1 Review Long Term Financial Plan	Financial Services	●	●	●	●	Long Term Financial Plan Asset Management Plan Workforce Management Plan
<ul style="list-style-type: none"> <li>Review Workforce Plan</li> </ul>		●				

<ul style="list-style-type: none"> <li>• Undertake competitive neutrality reviews: <ul style="list-style-type: none"> <li>- Airport</li> <li>- Landfill</li> </ul> </li> </ul>		●				
<ul style="list-style-type: none"> <li>• Develop and implement a system to log amendments to the LTFP on an ongoing basis</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Develop and maintain a LTFP for the Airport</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Develop and maintain a LTFP for the Landfill</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Develop fee model structure for the Airport</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Develop Asset Management Plan and enhance condition assessments for all assets.</li> </ul>		●	●	●	●	

**Strategy 1.4.4: Deliver cost effective and efficient corporate services**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 1.4.4.1 Enhance customer services	Customer Services	●	●	●	●	Strategic Community Plan
<ul style="list-style-type: none"> <li>• Develop and implement customer services charter</li> </ul>	Customer Services	●	●			

<ul style="list-style-type: none"> <li>Develop unified communications initiative</li> </ul>	ICT		●			
<ul style="list-style-type: none"> <li>Implement public access portal for information access</li> </ul>	ICT	●				
<ul style="list-style-type: none"> <li>Implement public access portal for service enquiry and payments</li> </ul>	ICT		●			
Action 1.4.4.2 Provide governance administration and support to Elected Members	Governance/Council Secretariat	●	●	●	●	Strategic Community Plan
<ul style="list-style-type: none"> <li>Support and encourage Councillor professional development</li> </ul>		●	●	●	●	
<ul style="list-style-type: none"> <li>Promote and facilitate the Council elections process</li> </ul>		●		●		
Action 1.4.4.3 Develop and implement an Information and Communication Technology (ICT) Strategy	Information & Communications Technology	●	●	●	●	ICT Strategy
<ul style="list-style-type: none"> <li>Develop an ICT Strategic Plan</li> </ul>		●				

• Develop a business continuity plan			•			
• Replace UPS and increase storage space		•				
• Develop a disaster recovery plan		•	•			
• Establish disaster recovery site				•		
• Implement multi-site wireless wide area network		•				
• Upgrade server room UPS		•				
• Implement outdoor officer information access portal		•				
• Virtualise desktop computer fleet					•	
• Undertake review of municipal management system				•		

**Strategy 1.4.5: Attract and maintain a skilled, motivated and professional workforce**

<b>Actions &amp; Tasks</b>	<b>Service</b>	<b>Timeframe</b>	<b>Informing Plans</b>
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		15/16	16/17	17/18	18/19	
Action 1.4.5.1 Review Workforce Management Plan - Encourage mentoring and upskilling/job rotation of staff	Organisational Development	●	●	●	●	Workforce Management Plan
• Conduct employee satisfaction survey			●			
Action 1.4.5.2 Develop OSH Plan - Promotion and training	Occupational Health & Safety	●				Occupational Safety & Health Act 1984 and Regulations
• Review policies and procedures		●	●	●	●	

## Physical and Social Infrastructure

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

The anticipated cost of Physical and Social Infrastructure actions, tasks and services over the life of this plan is estimated at:	<b>\$,000</b>
Revenue	<b>8,959</b>
Expenditure	<b>10,833</b>
Capital	<b>19,504</b>

**Objective 2.1: A highly valuable East Kimberley economy that maximises social benefits**

**Strategy 2.1.1: Encourage a mix of businesses that meet community needs**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.1.1.1 Review existing strategic documents to prepare an integrated plan for the revitalisation of the Kununurra Town Centre	Strategic & Land Use Planning		●			Kununurra Strategic Directions Local Planning Strategy & Scheme Civic Centre Structure Plan
Action 2.1.1.2 Prepare town centre plan for One Mile and Three Mile in Wyndham	Strategic & Land Use Planning			●		Local Planning Strategy & Scheme

**Strategy 2.1.2: Promote and support major events that benefit locals and attract visitors to the area**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action, 2.1.2.1 Provide financial and administrative support to events in a transparent	Community Development	●	●	●	●	Strategic Community

and equitable manner.						Plan
Action 2.1.2.2 Detailed investigation and planning of the land associated with the racecourse for tourism, increased sports events and caravan parks including boating facilities.	Strategic & Land Use Planning		●			Kununurra Strategic Directions Local Planning Strategy Lake Kununurra Foreshore and Aquatic Use Plan

**Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region**

**Strategy 2.2.1: Promote the expansion of residential and industrial land**

Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.1.1 Plan for the development of new and infill residential land	Strategic & Land Use Planning	●	●		●	Kununurra Strategic Directions Lake Kununurra Foreshore Plan Local Planning Strategy Asset Management Strategy
<ul style="list-style-type: none"> <li>Develop structure plans for East Lily Creek and Civic Centre</li> </ul>		●				
<ul style="list-style-type: none"> <li>Investigate residential area for Precincts 4 (King Location 715) and 6 (Drovers Rest) Lake Kununurra</li> </ul>					●	

<ul style="list-style-type: none"> <li>Investigate increased residential density in existing residential areas of Three Mile to encourage redevelopment</li> </ul>						●	
<ul style="list-style-type: none"> <li>Prepare a strategic land release plan to enable appropriate sequencing of land release across the Shire</li> </ul>			●				
Action 2.2.1.2 Implement Local Planning Strategy	Strategic & Land Use Planning		●	●			Local Planning Strategy
<ul style="list-style-type: none"> <li>Rezone existing light industrial estate to composite industry</li> </ul>			●				
<ul style="list-style-type: none"> <li>Rezone land around the wastewater treatment plan for light industrial development, subject to structure planning</li> </ul>			●				
<ul style="list-style-type: none"> <li>Retain existing extent of future light industrial land and prioritise a site for a development of a General Industrial Estate</li> </ul>				●			
<ul style="list-style-type: none"> <li>Provide Strategic Industry in proximity to Wyndham Port</li> </ul>				●			
<b>Strategy 2.2.2: Support agricultural opportunities</b>							
Actions & Tasks	Service	Timeframe				Informing Plans	
		15/16	16/17	17/18	18/19		
Action 2.2.2.1 Liaise with State & Federal	Economic Development	●	●	●	●	2036 and Beyond: A	

Ministers to promote issues relevant to the agricultural industry including pastoral						Regional Blueprint for the Kimberley Kimberley Regional Business Plan
<b>Strategy 2.2.3: Advocate for improved availability of adequate water resources</b>						
Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.3.1 Liaise with State Government to promote issues relevant to irrigated, potable or waste water	Office of the Chief Executive	●	●	●	●	Kununurra Strategic Directions Local Planning Strategy
<b>Strategy 2.2.4: Enhance and expand tourism opportunities in the East Kimberley</b>						
Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.4.1 Support the EK Tourism Plan in collaboration with the tourism sector	Economic Development	●	●	●	●	EK Tourism Plan EK Tourism Strategy
<b>Strategy 2.2.5: Advocate for improved telecommunications and internet services</b>						
Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.5.1 Liaise with State and Federal government for improved Information & Communications Technology outcomes such as NBN.	Economic Development	●	●	●	●	2036 and Beyond: A Regional Blueprint for the Kimberley

**Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region**

**Strategy 2.2.6: Support local initiatives that promote entrepreneurial activities & greater diversity of industries in the East Kimberley**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.6.1 Work with relevant agencies to support industry and business development	Economic Development	●	●	●	●	2036 and Beyond: A Regional Blueprint for the Kimberley
Action 2.2.6.2 Prepare plans for the development of the second stage commercial boating facility in Kununurra	Strategic & Land Use Planning		●			Lake Kununurra Foreshore and Aquatic Use Plan

**Strategy 2.2.7: Advocate for a range of affordable housing options and styles that cater to a broad market including key workers**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.7.1 Liaise with relevant Government Departments on initiatives to provide affordable housing	Office of the Chief Executive	●	●	●	●	Strategic Community Plan Kununurra Strategic Directions EK@25

**Strategy 2.2.8: Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	

Action 2.2.8.1 Implement the East Kimberley Regional Airport Master Plan	Airport Operations	●	●	●	●	East Kimberley Regional Airport Master Plan
<ul style="list-style-type: none"> <li>Undertake business case and preliminary design for runway extension</li> </ul>		●				

**Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region**

**Strategy 2.2.9: Lobby for improvements to transport infrastructure, particularly for heavy haulage and shipping**

Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.9.1 Liaise with the State and Federal Governments on projects for Great Northern Highway <ul style="list-style-type: none"> <li>Construction of Kununurra bypass</li> <li>Plans for Wyndham town bypass</li> <li>Road upgrade to Wyndham and port</li> </ul>	Office of the Chief Executive	●	●	●	●	Strategic Community Plan

**Strategy 2.2.10: Provide growth management plans that identify and guide decision making for potential population growth scenarios**

Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.2.10.1 Advocate for funding for the development and implementation of growth management plans for urban expansion areas <ul style="list-style-type: none"> <li>Regional growth centre</li> </ul>	Economic Development	●	●	●	●	Kununurra Strategic Directions EK@25

**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**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.3.1.1 Maintain, renew or upgrade urban road assets	Roads & Bridges	●	●	●	●	Asset Management Plan Asset Management Improvement Strategy
<ul style="list-style-type: none"> <li>Widen 1<sup>st</sup> 75m off Victoria Hwy, Egret Close to match new pavement</li> </ul>		●				
<ul style="list-style-type: none"> <li>Wyndham reseal program</li> </ul>		●				
<ul style="list-style-type: none"> <li>Konkerberry Drive – reconstruct road pavement</li> </ul>			●			
<ul style="list-style-type: none"> <li>Weero Road widening at Vic Hwy intersection</li> </ul>			●			
<ul style="list-style-type: none"> <li>Reconstruct Nutwood and Rosewood Streets</li> </ul>		●				
Action 2.3.1.2 Maintain, renew or upgrade stormwater assets	Roads & Bridges	●	●	●	●	Asset Management Plan Asset Management Improvement Strategy

<ul style="list-style-type: none"> <li>D2 Drainage channel renewal due to monsoonal flood damage</li> </ul>		●				
<ul style="list-style-type: none"> <li>Gambia Street Wyndham U drainage channel</li> </ul>			●			
<ul style="list-style-type: none"> <li>Messmate Way main town drainage pipe</li> </ul>			●			
<ul style="list-style-type: none"> <li>Bandicoot Drive – stage 1 drainage improvement</li> </ul>			●			
<ul style="list-style-type: none"> <li>Replace drain at Hibiscus drive/Setosa Crt</li> </ul>			●			
Action 2.3.1.3 Maintain, renew or upgrade footpaths, shared paths and cycle way assets	Roads & Bridges					Asset Management Plan Asset Management Improvement Strategy
<ul style="list-style-type: none"> <li>Wyndham townsite footpath upgrade program 15/16</li> </ul>		●				
<ul style="list-style-type: none"> <li>Install new footpath to Konkerberry Drive in conjunction with road upgrade</li> </ul>		●				
Action 2.3.1.4 Maintain, renew or upgrade rural road assets	Roads & Bridges		●			Asset Management Plan Asset Management Improvement Strategy
<ul style="list-style-type: none"> <li>Drovers Road – stage 1 gravel resheet</li> </ul>			●			

<ul style="list-style-type: none"> <li>• Replace King River Road culvert</li> </ul>			●			
<ul style="list-style-type: none"> <li>• Riverfarm Road 90 degree bend road reconstruct</li> </ul>			●			
Action 2.3.1.5 Implement Airport Asset Management Plan	Airport Operations	●				East Kimberley Regional Airport Asset Management Plan
<ul style="list-style-type: none"> <li>• Kununurra carpark upgrade</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Wyndham Airport runway maintenance</li> </ul>		●				
Action 2.3.1.6 Provide supervision for Landcorp / SWEK Ord Stage 2 Roadworks	Project Management	●				Asset Management Plan
<ul style="list-style-type: none"> <li>• Second coat seal</li> </ul>		●				
Action 2.3.1.7 Kalumburu Road Renewal / Upgrade	Roads and Bridges	●				Asset Management Plan
Action 2.3.1.8 Plant and equipment renewal Accelerate program to catch up with backlog	Asset Management	●	●	●	●	Strategic Community Plan Asset Management Plan Long Term Financial Plan 10 year plant replacement program

Action 2.3.1.9 Renew or upgrade new Landfill Assets as per Waste Management Strategy	Waste Management	●	●	●	●	Waste Management Strategy
<ul style="list-style-type: none"> <li>Complete and commission new liquid waste ponds</li> </ul>		●				
<ul style="list-style-type: none"> <li>Decommission existing liquid waste ponds</li> </ul>			●			
Action 2.3.1.10 Maintain, renew and upgrade play spaces in accordance with playspace plan	Playspaces	●	●	●	●	Playspace Program
<ul style="list-style-type: none"> <li>Implement replacement program for playground equipment</li> </ul>			●	●	●	
Action 2.3.1.11 Manage Depot and Plant	Depot Services	●	●	●	●	10 Year Plant replacement program Asset Management
<ul style="list-style-type: none"> <li>Provision of shed to Wyndham depot</li> </ul>		●				
<ul style="list-style-type: none"> <li>Install emergency shower and eye wash facility at Wyndham depot</li> </ul>		●				
<ul style="list-style-type: none"> <li>Purchase cable locator</li> </ul>		●				
Action 2.3.1.12 Implement Mangaloo Street traffic management devices	Roads and Bridges	●				Asset Management Plan

**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**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.3.2.1 Ongoing review and implementation of Asset Management - Identify and assess all assets	Asset Management	●	●			Asset Management Plan
<ul style="list-style-type: none"> <li>Produce 10 year AM schedule</li> </ul>		●				
Action 2.3.2.2 Seek funding and prepare project implementation plan for Anton's Landing foreshore revitalisation and upgrade	Recreation & Leisure		●			Antons Landing Landscape Report and Concept
Action 2.3.2.3 Develop Stormwater Management Strategy	Drainage Systems	●				Asset Management Plan Asset Management Improvement Strategy
Action 2.3.2.4 Review traffic management for Ron Hodnett Drive			●			Strategic Community Plan

**Objective 2.4: High standard of health and community facilities and services available to all residents**

**Strategy 2.4.1: Advocate for improved health and community services**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.4.1.1 Review and maintain a Disability Access and Inclusion Plan	Disability Access	●	●	●	●	Strategic Community Plan Disability Access and Inclusion Plan
<ul style="list-style-type: none"> <li>Conduct a Accessibility Audit of all Shire managed public buildings</li> </ul>			●			
<ul style="list-style-type: none"> <li>Undertake accessibility works to Administration Building entry</li> </ul>		●				
Action 2.4.1.2 Support childcare services	Community Development	●	●	●	●	Strategic Community Plan

**Strategy 2.4.2: Ensure community compliance with environmental health regulations**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
<p>Action 2.4.2.1 Manage and provide environmental health services</p> <ul style="list-style-type: none"> <li>- Inspect caravan parks, lodging houses, public buildings, aquatic facilities, beauty and skin penetration premises and food premises</li> <li>- Events\ assessments</li> <li>- Nuisance investigations</li> <li>- Approval of onsite wastewater disposal systems</li> <li>- Follow-up of Infectious disease notifications</li> </ul>	Environmental Health	●	●	●	●	Health Act
<p>Action 2.4.2.2 Mosquito-bourne disease management</p>	Environmental Health					Health Act
<ul style="list-style-type: none"> <li>• Develop a Mosquito Management Plan</li> </ul>		●				
<ul style="list-style-type: none"> <li>• Participate in Sentinel Chicken Program</li> </ul>		●	●	●	●	

**Strategy 2.4.3: Support early childhood and family support services**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.4.3.1 Manage and support library services <ul style="list-style-type: none"> <li>- Coordinate Kimberley Writers Festival</li> <li>- Deliver family literacy activities and programs</li> <li>- Deliver children's Book Week program</li> </ul>	Libraries	●	●	●	●	Strategic Community Plan

**Strategy 2.4.4: Provide an environment where youth are empowered to develop their potential**

Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.4.4.1 Develop a Youth Services Plan <ul style="list-style-type: none"> <li>• Establish a Youth Advisory Council</li> </ul>	Youth Services	●				Strategic Community Plan
Action 2.4.4.2 Manage and promote youth services and program delivery in accordance with Youth Services Plan	Youth Services	●	●	●	●	Strategic Community Plan
Action 2.4.4.3 Manage and support the Kununurra Youth Hub and the Youth and Recreation Centre in Wyndham in accordance with a Youth Services Plan	Youth Services	●	●	●	●	Strategic Community Plan

**Objective 2.5: East Kimberley residents have access to a broad range of educational opportunities**

**Strategy 2.5.1: Support initiatives aimed at enhancing the range of educational programs offered at Years 11 and 12**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.5.1.1 Identify land for suitable educational establishment in line with growth management plans	Strategic & Land Use Planning		●			Kununurra Strategic Directions EK@25

**Strategy 2.5.2: Advocate for the introduction of culturally appropriate alternative education for Indigenous people**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.5.2.1 Support culturally appropriate alternative education opportunities	Office of the Chief Executive	●	●	●	●	Strategic Community Plan

**Objective 2.5: East Kimberley residents have access to a broad range of educational opportunities**

**Strategy 2.5.3: Advocate for the establishment of more school based apprenticeships**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.5.3.1 Lobby the Department of Education for more school based apprenticeships	Office of the Chief Executive	●	●	●	●	Strategic Community Plan

**Strategy 2.5.4: Encourage activities that promote adult educational opportunities including family support and life skills programs**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 2.5.4.1 Advocate for additional adult education opportunities	Office of the Chief Executive	●	●	●	●	Strategic Community Plan

## Lifestyle and Environment

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

The anticipated cost of Lifestyle and Environment actions, tasks and services over the life of this plan is estimated at:	<b>\$,000</b>
Revenue	<b>4,993</b>
Expenditure	<b>11,910</b>
Capital	<b>1,381</b>

**Objective 3.1: A broad range of lifestyle opportunities and activities are available for East Kimberley residents**

**Strategy 3.1.1: Support activities that promote volunteerism and active participation in community events and programs**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.1.1.1 Support civic and volunteer events <ul style="list-style-type: none"> <li>- Anzac Day</li> <li>- Coordinate Volunteer of the Year Awards</li> <li>- Australia Day</li> </ul>	Community Development	●	●	●	●	Strategic Community Plan

**Strategy 3.1.2: Promote a greater range of cultural and art activities**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.1.2.1 Develop Culture and Arts Plan	Community Development				●	Strategic Community Plan

**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**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.1.3.1 Administer grants for community clubs and events	Community Development	●	●	●	●	Strategic Community Plan
<ul style="list-style-type: none"> <li>Review community grants policy</li> </ul>		●				

**Strategy 3.1.4: Facilitate activities that link communities**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.1.4.1 Identify opportunities and support activities that encourage relationships between different communities and community groups	Community Development	●	●	●	●	Strategic Community Plan

**Objective 3.2: Waste management and protection of environmental values**

**Strategy 3.2.1: Provide an integrated approach to waste management that includes waste minimisation strategies**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.2.1.1 Implement the Waste Management Strategy	Waste Management	●	●	●	●	Waste Management Strategy

• Review the waste management strategy			●		●	
• Acquire new landfill site for Kununurra					●	
• Develop closure plans for landfills				●		

### Objective 3.3: Towns are safe and inviting for locals and tourists

#### Strategy 3.3.1: Improve streetscapes in town and urban centres incorporating public art and 'designing out crime' principles

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.1.1 Develop streetscape and landscape plans for town centres	Strategic & Land Use Planning			●		Kununurra Strategic Directions

#### Strategy 3.3.2: Promote greater vibrancy and activity within town centres, particularly through a mix of restaurants and accommodation

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.2.1 Review Town Centre strategies for Kununurra and Wyndham aligned to the Local Planning Strategy and Kununurra Strategic Directions	Strategic & Land Use Planning		●			Kununurra Strategic Directions

### Strategy 3.3.3: Ensure adequate street lighting

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.3.1 Undertake streetlight upgrades	Asset Management		●			Strategic Community Plan
<ul style="list-style-type: none"> <li>Ebony Street</li> </ul>			●			

### Objective 3.3: Towns are safe and inviting for locals and tourists

#### Strategy 3.3.4: Ensure a well-connected and maintained network of shared paths

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.4.2 Prepare a Trails Masterplan incorporating: <ul style="list-style-type: none"> <li>Wyndham Port footpath</li> <li>Kununurra foreshore trails</li> </ul>	Recreation and Leisure	●				Lake Kununurra Foreshore Plan Kununurra Strategic Directions

#### Strategy 3.3.5: Provide for adequate public parking areas that meet demand, including for long vehicles

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.5.1 Develop and implement parking plans for town centres including provision for long parking bays	Strategic & Land Use Planning		●	●		Kununurra Strategic Directions

**Strategy 3.3.8: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
<p>Action 3.3.8.1 Manage and provide building services</p> <ul style="list-style-type: none"> <li>- Assessment of Building and Demolition Applications including the issue of Permits</li> <li>- Undertake private Swimming Pool Inspections</li> <li>- Assist with Condition Reports on Shire facility / assets</li> <li>- Provide an External Certification Service</li> <li>- Ensure compliance with the Building Act and National Construction Code</li> </ul>	Building Applications and Permits	●	●	●	●	Building Act

<ul style="list-style-type: none"> <li>Develop and maintain an asbestos register for Shire facilities</li> </ul>		●				
Action 3.3.8.4 Review Local Planning Scheme	Strategic & Land Use Planning	●	●			Planning and Development Act
Action 3.3.8.5 Review local planning policies - Allow for flexibility on home business policy	Strategic & Land Use Planning		●			Local Planning Strategy
Action 3.3.8.6 Review Local Planning Strategy	Strategic & Land Use Planning	●				Strategic Community Plan Kununurra Strategic Directions

### Strategy 3.3.9: Provide animal control in accordance with legislative requirements

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.3.9.3 Provide Ranger Services	Ranger Services	●	●	●	●	Dog Act, Cat Act, Local Laws, Animal Welfare Act
<ul style="list-style-type: none"> <li>Implement an animal management plan</li> </ul>		●	●	●	●	
<ul style="list-style-type: none"> <li>Implement a dog beach</li> </ul>			●			

### Strategy 3.3.10: Adopt a partnership approach for emergency and fire management planning, preparedness, response and recovery

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	

<b>Action 3.3.10.1 Manage Fire and Emergency Services</b> <ul style="list-style-type: none"> <li>- Participate in BFAC</li> <li>- Support volunteers bushfire brigades</li> <li>- LEMC</li> </ul>	Emergency Services	●	●	●	●	Bushfires Act, Emergency Management Act
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**Objective 3.4: Protection and enhancement of community facilities**

**Strategy 3.4.1: Manage, maintain and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.4.1.1 Upgrade Wyndham waste water reuse treatment facility	Infrastructure	●				Asset Management Plan
Action 3.4.1.2 Maintain or enhance parks and gardens	Parks and Gardens	●	●	●	●	Asset Management Plan
Action 3.4.1.3 Develop an Integrated Public Open Space Plan	Community Development	●				Strategic Community Plan
Action 3.4.1.4 Maintain, upgrade or renew public buildings and facilities	Property & Facility Management	●	●			Asset Management Plan
<ul style="list-style-type: none"> <li>• Demolish structure at lot 828 Koolama St Wyndham</li> </ul>		●				

• Construct ablutions at the Agricultural Oval			•			
• Construct ablutions at the Town Oval			•			
• Investigate options to heat Kununurra and Wyndham swimming pools during cooler months		•				
• Demolish former Kununurra administration building			•			
• Construct dedicated first aid room at Wyndham Swimming Pool			•			
• Replace shade sails at the Kununurra Leisure Centre toddler pool			•			
• Investigate amenities upgrade at Wyndham Oval			•	•		

**Strategy 3.4.2: Consider cultural values in all planning and design phases**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	

Action 3.4.2.1 Engage with Indigenous people in relation to public planning and design projects	Strategic & Land Use Planning	●	●	●	●	Community Engagement Strategy
Action 3.4.2.2 Review the Municipal Inventory, in consultation with the community, to incorporate locations of Aboriginal history, both pre and post European settlement	Strategic & Land Use Planning		●			Local Planning Strategy

**Strategy 3.4.3: Ensure Shire facilities are planned and managed to meet community needs**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.4.3.1 Property and facility management <ul style="list-style-type: none"> <li>- Administer leases</li> <li>- Public buildings</li> <li>- Ablutions</li> <li>- Shire staff housing</li> </ul>	Property and Facility Management	●	●	●	●	Asset Management Plan
<ul style="list-style-type: none"> <li>• Develop Shire Housing Policy</li> </ul>		●	●			
Action 3.4.3.2 Manage Wyndham Community Resource Centre	Community Development	●	●	●	●	Strategic Community Plan

**Strategy 3.4.4: Provide and support a more effective range of sport and recreation services and facilities including a new leisure and aquatic facility in Kununurra**

Actions & Tasks	Service	Timeframe				Informing Plans
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		15/16	16/17	17/18	18/19	
Action 3.4.4.1 Develop a project definition plan for a new leisure and aquatic facility	Strategic & Land Use Planning/Recreation & Leisure	●				Strategic Community Plan
Action 3.4.4.2 Develop a new Leisure/Aquatic centre	Project Management/ Recreation & Leisure		●	●	●	Strategic Community Plan
Action 3.4.4.3 Provide and support safe and accessible sport and recreation services and programs to the community	Community Development	●	●	●	●	Strategic Community Plan
<ul style="list-style-type: none"> <li>Investigate the provision of gym facilities in Wyndham</li> </ul>			●			

**Objective 3.5: An active outdoor lifestyle is encouraged and promoted**

**Strategy 3.5.1: Promote an increase in the number of public events particularly outdoor events and those for youth and which promote cultural diversity**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.5.1.1 Strengthen community capacity by supporting outdoor community events	Community Development	●	●	●	●	Strategic Community Plan

• Develop public events approval process		●				
• Develop a standardised event risk management plan		●				
• Investigate the development of an events precinct plan for the existing Race Club area			●			

**Strategy 3.5.2: Encourage cooperation between sporting groups and assist them in building capacity**

Actions & Tasks	Service	Timeframe				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.5.2.1 Provide support to sport and recreation clubs at community level	Recreational Services & Programs	●	●	●	●	Strategic Community Plan
• Increase storage at Kununurra Leisure Centre			●			

**Strategy 3.5.3: Increase access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations**

Actions & Tasks	Service	Timeframe/Budget				Informing Plans
		15/16	16/17	17/18	18/19	
Action 3.5.3.1 Implement recommendations from the Lake Kununurra Foreshore and Aquatic Use plan	Strategic & Land Use Planning	●	●	●	●	Lake Kununurra Foreshore and Aquatic Use Plan

<ul style="list-style-type: none"> <li>• Prepare Local Planning Policy for development along the Crossing Falls, Packsaddle and Jabiru Road foreshore</li> </ul>		•				
<ul style="list-style-type: none"> <li>• Construct new ablutions at Swim beach</li> </ul>			•			
Action 2.3.1.5 Upgrade Lily Creek Lagoon jetty, boat ramp and car park	Asset Management	•				Asset Management Plan
Action 3.5.3.3 Investigate funding opportunities to provide additional public access points to Lake Argyle	Strategic & Land Use Planning		•			Local Planning Strategy

# Monitoring and Reporting

The implementation of the Corporate Business Plan will be monitored and reported on a quarterly basis through progress of action and project delivery against targets and year to date expenditure against budget. As well, performance will be monitored and reported against operational key performance indicators, which will be progressively developed and implemented across the organisation.

Because the Corporate Business Plan is integrated with and delivers on the Strategic Community Plan, monitoring and reporting of outcome performance through the strategic key performance indicators is important in determining the effectiveness of the Shire's services and projects.

All elements of the Corporate Business Plan will be reviewed and amended as required each year prior to the annual budget process. This enables the corresponding year of the Corporate Business Plan and Long Term Financial Plan to accurately inform the annual budget.

The Corporate Business Plan will also be informed by the periodic review of the Strategic Community Plan, the Workforce Plan, Asset Management Plans and other Shire plans and strategies.

Cr S Cooke declares a financial interest in this item (my husband owns and operates Red Rust Contracting who have provided a quote for the erection of the shed for the purposes of the grant application) and leaves the Chambers at 5.24pm.

### **13.4.3 Department of Sport and Recreation Community Sport and Recreation Facility Fund**

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Kununurra Bushmen's Rodeo Association
<b>LOCATION:</b>	Lot 707 Drovers Road
<b>AUTHOR:</b>	Wayne Richards, A/Director Community Development
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	GS.05.1
<b>ASSESSMENT NO:</b>	A2859
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to consider and endorse the Shire of Wyndham East Kimberley application for the current round of Annual Grants under the Department of Sport and Recreation's Community Sports and Recreation Facilities Fund (CSRFF).

#### **BACKGROUND**

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Sport and Recreation.

Grants are available to all Sport and Recreation Incorporated Clubs and Associations. Under the program, Local Government Authorities are required to consider applications from local organisations and/or submit applications themselves, advise the Department of Sport and Recreation if the Council supports the applications, and if supported, rank the applications in priority order. As only one application has been received in the current round, ranking will not be required on this occasion. Grants must be submitted to the Department of Sport and Recreation by 30 September 2015.

#### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

#### **FINANCIAL IMPLICATIONS**

The single grant application received seeks to construct a building on a Shire managed reserve that is expected to be leased to the applicant. The Kununurra Bushmen's Rodeo Association.

The Shire bears no responsibility for any costs associated with the construction of the facility by endorsing this application.

There is the possibility of the Shire inheriting the facility at the conclusion of the lease however there are provisions within the draft lease that allow for the Shire to require the lessee to remove any fixtures if the Shire decides this is the most appropriate action.

### **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 3.4.4: Provide and support a more effective range of sport and recreational services and facilities including a new leisure centre and aquatic facility in Kununurra

### **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 with regard to this item however should the grant application be successful, the Shire would seek to work with the applicant to engage with the wider community, in particular lessees located within close proximity, regarding this project.

### **COMMENT**

One application has been received from the Kununurra Bushmen's Rodeo Association for the construction of a large shed incorporating office space and a kitchen.

As the project is at an early stage and limited information has been supplied, it is important to recognise that Council support for this application is not approval to construct the facility, it is supporting the application for funding.

Officers feel that with more consultation with lessee's located in close proximity, the facility has the potential to provide a range of benefits and services to this whole precinct and more work needs to be done to achieve this. It should be noted though that while this "precinct" has been earmarked as a future events precinct, currently there is no strategic plan for this location meaning any developments can only be assessed on an individual basis rather than at a strategic level.

This said, Officers believe that while improvements could be made to the project as it has been presented, the project in isolation would provide benefit to the Rodeo Association and to the wider community and should be supported. As a stand-alone project it will improve facilities for the Kununurra Bushmen's Association events reducing the number of temporary structures used. With some additional work and partnerships, this project has the potential to provide a significant benefit to other clubs located within close proximity as well as the wider community. Should the grant application be successful the Shire would seek to work with the applicant to ensure the benefits to the wider community are maximised.

## **ATTACHMENTS**

Attachment 1 - Confidential – Kununurra Bushmen’s Association CSRFF Grant Application (provided under confidential separate cover)

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER’S RECOMMENDATION**

That Council endorse the concept of the Kununurra Bushmen’s Rodeo Association multifunction facility within the grant application for the 2015/16 Community Sport and Recreation Facilities Fund Annual Grant Round subject to the following prior to the commencement of the project:

- The Kununurra Bushmen’s Rodeo Association consult with the Shire and all clubs located or soon to be located within close proximity to investigate:
  - Joint use options
  - Possible funding contributions
  - Preferred location and orientation to maximise joint use functionality
- The whole of life cost of the building is established and considered A timeline for the project is established
- A full budget, including identification of all funding sources, is completed.

## **COUNCIL DECISION**

**Minute No. 11118**

**Moved: Cr G Taylor**

**Seconded: Cr B Robinson**

**That Council endorse the concept of the Kununurra Bushmen’s Rodeo Association multifunction facility within the grant application for the 2015/16 Community Sport and Recreation Facilities Fund Annual Grant Round subject to the following prior to the commencement of the project:**

- **The Kununurra Bushmen’s Rodeo Association consult with the Shire and all clubs located or soon to be located within close proximity to investigate:**
  - **Joint use options**
  - **Possible funding contributions**
  - **Preferred location and orientation to maximise joint use functionality**
- **The whole of life cost of the building is established and considered A timeline for the project is established**
- **A full budget, including identification of all funding sources, is completed.**

**Carried Unanimously 7/0**

C S Cooke enters the Chambers at 5.26pm.

### 13.4.4 Endorsement of Draft Policy CP/PMG-3781 - Leasing of Council Managed/Owned Land – Commercial

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Jennifer Ninyette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	CM.11.2
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to adopt the new policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial.

#### **BACKGROUND**

Draft policy CP\_PMG-3781 Leasing of Council Managed/Owned Land – Commercial was prepared to complement the community leasing policy. This Commercial Lease Policy was presented to the June 2015 Ordinary Council Meeting for endorsement to seek public comment. Council endorsed the draft policy, subject to amendments, to be advertised.

The draft policy was advertised on the Shire's website and Facebook page, as well as 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.

At the 25 August 2015 Ordinary Council Meeting the draft policy was presented to Council for adoption. This item was deferred to a briefing session in order for the policy to be amended to include additional methods of calculating rent that have been utilised in new leases within the airport terminal building. A copy of the draft policy CP\_PMG-3781 Leasing of Council Managed/Owned Land – Commercial, as advertised, is provided at Attachment 1.

This deferral was on the basis that the Shire has this year entered into new leases for the airport terminal booths, for which the rent charged is based on 8.5% of gross turnover or the base market valuation rent, whatever is the greater. The Policy endorsed for advertising did not address this methodology of determining rent based on percentage of turnover.

This pricing methodology was adopted following a benchmarking exercise across a number of Western Australian regional airports (Broome, Karratha, Newman and Port Hedland) as part of a review into the issuing of the new leases, which found that 3 of the 4 regional airports levy a percentage (ranging from 8.25% to 8.5%) on the Lessee based on monthly gross revenue.

Also informing this review, Council resolved at the August 2015 Ordinary Council Meeting to set the lease rent for the proposed lease of foreshore land adjoining Lakeside Resort to Ingle Pty Ltd and for a market review to be undertaken every 3 years, at the cost of the lessee.

The draft policy, as advertised, outlines that commencement lease rent will be based on fair market value, and that CPI rent review will be undertaken annually.

## **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 to ensure 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.

In line with the new leases for the airport terminal booths, Council has recommended that the policy makes reference that rent be based on turnover.

## **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. No submissions were received.

Council may decide to readvertise the draft policy in light of the recommended amendments prior to endorsement.

## **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.

In considering the mechanism of rent based on turnover at the airport it is acknowledged that this is likely to occur in relation to smaller lettable areas, such as kiosks, terminal booths, etc. that are located within buildings or facilities owned or managed by the Shire, and is a commonly used for retail operations, in particular shopping centres, factory outlet centres, airports and railway stations.

It is also acknowledged that most of the Shire's commercial leases have lease rents established initially by market valuation, and then subject to annual CPI reviews, consistent with the draft policy. However, in line with Council's recent decision in relation to the lease of foreshore land adjoining Lakeside Resort, it is common for long term (6 year +) leases to have occasional market reviews.

Opteon Property has advised that most leases irrespective of industry have market reviews every 3 or 5 years be they in the initial term or subsequent option periods and most also have some other mechanism (usually CPI, sometimes fixed and sometimes none) in intervening years. The benefits of a market review are that the rent should stay in closer alignment with market values as outlined in the following scenarios:

1. In the case of the Lessor, hypothetically, should Kununurra enjoy a growth spurt in 5 years and on the back of improved economic conditions the caravan industry experiences strong growth, the actual rent may have grown by 10% whereas the market may have improved 30%.
2. Conversely, hypothetically, deteriorating economic conditions leads to reduced occupancy and industry wide cost pressures reduce margins, Caravan park values reduce 20% but rent for the tenant has increased 10% this is equally unfair.

Market reviews are generally undertaken every 3 or 5 year reviews due to the cost involved for an independent body to undertake an investigation.

It is noted that other than Council's recent resolution, no other commercial leases are currently subject to market rent reviews, with CPI rent reviews almost exclusively used. However it is considered appropriate that potential lessee's can request (or Council determine) for market reviews to be undertaken every three years, at the Lessee's cost, with CPI rent reviews to be undertaken every other year for the term of the lease.

In relation to the rent based on turnover method used in the leasing of the car hire booths at the East Kimberley Regional Airport (EKRA), it is acknowledged that this is a standard method of determining rent for commercial tenancies, if agreed to by the tenant. The actual percentage stipulated should be based on the gross percentage margin of the business. It is also noted that the base rent used is subject to CPI rent reviews being conducted each year for the term of the lease.

In light of the above, officers have recommended changes to the draft policy, including a number of minor grammatical changes, 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 the item be deferred.

### **COUNCIL DECISION**

Minute No. 11119

Moved: Cr D Spackman

Seconded: Cr K Wright

That the item (13.4.4 Endorsement of Draft Policy CP/PMG-3781 – Leasing of Council Managed/Owned Land – Commercial) be deferred.

Lost 2/6

For: Cr K Wright, Cr D Spackman

Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr S Cooke, Cr B Robinson  
Cr G Taylor

## **MOTION**

Cr B Robinson moves the Officer's Recommendation.

### **COUNCIL DECISION**

Minute No. 11120

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council adopt the policy CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial, as amended.

Carried 6/2

For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr S Cooke, Cr B Robinson

Against: Cr K Wright, Cr D Spackman



<b>POLICY NO</b>	CP/PMG-3781	
<b>POLICY</b>	Leasing of Council Managed/Owned Land - Commercial	
<b>RESPONSIBLE DIRECTORATE</b>	Community Development	
<b>RESPONSIBLE OFFICER</b>	Senior Planning Officer	
<b>COUNCIL ADOPTION</b>	Date:	Resolution No:
<b>REVIEWED/MODIFIED</b>	Date:	Resolution No:
	Date:	Resolution No:
<b>REVIEW DUE</b>	Date:	
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>Land Administration Act 1997</i> <i>Commercial Tenancy (Retail Shops) Agreement Act 1985</i>	
<b>RELATED POLICIES</b>	CP/PMG-3780 – Leasing of Council Managed Land - Community	
<b>RELATED ORGANISATIONAL DIRECTIVES</b>		

#### **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 (Retail 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.



<b>POLICY NO</b>	CP/PMG-3781	
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The maximum lease term will be 21 years.

### 3. Lease Rent

Initial Lease Rent for all leases will be based on a valuation of fair market rent with a CPI rent review conducted annually.

Market reviews may be agreed to be undertaken every five years or when activating an option, at the cost of the Lessee, with a CPI rent review to be conducted every other year for the term of the lease.

Car hire booths and retail spaces at the East Kimberley Regional Airport (EKRA) will be greater of either:

- a base annual rent as determined by a market valuation, or
- a rent based on a percentage of turnover as determined by a market valuation.

CPI rent review of the base annual rent will be conducted each year for the term of the lease.

#### 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 Lands will also be required for development on Crown land.

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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.

**13.4.5 Development Application for Viewing Deck at Lot 2  
O'Donnell Street, Wyndham**

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Nathan Laird
<b>LOCATION:</b>	Lot 2 O'Donnell Street, Wyndham
<b>AUTHOR:</b>	Roy Adam, Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	A256P
<b>ASSESSMENT NO:</b>	DA44/15
<b>DECLARATION OF INTERESTS:</b>	Ni

**PURPOSE**

For Council to consider a development application for a viewing deck at Lot 2 (No. 19) O'Donnell Street, Wyndham.

**BACKGROUND**

An application for planning approval was lodged on 29 July 2015 by Nathan Laird of Laird Tran Studio on behalf on the lot owners (**Attachment 1**).

The property contains a single dwelling and has an area of 781m<sup>2</sup>. It is zoned Town Centre under *Town Planning Scheme No. 6 – Wyndham Townsite* (TPS 6). It has dual frontages to O'Donnell Street and Foreshore Road.

The subject site is in the 'Multiple Port Town Centre Precinct - O'Donnell Street' as identified in the 'Schedule of Places of Heritage Value' appendix of the Scheme.

The Shire's Heritage Inventory (2007) identifies the existing building on-site as the "Postmaster's Residence" with a construction date of 1920 (**Attachment 2**).



Location of Subject Site

### Proposal

The provision of a viewing platform for views to the west overlooking the Old Wyndham Port including:

- Roof area of 57.8m<sup>2</sup> (7.6 x 7.6m) and 6.4m roof height.
- Decking at 3m above ground level of 31.4m<sup>2</sup> area (5.6 x 5.6m).
- Cover/space for car parking (2 bays).
- Materials and design that responds to the existing building on-site and wider heritage elements of the vicinity.
- Steel framing, mesh panels, corrugated iron roofing, and colours that are compatible with the existing dwelling on-site.

### **STATUTORY IMPLICATIONS**

#### Town Planning Scheme No. 6 – Wyndham Townsite

The land at Lot 2 O'Donnell Street is zoned Town Centre under TPS 6.

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.*

Residential Development in the Town Centre zone may occur in accordance with the provisions of the R50 density code of the Residential Design Codes (cl 5.6.6).

In addition the subject site is identified in the 'Schedule of Places of Heritage Value' appendix of the scheme. As such, development may not occur without the planning consent of Council.

This application is required to be considered by Council as TPS 6 does not contain a statement of delegation for Council to provide decision-making authority to officers.

### **POLICY IMPLICATIONS**

#### State Planning Policy 3.1 Residential Design Codes

The purpose of the R-Codes is to provide a comprehensive basis for the guidance of residential development throughout Western Australia.

#### *Setback of garages and carports*

The R-Codes provide for assessment of carports at clause 5.2.1 - *Setback of garages and carports*. The deemed-to-comply requirement for the proposal is a setback of 1.5m being provided.

A design principle may be considered for alternate assessment:

*“The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings or obstruct views of dwellings from the street and vice versa.”*

#### **Boundary setback**

Setback requirements for the R50 density code are stated in Tables 1-2b of the R-Codes. Where a wall with a major opening is proposed of height 6.0-6.5m and a length of 9m or less a side setback of 3.0 metres is applicable. Alternatively a boundary setback may be assessed against the relevant design principle (at cl. 6.4.1):

*Buildings set back from boundaries or adjacent buildings so as to:*

- *Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;*
- *Moderate the visual impact of building bulk on a neighbouring property;*
- *Ensure access to daylight and direct sun for adjoining properties.*

#### **Visual privacy**

This element is described at clause 6.4.1 of the R-Codes. As a deemed-to-comply measure where an “unenclosed outdoor active habitable space” is proposed, a “cone of vision” setback of 7.5m is stipulated. This applies to any land (or zone) where residential development may be permitted.

As an alternative approach to assessment the relevant design principle in this instance is:

*Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*

- *Building layout and location*
- *Design of major openings*
- *Landscape screening of outdoor active habitable spaces; and/or*
- *Location of screening devices.*

#### **Local Government Heritage Inventory**

This adopted inventory describes the building onsite as the “Postmaster’s Residence”. The entry provides a management category (desired outcome) stating that “*any alterations or extensions should reinforce the significance of the place*”.

### **FINANCIAL IMPLICATIONS**

The applicant has paid the 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. Nonetheless the applicant has obtained consent from landowners to the northern 3 lots (Lots 1, 3 and 4 O'Donnell Street). The adjoining lot to the south (Lot 512 O'Donnell Street) is owned by the Shire.

## **COMMENT**

Key points in assessing the proposal are impacts on streetscape and visual privacy. Design responsiveness to the heritage significance of the site and vicinity are further factors.

Regarding streetscape the proposal complies with the deemed-to-comply requirement of the R-Codes. The setback required to Foreshore Road is 1.5m and 1.7m is provided. It is considered that the open design of the structure affords clear sight lines to vehicles at the crossover and also that wider views to the dwelling (and vice versa) are minimally obstructed. It is noted that Foreshore Road is considered to be the secondary street (and O'Donnell Street as primary) in this estimation.

At the boundary to the south (at Lot 512 O'Donnell Street) a 2.3m setback has been provided. It is considered that this distance does satisfy the relevant design principle of the R-Codes with only minimal reductions in daylight, ventilation and privacy to the adjoining lot arising as a result of the proposed development. In this regard it is noted that the adjoining building is towards the O'Donnell Street frontage rather than the western (Foreshore Road) boundary. However it is noted that this setback is less than the deemed-to-comply distance of 3.0m.

Visual privacy is considered adequate as measured by the relevant design principle of the R-Codes as the potential for overlooking is minimal. Council may note that Lot 512 contains an existing building (former Port Shire Hall) located towards the O'Donnell Street frontage. The building is presently leased from the Shire.

In regards to visual privacy the deemed-to-comply requirement of the R-Codes specifies that a 7.5m "cone of vision" should be provided from "*unenclosed active habitable spaces*". This term includes the viewing deck. However in light of the siting of the existing building on Lot 512 O'Donnell Street and the size/dimensions of the proposal it is considered that a reduced cone of vision is acceptable. It is further noted that the 2.3m setback distance provided will allow for the future planting of screening vegetation should that become desirable.

In regards to the heritage significance of the existing building on-site it is considered that the proposal is suitably located and designed. Substantial views to the existing dwelling frontage will remain. Primary materials used in the historic "Postmaster's Residence" have been replicated where practicable in using corrugated iron as a roofing material. In addition colour selection has been made to be compatible with the existing building (red ochre).

Subject to standard conditions no objections are raised to the proposal.

## **ATTACHMENTS**

ATTACHMENT 1 – Submission and Plans

ATTACHMENT 2 – Municipal Heritage Inventory pp102-103

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council approves the planning application for a Viewing Deck at Lot 2 O'Donnell 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. Where practicable the structure is to be constructed and clad in compatible materials and colours to the existing dwelling on site.

## **COUNCIL DECISION**

**Minute No. 11121**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That Council approves the planning application for a Viewing Deck at Lot 2 O'Donnell 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. **Where practicable the structure is to be constructed and clad in compatible materials and colours to the existing dwelling on site.**

**Carried Unanimously 8/0**



FORESHORE ROAD 3D MONTAGE



19 O'DONNELL STREET PHOTO  
 PROPOSED LOOKOUT STRUCTURE HAS NO IMPACT TO  
 THE O'DONNELL STREET ELEVATION



PROPOSED LOOKOUT 3D PERSPECTIVES

NOT FOR CONSTRUCTION

**LairdTranstudio**  
 architecture + design  
 abn: 299 616 72 995  
 PO BOX 1047  
 Broome 6725  
 office : 08 9192 7729  
 ngl mobile: 0431 176 299

drawing:  
**A.901**  
 revision:  
**A**

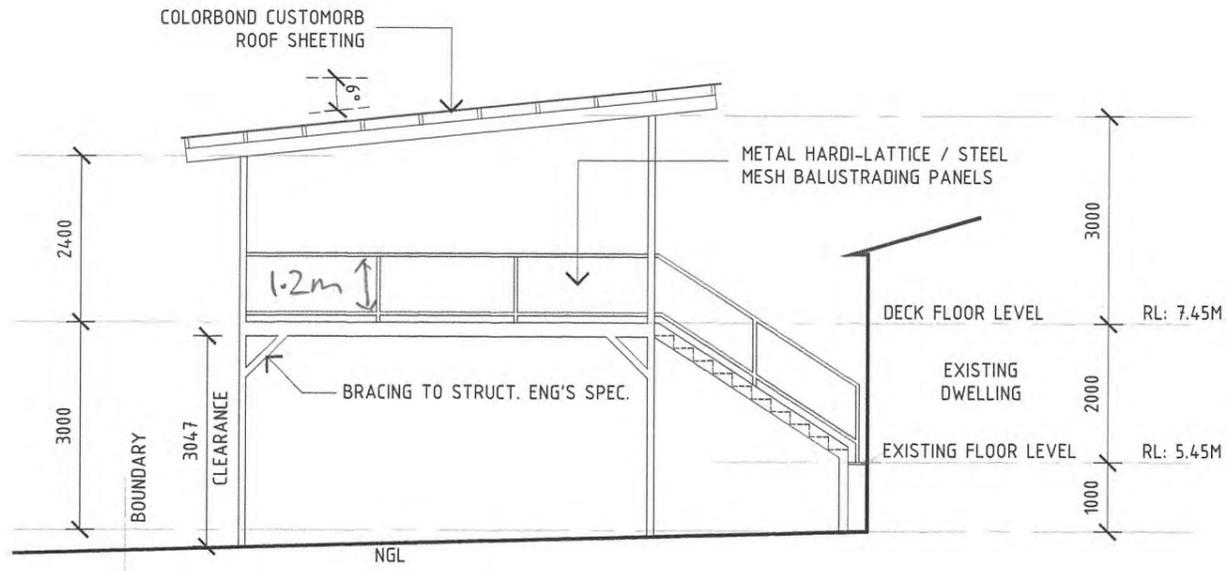
CAD File No. : LT1501-03.dwg  
 Project Architect: ngl  
 Project No. : LT1501-03  
 Scale: 1:100 @ A3

project & address:  
**NEW VIEWING PLATFORM @ 19  
 O'DONNELL STREET, WYNDHAM**  
 drawing: 22 September 2015  
**PROPOSED PERSPECTIVES**

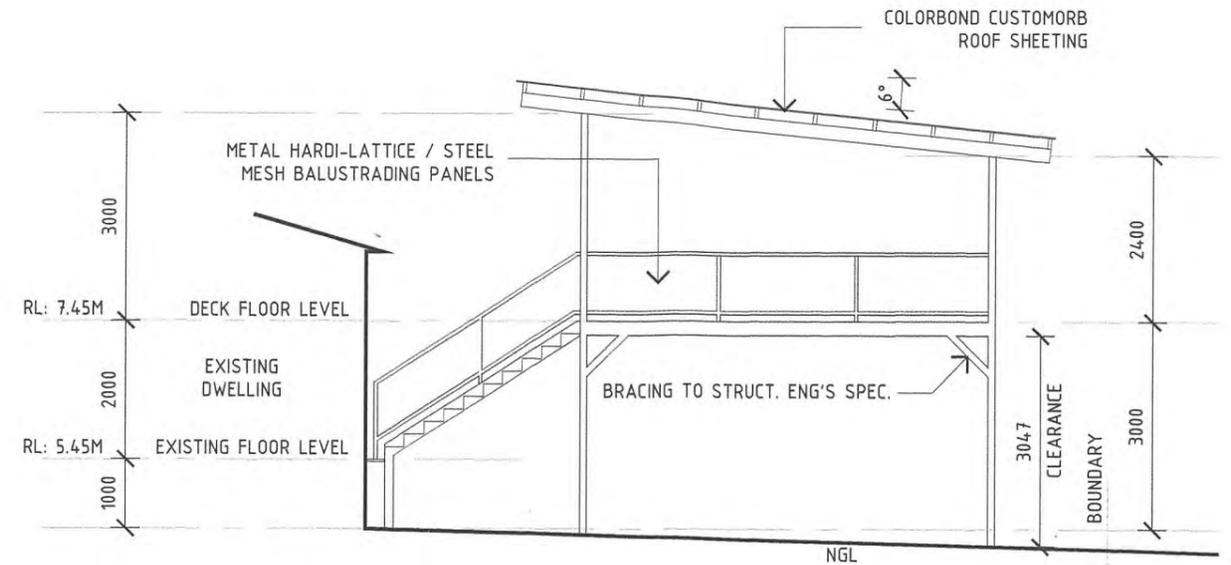
Rev.	Description	Date
A	CLIENT REVIEW	05.06.15
B	ISSUED FOR DA	25.06.15

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 Reproduction of the whole or part of the document constitutes an infringement of copyright. The information, ideas and concepts contained in this document are confidential. The recipient(s) of this document is/are prohibited from disclosing such information, ideas and concepts to any person without the prior written consent of the copyright holder.  
 Contractor to check and verify all dimensions, levels and angles on site before commencement of work. This is a CAD drawing. Do not scale.

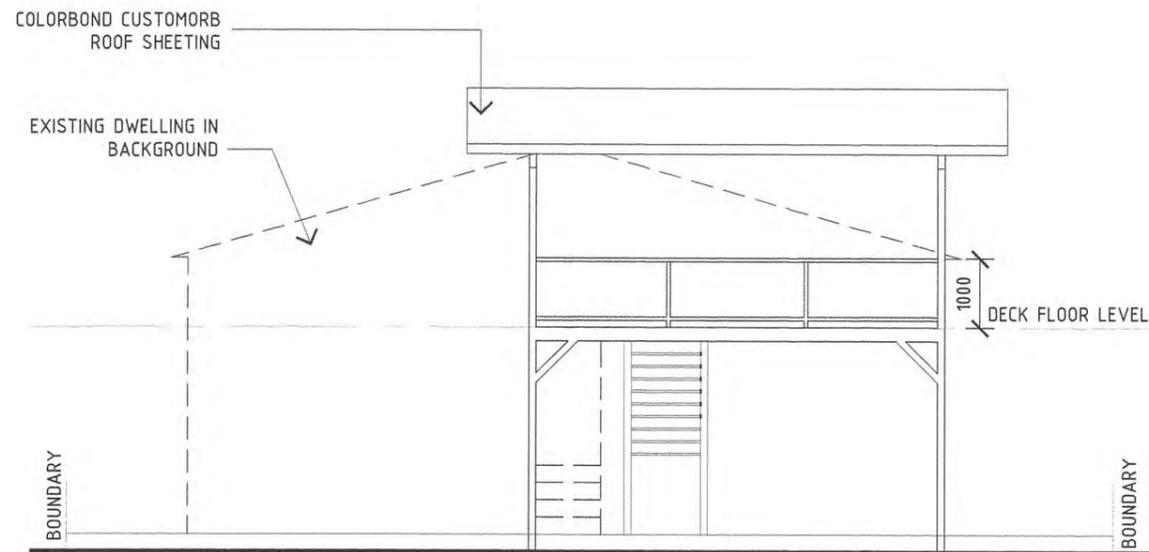




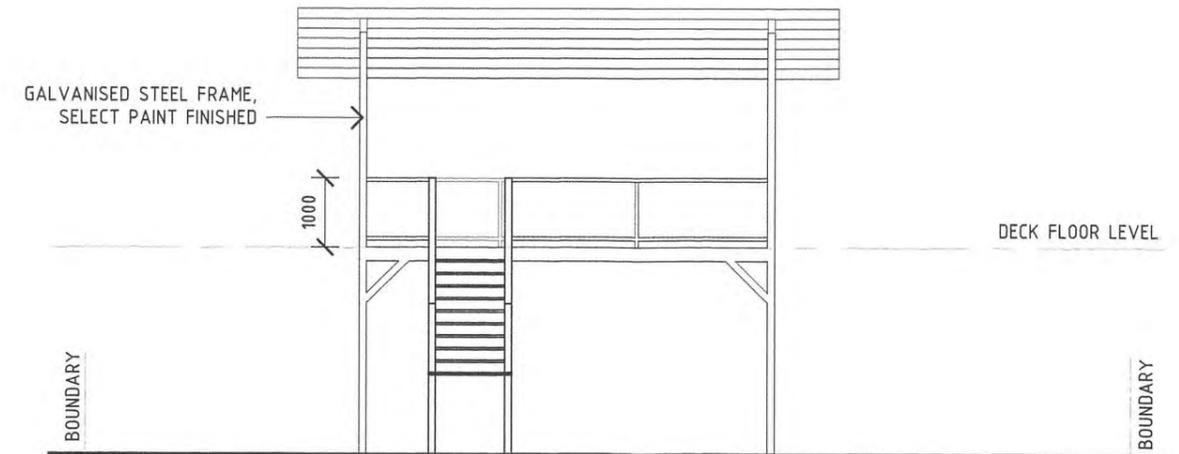
**SOUTH ELEVATION**  
1:100



**NORTH ELEVATION**  
1:100



**WEST ELEVATION**  
1:100



**EAST ELEVATION**  
1:100

NOT FOR CONSTRUCTION

G ATT: Planning Officer

Shire of Wyndham East Kimberley  
Wyndham Administration Office  
Koolama Street  
Wyndham WA 6740  
Ph (08) 9161 1002  
Fax (08) 9161 1295  
mail@swek.wa.gov.au



L a i r d T r a n s S t u d i o  
a r c h i t e c t u r e + d e s i g n

To Whom This May Concern,

**RE: PROPOSED VIEWING PLATFORM – LOT 2 O’DONNEL ST (FORESHORE ROAD) – WYNDHAM PORT**

On behalf of our clients, Deborah Strickland and Glen Highett, I am writing to request the Shire of Wyndham’s consideration and approval of a proposed viewing platform development to the rear of Lot 2, Street Number 19 O’Donnel Street at the Wyndham Port.

This development is located along the existing Foreshore Road within the Old Wyndham Port zone. It is our understanding that this proposed development does not have any Residential Code restrictions/legislation and will require Development Approval on a project-by-project assessment basis. It is also our understanding that this development triggers the O’Donnel Street Heritage Guideline requirements of the Shire of Wyndham.

The proposed development will have minimal impact upon the O’Donnell Street heritage character or fabric of the heritage building stock as viewed from O’Donnel Street. In accordance with the O’Donnel Street Heritage Guidelines this proposed development intends to add the following values to the existing property:

- Secure the future use of the existing dwelling by maintaining occupancy via the provision of a practical viewing platform for visual access to the west, overlooking the Old Wyndham Port toward Forrest River.
- Promotion of occupant interaction with Foreshore Road and the heritage valued robust maritime history of the area.

As mentioned above, this development will not impact upon the O’Donnell Streetscape, however the development does consider the following O’Donnel Street heritage values:

- The design intent aims to provide for ‘no frills rugged’ materials (with steel framing, mesh panels and corrugated iron roof sheeting) and colour selections that match the existing buildings in accordance with the Design Guidelines: *Maintain the character of O’Donnel Street by use of robust materials and details that reflect on the maritime history and extreme climate.*
- Minimal adjustment to the existing building other than a new opening to the rear of the existing building, which is currently an existing window that will be converted to a door for access up on to the proposed viewing platform.

This development is located away from existing neighbouring dwellings (Lot 1 O'Donnell St) to prevent any overlooking issues and has full neighbour support, please find enclosed a copy of the following letters of support:

- Rodney Bushell – Lot 1 O'Donnell Street (Adjacent Property)
- Joe & Catherine Atkins – Lot 3 O'Donnell Street
- Paul & Norma Cavanagh – Lot 4 O'Donnell Street

Please note that the property to the South of the proposed development is vacant of development.

It is our client's opinion and mine that this development will promote the occupancy of the existing heritage building and is of minimal (nil) impact to the O'Donnell Streetscape. We request that this development is considered and approved for Development.

We look forward to a positive outcome for the Wyndham Port and the Owners of 19 O'Donnell Street. Should you have any queries or require any further information, please feel free to contact myself in the office during office hours.

Kind Regards



Nathan Laird

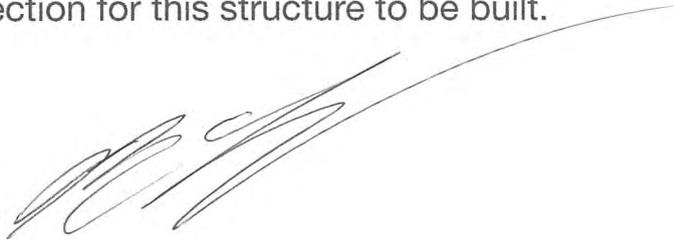
*Architect (reg 2331)*  
*BA Env Des*  
*BA Arch (Hons)*

9th June 2015

To whom it may concern  
Shire of Wyndham East Kimberley

I Paul and Norma Cavanagh  
of O'Donnell Street Wyndham have been shown photo and plans of the proposed  
viewing platform to be built on Foreshore Road Wyndham ([19 O'Donnell Street](#)) we have  
no objection for this structure to be built.

Signed

A handwritten signature in black ink, appearing to be 'P. Cavanagh', written over a long, thin, curved line that extends from the end of the text above.

9th June 2015

To whom it may concern  
Shire of Wyndham East Kimberley

I Rodney Bushell

of Lot [1 O'Donnell Street](#) Wyndham have been shown photo and plans of the proposed viewing platform to be built on Foreshore Road Wyndham ([19 O'Donnell Street](#)) I have no objection for this structure to be built.

Signed

A handwritten signature in black ink, appearing to read 'Rodney Bushell', written in a cursive style.

9th June 2015

To whom it may concern  
Shire of Wyndham East Kimberley

I Joe and Catherine Atkins. (Rusty Shed Cafe)  
of O'Donnell Street Wyndham have been shown photo and plans of the proposed viewing  
platform to be built on Foreshore Road Wyndham ([19 O'Donnell Street](#)) we have no  
objection for this structure to be built.

Signed 





**NAME:** Postmaster's Residence

**OTHER NAMES:**

**PIN NUMBER:**

**LAND DESCRIPTION:** Lot 2 O'Donnell Street, Wyndham Port

**LOCATION:** O'Donnell Street, Wyndham Port

**CONSTRUCTION DATE:** 1920

**PLACE TYPE:** Individual Building

**USE**

Original Use	RESIDENTIAL: Single Storey Dwelling
Current Use	COMMERCIAL: Guesthouse

**OTHER LISTINGS:** No

**PHYSICAL DESCRIPTION:**

The Postmaster's Residence overlooks the Cambridge Gulf. The building has undergone some changes both in structure and use. Early photographs indicate the building has not altered significantly although all external wooden shutters have been removed. Additional interior walls have been added to create more accommodation. The basic integrity of the building remains intact and therefore it retains the charm of early nineteenth century government building style.

**HISTORICAL NOTES:**

The Postmaster's Residence was located at its current site in 1920. The building was originally located at Telegraph Hill. Before it became the Postmaster's Residence it served as a radio telegraph station established in 1914. The building was one of two identical buildings at Telegraph Hill used as staff accommodation. The station provided an important communication link for shipping, especially in war time. Later the minerals around the station interfered with the signals so it was decided to close the station. One of the accommodation buildings was moved to Broome and the other was located to O'Donnell Street and used as the Postmaster's Residence.

The Post Office closed in 1968 and the Postmaster's Residence was sold privately, becoming a guest house which is still used for today.

**HISTORIC THEME:** Transport and Communication: Telecommunications

**CONSTRUCTION MATERIALS:** Walls: Fibro  
Roof: Corrugated iron  
Other: Timber and concrete

**STATEMENT OF SIGNIFICANCE:**

The Postmaster's Residence is Historic and Aesthetic significance. The building's value lies in its age, architectural features and its setting. As a former postmaster's residence it is linked to the Old Post Office. The building forms an integral link with the historic Wyndham Port precinct as a whole. Today it is used as tourist accommodation for the visitors touring the area.

**LEVEL OF SIGNIFICANCE:** Considerable Significance

**MANAGEMENT CATEGORY (Desired Outcome)** Conservation of the place is highly desirable  
Any alterations or extensions should reinforce the significance of the place.

**MAIN SOURCES:**

Information sign on site

O'Brien Planning Consultants 1997, *Shire of Wyndham-East Kimberley Municipal Heritage Inventory*, Kununurra

**SURVEY/ASSESSMENT DATE:** 29 June 2007

Cr S Cooke declares an impartiality interest in this item (I am the treasurer of the Rodeo Association) - I confirm that although there may be a perception that my impartiality may be affected I declare that I will consider the matter on its merits and vote accordingly.

### **13.4.6 Request for Community Lease – Kununurra Bushmen’s Rodeo Association**

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Kununurra Bushmen’s Rodeo Association
<b>LOCATION:</b>	Lot 707 Drovers Road Kununurra, Part Reserve 30290
<b>AUTHOR:</b>	Wayne Richards, A/Director Community Development
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	CP.07.24
<b>ASSESSMENT NO:</b>	A2859
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to endorse the commencement of negotiations with the Kununurra Bushmen’s Rodeo Association for a lease of part reserve 30290, Lot 707 Drovers Road Kununurra.

#### **BACKGROUND**

The Kununurra Bushmen’s Rodeo Association is located on Lot 707, Old Darwin Road. The Association has been subleasing the existing site from the Kununurra Race Club. As the Kununurra Race Club are currently renegotiating a new lease, both clubs have mutually agreed that with the expiry of the existing lease, the area sub leased to the Rodeo Association will be removed from the Race Club Lease and a separate lease between the Shire and Rodeo Association will be negotiated.

Discussions regarding land area between the Race Club and Rodeo Association lead to a general agreement about leased areas. There are some areas that are jointly used by both organisations including access roads, a campground area, and a large paddock at the North of the reserve (see attachment 1). For these joint use areas, Council Policy CP-PMG 3780 Leasing of Council Managed Reserve Land – Community, point 8.2 states that “*leases will only be granted over areas required for exclusive use. Any areas that can be used jointly or by the general public i.e. for access, parking, ablutions etc., will only be licensed*”. This clause is not new; it was not amended in the recent review.

#### **STATUTORY IMPLICATIONS**

##### *Town Planning Scheme No. 7 – Kununurra and Environs*

The land, being portion of Reserve 30290, is Scheme Reserve for the purpose of Parks and Recreation under Town Planning Scheme No. 7 – Kununurra and Environs. The objective of the Parks and Recreation reserve is ‘to identify and protect land utilised or intending to be utilised for local recreational needs’.

Clause 2.2.1 of TPS states that where an application for Planning Approval is made with respect to land within a Scheme Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve.

##### *Land Administration Act 1997*

Reserve 30290 is reserved under the Land Administration Act 1997 (LAA) for the purpose of ‘Race Course and Pony Club’.

The Shire holds the management order for this reserve with power to lease for a maximum term of 21 years, subject to consent of the Minister for Lands.

### **POLICY IMPLICATIONS**

The Lease will be drafted in accordance with Council Policy CP/PMG-3780 Leasing of Council Managed Reserve Land – Community.

### **FINANCIAL IMPLICATIONS**

Rental will be set at \$500.00 per annum increasing by CPI annually.

### **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.

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

- Open communication with the Kununurra Bushmen's Rodeo Association throughout the lease negotiation process.

### **COMMENT**

The KBRA are seeking a 21 year lease. A Business Plan has been supplied by the Association however will require some review. Officers will liaise with the Association to further develop this plan prior to the finalisation of the lease.

Should approval to negotiate be endorsed by Council, the next steps in this process are to review the business plan, survey the site and finalise terms of the draft lease.

### **ATTACHMENTS**

Attachment 1 - Map of proposed Kununurra Bushmen's Rodeo Association lease site.

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Bushmen's Rodeo Association for a lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.

**COUNCIL DECISION**

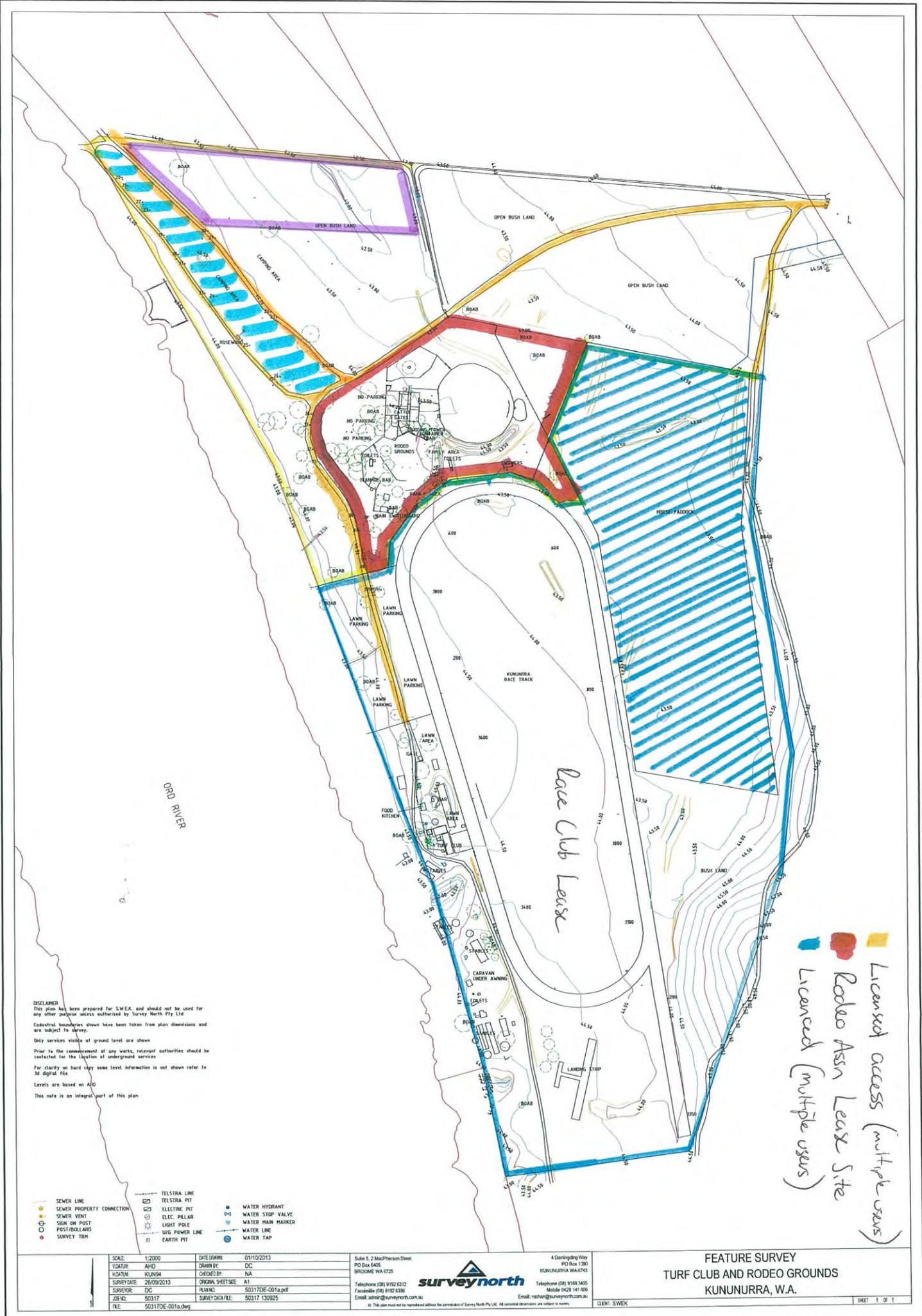
**Minute No. 11122**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Bushmen's Rodeo Association for a lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.**

**Carried Unanimously 8/0**



■ Licensed access (multiple users)  
■ Rodeo Assn Lease Site  
■ Licensed (multiple users)

**DISCLAIMER**  
 This plan has been prepared for S.W.E.A. and should not be used for any other purpose unless authorized by Survey North Pty Ltd.  
 Cadastral boundaries shown have been taken from plan dimensions and are subject to survey.  
 Only services visible at ground level are shown.  
 Prior to the commencement of any works, relevant authorities should be contacted for the location of underground services.  
 For clarity on hard copy some level information is not shown refer to 3d digital file.  
 Levels are based on AFD.  
 This note is an integral part of this plan.

- TELSTRA LINE
- TELSTRA PIT
- ELECTRIC PIT
- ELEC. PILLAR
- LIGHT POLE
- USE POWER LINE
- EARTH PIT
- WATER HYDRANT
- WATER STOP VALVE
- WATER MAIN MARKER
- WATER LINE
- WATER TAP
- SEWER LINE
- SEWER PROPERTY CONNECTION
- SEWER VENT
- SIGN ON POST
- POST/ROADLAND
- SURVEY TBM

SCALE: 1:2000	DATE DRAWN: 01/10/2013
TITLE: AHD	DRAWN BY: DC
ESKRM: KUNURRA	CHECKED BY: N/A
SURVEY DATE: 26/09/2013	ORIGIN SHEET NO: A1
SURVEYOR: DC	PLANNING: 50317DE-001a.pdf
JOB NO: 50317	SURVEY DATE FILE: 50317 130925
FILE: 50317DE-001a.dwg	

Suite 5, 2 MacPherson Street,  
 PO Box 6425  
 BROOME WA 6725  
**surveynorth**  
 Telephone (08) 9192 0312  
 Fax (08) 9192 0396  
 Email: admin@surveynorth.com.au

4 Dennington Way  
 PO Box 1380  
 KUNURRA WA 6743  
 Telephone (08) 9140 3435  
 Mobile 0429 141 806  
 Email: rasha@surveynorth.com.au

**FEATURE SURVEY  
 TURF CLUB AND RODEO GROUNDS  
 KUNURRA, W.A.**

CLIENT: SWEK

SHEET 1 OF 1

Cr R Dessert declares an impartiality interest in this item (Membership) - I confirm that although there may be a perception that my impartiality may be affected I declare that I will consider the matter on its merits and vote accordingly.

### 13.4.7 Request for Community Lease – Ord Pistol Club

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Ord Pistol Club Inc.
<b>LOCATION:</b>	Lot 375 Old Darwin Road
<b>AUTHOR:</b>	Wayne Richards, A/Director Community Development
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	CP.07.6
<b>ASSESSMENT NO:</b>	A2866
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to endorse commencement of negotiations with the Ord Pistol Club for a new lease for Lot 375, Old Darwin Road Kununurra, part Reserve 31780.

#### **BACKGROUND**

The Ord Pistol Club is located on Lot 375, Old Darwin Road. The previous lease expired on 30 March 2014; the Club has operated as a tenant at will since this date.

On 13 August 2015, Officers met with the Club to discuss the preparation of a new lease. The Club have expressed that they are considering relocating to allow for additional firearms that are not currently able to be used due to the layout of the existing site. An alternate location has not been identified and it was believed that this is likely to be some time away.

Even with the possible relocation in mind, the Club have requested a 21 year lease on the current site. The Club has requirements to prove land tenure for regulatory reasons and a longer lease would provide additional security for this purpose. The Club were advised that as per Policy CP/PMG-3780 Leasing of Council Managed Reserve Land – Community, they would be required to submit a business plan for a 21 year lease.

#### **STATUTORY IMPLICATIONS**

*Land Administration Act 1997*

Reserve 31780 is reserved under the Land Administration Act 1997 (LAA) for the purpose of 'Recreation (National Parks/Conservation)'.

Initial discussions with the Department of Lands indicate the Department are supportive of such a proposal however recommended that the Shire request that lot 375 be amended to Recreation (Pistol Club), with the remaining reserve maintained as (National Parks/Conservation).

The Shire holds the management order for this reserve with power to lease for a maximum term of 21 years, subject to consent of the Minister for Lands.

#### **POLICY IMPLICATIONS**

The Lease will be drafted in accordance with Council Policy CP/PMG-3780 Leasing of Council Managed Reserve Land – Community.

## **FINANCIAL IMPLICATIONS**

The Ord Pistol Club currently pay a rental of \$100.00 per annum. This will be increased to \$500.00 per annum increasing by CPI annually

## **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.

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

- Open communication with the Ord River Pistol Club throughout the lease negotiation process.

## **COMMENT**

The Club have agreed to work toward supplying a business plan prior to the finalisation of the lease to meet Council Policy requirements for the issue of a 21 year lease. Should the Club not be able to produce a business plan in this timeframe then the lease term will be reduced to 10 years.

The Lease will contain clauses placing responsibility for any environmental clean-up on the lessee.

In working through this lease to date, it has been identified that Reserve 31780 is reserved as National Park/Conservation. Department of Lands have advised that an application can be made to amend the use of Lot 375 to "Pistol Club". This will be actioned prior to the signing of the lease.

## **ATTACHMENTS**

Attachment 1 - Map of Ord Pistol Club Site

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council request the Chief Executive Officer to enter into negotiations with the Ord Pistol Club for a lease over a portion of Reserve 31780, Lot 375 Drovers Road Kununurra, subject to the approval of the Minister of Lands.

**COUNCIL DECISION**

**Minute No. 11123**

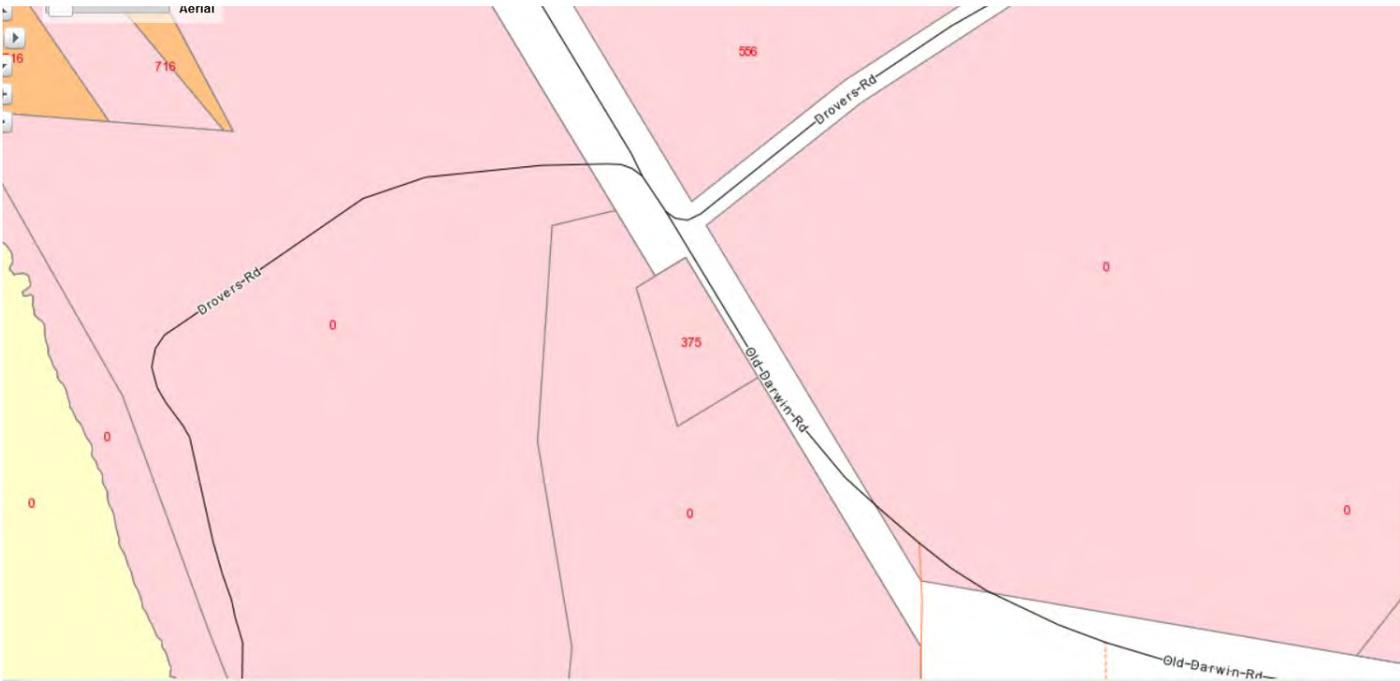
**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That Council request the Chief Executive Officer to enter into negotiations with the Ord Pistol Club for a lease over a portion of Reserve 31780, Lot 375 Drovers Road Kununurra, subject to the approval of the Minister of Lands.**

**Carried Unanimously 8/0**

Location of Ord Pistol Club, Lot 375 Drovers Road



Cr R Dessert declares an impartiality interest in this item (I am a license) - I confirm that although there may be a perception that my impartiality may be affected I declare that I will consider the matter on its merits and vote accordingly.

Cr D Spackman declares a financial interest in this item (I have financial 'in direct' interest in Tavern) and leaves the Chambers at 5.42pm.

### **13.4.8 Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit**

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Department of Racing, Gaming and Liquor
<b>LOCATION:</b>	37 Messmate Way, Kununurra
<b>AUTHOR:</b>	Wayne Richards, A/Director Community Development
<b>REPORTING OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	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 on Tuesday 3 November from 9am to 12 noon for a Melbourne Cup Function.

#### **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' Filloyd Mayweather v Many Pacouiao on Sunday 3 May 2015 and nine (9) upcoming Rugby World Cup games.

#### **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 8 September 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 coincide with a Melbourne Cup function on Tuesday 11 November 2015 from 9:00 am to 12:00 noon.

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 21 September 2015 however a request has been made to extend this date to allow Council to consider the item.

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 D Learbuch moves that Council requests the CEO advise the Director of Liquor Licensing that it does not object to the Extended Trading Permit Application from Kimberley Accommodation (East) Pty Ltd for the 3 November 2015 commencing at 9am and finishing at 12pm for the Melbourne Cup Function.

### **COUNCIL DECISION**

**Minute No. 11124**

**Moved: Cr D Learbuch**

**Seconded: Cr B Robinson**

**That Council requests the CEO advise the Director of Liquor Licensing that it does not object to the Extended Trading Permit Application from Kimberley Accommodation (East) Pty Ltd for the 3 November 2015 commencing at 9am and finishing at 12pm for the Melbourne Cup Function.**

**Carried Unanimously 7/0**

Cr D Spackman enters the Chambers at 5.45pm.



Government of Western Australia  
Department of Racing, Gaming and Liquor

Office Use Only	
Paid Date	
Receipt No.	
Amount Paid	

NOTICE OF APPLICATION TO ADD, VARY OR CANCEL CONDITION OF A LICENCE OR PERMIT  
FOR A SPECIAL OCCASION OR FUNCTION  
LIQUOR CONTROL ACT 1988

Sections 64 & 68

Please print neatly in **BLOCK LETTERS** with a *black* pen only

1. DETAILS OF LICENSEE

(a) Licence number: 6010016048

(b) Name of Licensed Premises: Hotel Kununurra

(c) Address of Licensed Premises: 37 Messmate Way, Kununurra, WA  
Post Code: 6743

(d) Name of Licensee: Bradley Rawson Kimberley Accommodation Group

(e) Daytime contact Name: Bradley Rawson Email: manager@hotelkununorra.com.au  
Daytime Telephone number: (08) 9168 0400 Mobile: 0498 579 888  
Fax number: (08) 9168 1946

2. DETAILS OF APPLICATION

(a) Does the application relate to the licence or to an extended trading permit relating to that licence?  
YES

(b) If it relates to an extended trading permit what is the number of that permit?  
N/A

(c) Date and time of function/s  
Date: 3 / 11 / 15 Commencing: 0900 am/pm Finishing: 12 am/pm

(d) What part of the defined licensed premises will be used?  
RESTAURANT BAR & SPORTS BAR

(e) If application is for extended area, is the area adjacent to the defined licensed area? YES  NO   
If YES, describe the area: N/A

(f) If application is for extended area, is the extended area "off-site" from the defined licensed area? YES  NO   
If YES, describe the location and area: N/A

(g) Describe the special occasion or function, and what new condition, variation or cancellation is sought:  
MELBOURNE CUP FUNCTION, ALLOW SALE OF LIQUOR FOR

(h) Will entertainment be provided? YES  NO  CONSUMPTION BEFORE 12 MIDNIGHT  
If YES, what type of entertainment and who will provide it? CONSUMPTION OF MELBOURNE CUP LIVE ON TV

**2. DETAILS OF APPLICATION (cont'd)**

- (i) How will be the liquor be sold? Direct  Part of entry/cover charge   
 How will the liquor be served? Unsealed containers  Sealed containers for take away
- (j) How many persons are expected to attend? < 500
- (k) How many persons will be in the licensed area at any one time? < 500
- (l) 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: N/A

(iii) Describe the arrangement and amount of benefit: \_\_\_\_\_

(m) Local Government Authority in which licensed premises or area to be licensed is located:

SHERE OF WYNDHAM & EAST KIMBERLEY

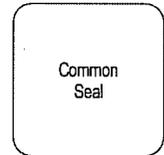
**3. DECLARATION**

I declare that all details are true and correct and no relevant information is omitted.

Dated the 26/8/15 26<sup>th</sup> day of AUGUST 1 2015

**WHERE THE LICENSEE IS A COMPANY THAT HAS A COMMON SEAL:-**

The common seal of \_\_\_\_\_ was hereunto affixed in accordance with section 127 of the *Corporations Act 2001* and the Articles of Association in the presence of:-



\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director (Please print clearly)

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director (Please print clearly)

**WHERE THE LICENSEE IS A COMPANY THAT DOES NOT HAVE A COMMON SEAL:-**

Executed in accordance with section 127 of the *Corporations Act 2001* and the Articles of Association

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director (Please print clearly)

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director (Please print clearly)

**WHERE THE LICENSEE IS ONE OR MORE INDIVIDUAL PERSONS:-**

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Signature of Witness N. Webb

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Signature of Witness

**13.4.9 Review of Council Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds**

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Ebony Daniell, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Wayne Richards, Acting Director Community Development
<b>FILE NO:</b>	PH.12.5
<b>DECLARATION OF INTERESTS:</b>	Nil

**PURPOSE**

For Council to review and consider changes to Council Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds.

**BACKGROUND**

A draft policy for the licensing of overflow sites in caravan parks and camping grounds was first considered by Council at the 20 April 2010 Ordinary Council Meeting (Item 12.4.7). At the time the Shire had a total of 285 overflow sites in caravan parks and camping grounds. The draft policy detailed that the Shire would not specify or approve an overflow area within a caravan park or camping ground licence. Council passed the following motion:

**COUNCIL DECISION**

*Minute No: 9101*

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

*That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.*

**CARRIED UNANIMOUSLY: (7/0)**

A copy of the item is provided as Attachment 1.

A number of objections were received during the advertising period and the policy was brought back to Council at the 15 March 2011 Ordinary Council Meeting (Item 12.4.1) with significant changes. The updated policy allowed 10 overflow sites per park to be operated in June and July each year without providing additional ablutions. Minimum standards consistent with those required of temporary parks (under Council Policy CP/HTH-3762 Licensing of Temporary Parks) were also applied to overflow sites. Council passed the following motion:

**COUNCIL DECISION**

Minute No: 9415

Moved: Cr J Moulden

Seconded: Cr J Parker

That Council resolve to adopt the draft Council Policy CP/HTH-3761 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 3, and proceed to notify all licensed caravan park and camping ground licensees, requesting any submissions be lodged within 21 days.

**CARRIED UNANIMOUSLY: (7/0)**

A copy of the item is provided as Attachment 2. The policy has not been reviewed since.

**STATUTORY IMPLICATIONS**

**Caravan Parks and Camping Grounds Act 1995**

***s. 6. Caravan park or camping ground not to be operated without a licence***

*(1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.*

*Penalty: \$5 000.*

**Caravan Parks and Camping Grounds Regulations 1997**

***20. Use of overflow area***

*The licence holder of a facility is to ensure that an overflow area of the facility is used only —*

- (a) with the approval of the local government;*
- (b) for the period of time specified in that approval; and*
- (c) in accordance with any conditions specified in that approval.*

*Penalty: a fine of \$2 000.*

***48. Overflow areas***

*A local government may specify in a licence for a facility, an area of the facility as an overflow area.*

***50. Licence to specify number and types of sites and other conditions***

*A local government is to endorse on each licence, as conditions of the licence —*

- (a) the maximum number of sites that may be used at the facility, other than at any overflow area;*
- (b) where the facility has an overflow area, the maximum number of sites that may be used at any overflow area when the area is in use;*
- (c) the maximum number of sites of particular types that may be used at the facility, other than at any overflow area; and*
- (d) where the facility has an overflow area, the maximum number of sites of particular types that may be used at any overflow area when the area is in use.*

## **POLICY IMPLICATIONS**

There are currently two Council policies relating to Caravan Parks; CP/HTH-3761 (the subject of this report) and CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds. CP/HTH-3762 has been reviewed and is currently out for public comment.

It is important that both policies are consistent in their approach to providing additional sites during peak periods, and Council may need to consider further changes to CP/HTH-3762 (temporary parks) depending on the direction of this policy.

## **FINANCIAL IMPLICATIONS**

Licence fees for temporary caravan park and camping grounds licences are in accordance with Schedule 3 of the Regulations. As shown below the fee per overflow site is \$1.50 compared to \$6 per site for caravan sites (short and long stay) and \$3 per camp site. The reduced fee is intended to reflect the lower occupancy rates of overflow sites throughout the year.

A change in policy which affects the number of overflow sites will have an effect on the annual caravan park licence fees the Shire receives. There are currently 142 overflow sites within the Shire with a total of \$213.00 charged in overflow site fees each year. The proposed policy will result in these fees no longer being charged and will slightly decrease the total fees collected for caravan park licences.

### **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.*

<b>Column 1</b>	<b>Column 2</b>
<i>Long stay sites .....</i>	<i>\$6 per site</i>
<i>Short stay sites and sites in transit parks .....</i>	<i>\$6 per site</i>
<i>Camp site .....</i>	<i>\$3 per site</i>
<i>Overflow site .....</i>	<i>\$1.50 per site</i>

## **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

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

The draft policy will be advertised for public comment for a minimum 28 days. A copy of the policy will also be provided to all Caravan Park and Camping Ground licence holders for comment.

### **COMMENT**

There are currently 142 overflow sites licenced within the Shire (132 within Kununurra) shared between 7 parks. There is one park with 82 licenced overflow sites; all others have 10 sites each. The park with 82 overflow sites was identified during the licence renewal process for 2015 and it is expected that these sites will be converted to camp sites when the licence is renewed for 2016. Excluding the 82 overflow sites at that park that will likely be converted to camp sites, there are 50 overflow sites licenced in Kununurra parks that will be affected by any change in policy.

### **Considerations:**

In the review of the policy a number of factors have been considered:

1. The Shire has experienced difficulty in monitoring and enforcing the current policy. Particularly with regard to the different standards for overflow sites versus regular sites and the time limits for overflow. This is to be expected and was noted in the original draft policy item considered by Council in 2010.
2. The temporary caravan parks policy has since been reviewed to allow lesser facilities than previously required in line with those required of nature based parks. While this policy is intended to apply mainly to camping at temporary events, it is also possible it will be applied to a temporary park established to provide overflow sites in the event of a shortage of sites during peak periods.
3. The current policy allows a reduction in amenity for overflow sites (up to 10 sites), without requiring there to be a demonstrated need. As overflow in parks will only be used when the park is at capacity there will be an inherent need, however this does not take into account the occupancy rates for other parks. Smaller parks may be operating overflow sites while larger parks have not reached their capacity.
4. The current licenced numbers for the six permanent parks in Kununurra range from 40 sites to 224 (for the purposes of calculating required ablutions). Each park has the services and facilities to cater to their number of sites accordingly. However, all parks are allowed to apply for ten overflow sites without any change to their facilities.
5. The Regulations do not specify a reduction in services or facilities for overflow sites. The only concession for overflow sites specified by the Regulations is a reduced fee to reflect the lower occupancy rates of these sites.

6. It is understood that there has been a reduction in tourist numbers since the current policy was adopted in 2011. This is supported by information provided by the Kununurra Visitors Centre. This indicates there is less need for overflow sites at this time. Need is an important consideration particularly when it is proposed to reduce the minimum standards.

### **Options:**

There are a number of options that may be incorporated into the policy:

#### Number of overflow sites being either a percentage of licensed sites or a flat number per caravan park.

Given the differences in size of parks, basing overflow sites on a percentage is believed to be the most appropriate as the amenities at larger parks will be better able to cater for the increased use, i.e. an additional ten sites in a 40 site park will put a lot more pressure on the facilities than would be expected in a park which caters for 224 sites.

#### The number of overflow sites to be in excess of the licensed numbers, or incorporated into the maximum capacity:

The appropriateness of reducing the minimum legislative requirements to increase the number of sites should be reconsidered. It is during the busiest times of the year that minimum requirements in caravan parks are most important, as this is when the most people are at risk should standards not be adhered to. The busiest times also usually coincide with the school holiday period when it is expected that there will be a higher proportion of children staying in caravan parks.

The most consistent approach is to apply the same minimum standards to all sites. Should parks wish to increase their capacity they should be encouraged to upgrade their facilities accordingly. While it is expected that some parks would be able to retain their number of overflow sites and in some cases increase them under this policy, it may result in an overall reduction in overflow sites within Kununurra. At most, this would be a reduction of 50 sites (reducing total camp, overflow and van sites from 955 to 905) within Kununurra. This said, several of the parks do have the capacity to increase the number of sites by upgrading their park and amenities.

#### Overflow sites to be in a designated area, or overflow sites allowed to be distributed around the park.

Currently overflow sites are allowed to be distributed sporadically across the caravan parks which makes it difficult for officers to identify if or when they are being used outside of the designated period.

#### Quality of the areas designated as overflow:

The existing policy allows any site within the park to be designated as overflow, even the most desirable sites. To promote these high quality sites being utilised throughout the year the Shire can include in the policy that most desirable sites are not to be designated as overflow.

#### Time period:

The time period for use of the overflow area is currently June and July. It may be considered that this period be extended to allow for the incorporation of special events such as the Ord Valley Muster.

### **Proposed policy:**

It is proposed to change the policy to remove the allowance of lower standards of amenity for overflow areas. The updated policy will still allow parks to operate an overflow area, however the overflow must be within their established capacity. For example under the

proposed policy a 200 site park could licence 20 of their sites (10%) as overflow. This would not increase the total number of sites within the park, but would mean that the licensee pays full fees for 180 of their sites and overflow fees for 20 sites. This policy acknowledges that parks have a much lower occupancy for much of the year and charges them lower fees accordingly. It does not allow lower standards of amenity during the overflow period.

A draft policy is provided in Attachment 3. It includes the following changes:

- Up to 10% of the sites within a park may be designated as overflow. As the lower fee for overflow sites could be seen as an incentive for parks to licence as many sites as overflow as possible, it is necessary to place a limit on the proportion of overflow sites.
- The minimum requirements specified in the current policy have been removed. All sites will be required to comply with the same standards under the proposed policy.
- The overflow area may be used for no more than three months in any year. This is based on the fee for an overflow site being one quarter the fee of a short stay site. It is therefore reasonable that the sites can be occupied for up to one quarter of the year. The increased overflow period would also allow parks to operate their overflow to cater to an increase in tourist numbers due to events outside of June-July should they choose to (for example the Ord Valley Muster period).
- The overflow area must be a single designated area. This is to prevent parks from having overflow sites in various locations throughout the park and make it easier to monitor and enforce the policy.
- The overflow area should not be in the most desirable areas of the park, as these areas are likely to be used all year round, regardless of whether other areas are full.
- If a park is found to be operating their overflow area outside of the approved period they will no longer be considered overflow sites and must be licenced as short stay or camp sites when the licence is next renewed. This will prevent continued non-compliance with the policy.

## **ATTACHMENTS**

Attachment 1 - Item 12.4.7 at April 2010 OCM

Attachment 2 – Item 12.4.1 at March 2011 OCM

Attachment 3 - DRAFT Policy CP/HTH-3761 Overflow Sites

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council endorse the reviewed Draft Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 3 for public advertisement for a period of 28 days.

**COUNCIL DECISION**

**Minute No. 11125**

**Moved: Cr B Robinson  
Seconded: Cr K Wright**

**That Council endorse the reviewed Draft Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 3 for public advertisement for a period of 28 days.**

**Carried Unanimously 8/0**

## 12.4.7 DRAFT LOCAL HEALTH POLICY 2 - LICENSING OF OVERFLOW SITES IN CARAVAN PARKS AND CAMPING GROUNDS

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	33.14.15, 43.02.01
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

This report relates to the preparation of a draft policy for the licensing of overflow sites within caravan parks and camping grounds in the Shire of Wyndham East Kimberley.

### BACKGROUND

This draft policy has been prepared in response to a number of disparities that currently exist in the licensing and assessment of caravan parks and camping grounds within the Shire. It aims to provide guidance to Staff, Councillors and Caravan Park Operators on the approval of overflow sites, within licensed caravan parks and camping grounds.

### STATUTORY IMPLICATIONS

Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to license overflow sites for a period of time and in accordance with relevant conditions.

#### *Caravan Parks and Camping Grounds Regulations 1997*

##### *20. Use of overflow area*

*The licence holder of a facility is to ensure that an overflow area of the facility is used only -*

- (a) With the approval of local government;*
- (b) For the period of time specified in that approval; and*
- (c) In accordance with any conditions specified in that approval.*

*Penalty \$2000.*

### POLICY IMPLICATIONS

This policy will provide clarity on the Council's expectations for the licensing of overflow sites.

### FINANCIAL IMPLICATIONS

Advertising costs in the order of \$300-\$400 will be incurred by Council.

The following annual fees are determined by the *Caravan Parks and Camping Grounds Regulations 1997*. They are charged by the Shire at the commencement of each financial year.

- Long and short stay sites \$6/annum

*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 sites \$3/annum  
*Includes to camp in a vehicle but not caravans.*
- Overflow sites \$1.50/annum  
*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*

There are 285 overflow sites licensed in caravan parks and camping grounds throughout the Shire. Should the policy be adopted these sites will be converted to camp or short stay sites. Additional income from fees and charges will be not more than \$500/annum.

### **STRATEGIC IMPLICATIONS**

From a strategic perspective it is important that the local government authority provide a consistent approach to the establishment of a policy framework that affords a concise understanding of the minimum standards that are expected by the local community. Hence, the aim of formulating Local Health Policies for caravan and camping ground facilities, is to offer clarification and set acceptable minimum standards that are not specifically prescribed in the *Caravan Park and Camping Ground Regulations 1997*, but more over default to the local government to determine.

As already detailed, the intent of this policy is to provide clarification on the application of overflow camping in relation to licensed caravan parks and camp grounds.

### **COMMUNITY CONSULTATION**

There is no minimum requirement for advertising a policy made under the *Caravan Park and Camping Ground Regulations 1997*, however it is recommended that the draft policy be advertised in accordance with other development policies. Similar to requirements of clause 3.3.2 (a) of the Shire's Town Planning Scheme No.6 and clause 12.6.4 of the Shire's Town Planning Scheme No.7, the draft policy should be advertised at least once per week for two consecutive weeks in a local newspaper requesting for any submissions to be lodged within a period of no less than 21 days.

In addition to advertising, it is also recommended that the draft policy be sent to all licensed caravan park and camp ground operators in the Shire in order to receive their comment.

### **COMMENT**

Despite common belief amongst most caravan parks, there is no reduction in the availability of services and conveniences to camping and overflow sites unless approved specifically by local government. Overflow sites are required to conform to the same standards as all other sites in relation to ablutions and laundry facilities, access to fire fighting equipment, drinking water and all other requirements of the regulations.

The lower fee for overflow sites aims to reflect lower occupancy rates throughout the year; however it could also be seen as a financial incentive for operators to license as many sites as possible as 'overflow'. Without a policy stating minimum standards for

overflow sites Shire Officers are unable to accurately assess parks for compliance with the regulations.

Given the information provided above it is important for a policy to be determined by Council that guides staff and park operators on how to proceed with the licensing of overflow sites. A number of options were considered when developing the draft policy.

#### OPTION 1

The Shire of Broome has adopted a policy that prohibits overflow sites in licensed caravan parks. This decision was based on the reality that overflow sites require the same facilities as permanent sites, so should be licensed as either long stay or short stay. A copy of the policy is provided as Attachment 1.

#### OPTION 2

The Shire of Derby West Kimberley allows for a percentage of a caravan parks sites to be licensed as overflow. Generally this has been 10-15% of the total sites (if a park has 150 sites, 15-22 sites may be overflow). The intention is that caravan parks pay a reduced fee on sites that are generally only occupied 6 months of the year. There are no further restrictions on the site. This is not a formally adopted policy but is the general accepted practice.

The Shire of Port Hedland and Shire of Roebourne have similar practices to that of Derby.

#### OPTION 3

The third option is to allow caravan parks to determine how many overflow sites they have and place restrictions on their use, as allowed for in the regulations. For example

- Overflow sites may only be used for 5 consecutive nights
- Overflow sites can only be provided facilities equivalent to that of a nature based park

Given that there are monitoring and compliance issues with option 3 it is unlikely that staff will be able to accurately enforce these types of restrictions, without making weekly visits to each licensed caravan park and camp ground in the Shire. This would be onerous and impractical, particularly given the history of non compliance across all of the licensed facilities to date.

Therefore, the draft policy has been prepared to establish a similar position to that of the Shire of Broome. Given that overflow sites require the same level of amenity and service as other sites they could be used 12 months of the year. In addition, it is expected that coming years will see an increase in the number of wet season travellers which also reduces the need for a separate overflow area.

With regard to remote camp sites that only operate during the dry season, provision is made in Development Control Policy 5 - Guidelines for Nature Based Camp Grounds, for these operators to request a reimbursement of fees for the months they cannot operate, therefore ensuring they are not disadvantaged.

### **ATTACHMENTS**

Attachment 1 – Shire of Broome Policy 4.2.11 Operation of Overflow Caravan Parks.

Attachment 2 – Draft Council Policy Licensing of Overflow Sites in Caravan Parks and Camping Grounds

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.

### **COUNCIL DECISION**

**Minute No: 9101**

**Moved: Cr J Parker**

**Seconded: Cr K Wright**

***That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.***

**CARRIED UNANIMOUSLY: (7/0)**

**DEVELOPMENT SERVICES**  
**Health Services**

**4.2.11**

**TITLE:** OPERATION OF OVERFLOW CARAVAN PARKS  
**ADOPTED:** OCM 10 April 2008 - Pages 50 – 52  
**REVIEWED:**  
**ASSOCIATED LEGISLATION:** Caravan Parks and Camping Grounds Act 1995  
Caravan Parks and Camping Grounds Regulations 1997  
**ASSOCIATED DOCUMENTS:**  
**REVIEW RESPONSIBILITY:** Manager Health Services  
**DELEGATION:**

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Previous Policy Number N/A

**Objective:**

To provide overflow caravan park facilities in the Shire that will accommodate additional numbers of tourists stays when existing caravan parks are operating at or near capacity.

This policy will ensure that the operation of overflow caravan parks within the Shire of Broome complies with legislative requirements.

Ensure that there is a consistency of regulation so that all overflow caravan parks operate and meet the same standard.

Ensure that the operation of overflow caravan parks does not impact on the viability of permanent caravan parks.

**Legislative Requirements:**

The legislative base for the overflow caravan parks will be in accordance with the Caravan Parks and Camping Grounds Act and Regulations.

**Policy:**

1. This policy applies to the following approved overflow caravan parks, these are:
  - Broome Police and Citizens Youth Club (PCYC),
  - Broome Pistol Club
  - Seventh Day Adventist Church
  - Broome Speedway

2. The overflow caravan parks will only be opened upon direction from the Shire of Broome, once an inspection by an Environmental Health Officer has been conducted and the overflow caravan park meets legislative requirements (*Caravan Parks and Camping Grounds Regulations 1997*). They will be opened in the following order:
  - Broome Police and Citizens Youth Club (PCYC),
  - Broome Pistol Club
  - Seventh Day Adventist Church.
  - Broome Speedway

The opening dates for the approved overflow caravan parks will be determined by the Shire of Broome and formal advice will be provided to the overflow caravan park operator.

A written licence will be provided for the time that the overflow caravan park is operating. The expiry date on the licence is an approximate closing date. Direction will be given in writing when the overflow caravan park is to close.

The Shire will determine opening and closing times based on advice from the permanent caravan parks as to the number of sites left, Broome Visitor Centre enquiries and any other advice that comes to hand about the tourist numbers requiring caravan accommodation.

3. The Shire of Broome is responsible for and will monitor the legislative and licence conditions. Overflow caravan parks must comply with these requirements whilst the overflow caravan park is in operation.

The Shire of Broome has the right to revoke the licence at any time.

4. A maximum of seven nights stay within any 3 month period at the overflow caravan park will apply. People are permitted to stay for a total of seven days, but these days do not have to be consecutive. Overflow caravan park operators are to provide weekly, a copy of the register list to the Shire of Broome Health Services.
5. Overflow caravan park operators are to inform the Broome Visitors Centre twice daily, once in the morning at 10.30am and once in the afternoon at 3.30pm of their occupancy status.
6. It is up to the discretion of the overflow caravan park operator if they wish to accept animals, including dogs. If, an overflow caravan park does accept animals, then there are legislative requirements contained in the *Caravan Parks and Camping Grounds Regulations 1997* that must be met.
7. Patrons are not permitted to conduct commercial or profit making business activities within an overflow caravan park.
8. Advertising for overflow caravan parks is not permitted other than through the Broome Visitors Centre. Direction signage is allowed, as long as it complies with the Town Planning requirements.
9. Waste disposal including, sullage and refuse, is the responsibility of the overflow caravan park operator.

10. A caretaker is allowed to reside at the overflow caravan park for the term of the temporary licence upon request and written approval from the Shire of Broome. If additional caretakers are required, a request must be made in writing to the Shire of Broome.

11. Application may be made to the Shire of Broome for the approval to store caravans at the overflow caravan park. A request can be made in writing to the Shire of Broome. Approval will be assessed on the total number and the length of time that un-occupied caravans are to be parked on-site.

## **OVERFLOW SITES WITHIN A PERMANENT CARAVAN PARK**

### **Policy:**

1. The Shire of Broome will no longer specify in a licence for a permanent facility, an area of the facility as an overflow area.
2. The reduced rate for overflow sites within a permanent caravan park will no longer be applied to a licence.
3. The caravan park operator is to determine what sites of the permanent caravan park are to be used and when.

<b>POLICY NO:</b>	LHP2
<b>DIVISION:</b>	ENVIRONMENTAL HEALTH
<b>SUBJECT:</b>	Licensing of Overflow Sites in Caravan Parks and Camping Grounds
<b>REPORTING OFFICER:</b>	Executive Manager Development Services
<b>ENABLING LEGISLATION:</b>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>

## **OBJECTIVE**

- To provide guidance to staff, Councillors and caravan park operators on the licensing of overflow camp sites within Licensed Caravan Park and Camping Grounds.

## **POLICY**

### **1.0 Introduction**

The *Caravan Park and Camping Grounds Regulations 1997* give discretion to Local Government on the licensing of overflow sites. Section 20 of the regulations states;

*“The license holder of a facility is to ensure that an overflow area is used only;*

- (i) With the approval of the local government;*
- (ii) For the period of time specified in that approval; and*
- (iii) In accordance with any conditions specified in that approval.”*

### **2.0 Definitions**

As taken from 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

### **3.0 Location**

This policy applies to all licensed caravan parks and camping grounds within the Shire of Wyndham East Kimberley

### **4.0 Policy**

The Shire of Wyndham East Kimberley will not specify or approve an overflow area within a caravan park or camping ground licence.

## **REFERENCE:**

*Caravan Parks and Camping Grounds Act 1995*

*Caravan Parks and Camping Grounds Regulations 1997*

**Adopted:**

**Review:**

**Amended:**

## 12.4 DEVELOPMENT SERVICES

### 12.4.1 Draft Council Policy: CP/HTH-3761 Licensing Of Overflow Sites In Caravan Parks And Camping Grounds

<b>DATE:</b>	15 March 2011
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Senior Environmental Health Officer
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	CM.11.2
<b>ASSESSMENT NO:</b>	N/A

#### PURPOSE

For Council to consider changes to the Draft Council Policy CP/HTH-3761 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds.

#### BACKGROUND

At its Ordinary Meeting on 20 April 2010 (Item 12.4.7), Council considered a draft policy to provide clarity on the licensing of overflow sites within caravan parks and camping grounds licensed by the Shire.

The following motion was passed by Council at the meeting:-

<p><b><u>COUNCIL DECISION</u></b></p> <p><b>Minute No: 9101</b></p> <p><b>Moved: Cr J Parker</b></p> <p><b>Seconded: Cr K Wright</b></p> <p><b><i>That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.</i></b></p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY: (7/0)</b></p>
--

The policy that Council agreed to advertise did not allow overflow sites to be approved in licensed caravan parks and camping grounds. A copy of the original policy is provided at Attachment 1.

A number of factors were taken into consideration when developing the original policy in:

- The regulations do not specify that there is a lower level of amenity for overflow sites.
- There is difficulty in monitoring and regulating the use of overflow sites.
- Caravan Parks have previously been caught flouting the regulations and ignoring their license capacity.

A number of objections to the policy were received during the advertising period. A summary of submissions is provided at Attachment 2.

The removal of overflow and enforcement of maximum sites within existing caravan parks significantly reduced the number of licensed sites available in 2010. The Shire considered a temporary camp ground in the peak tourist season to try and alleviate the shortfall, however the cost and logistics to offer this service has far outweighed any benefit.

This policy gives licensed Caravan Parks and Camping Grounds an option to offer an additional 10 sites for the busiest two months of the year without upgrading their facilities. It is reasonable to expect that existing facilities should be able to cope with a small increase in patrons over a short period of time without posing any health risk. If each park in Kununurra was to have 10 overflow sites it would increase the number of sites available during the peak season by 50 sites. This is more than could have been provided at the Kununurra Race Grounds.

It is seen as a better option to provide a small number of overflow sites within existing caravan parks, where there are appropriate facilities, rather than try to create a temporary park with limited resources.

The Kununurra Visitors Centre has advised that they experienced some shortages of sites from the end of June until the middle of July in 2010. For this reason, the policy confines overflow sites to 1 June - 31 July each year. This restriction will assist in monitoring and enforcement.

There are also minimum standards applied to overflow sites which are similar to those provided for temporary camp grounds and transit parks. This is seen as fair and consistent.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications related to this item.

### **STATUTORY IMPLICATIONS**

Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to license overflow sites for a period of time and in accordance with relevant conditions.

#### *Caravan Parks and Camping Grounds Regulations 1997*

##### 20. Use of overflow area

*The licence holder of a facility is to ensure that an overflow area of the facility is used only -*

- (a) *With the approval of local government;*
  - (b) *For the period of time specified in that approval; and*
  - (c) *In accordance with any conditions specified in that approval.*
- Penalty \$2000.

### **POLICY IMPLICATIONS**

This policy will provide clarity on Council's expectations for licensing of overflow sites. A copy of Policy CPTH-3761 is provided at Attachment 3.

### **FINANCIAL IMPLICATIONS**

The following annual fees are determined by the *Caravan Parks and Camping Grounds Regulations 1997*. They are charged by the Shire at the commencement of each financial year.

- Long and short stay sites \$6/annum  
*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 sites \$3/annum  
*Includes to camp in a vehicle but not caravans.*
- Overflow sites \$1.50/annum  
*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*

Should the policy be adopted and caravan parks are allowed to operate overflow sites, additional income from fees and charges will be not more than \$150/annum.

### **COMMUNITY CONSULTATION**

Previously the policy was advertised for 21 days to give the community the opportunity to comment. There were no submissions received by general members of the community.

In addition to advertising all park operators were sent copies of the policy along with submission forms.

All submissions received were from existing licensed caravan park and camping ground operators, therefore it is recommended that the revised policy be provided to them in a similar way. Their input is important to ensure a fair and relevant policy.

### **COMMENT**

The situation throughout the Kimberley is unique in that we experience a dramatic influx of people for a relatively short period of time. In addition to this there are vast distances

between towns and other camping facilities so it is unreasonable to expect travellers to find sites elsewhere.

The changes to the draft policy aim to make the licensing of overflow sites in existing caravan parks fair and equitable without reducing the amenity of these facilities.

### **ATTACHMENTS**

Attachment 1 – Original Policy CP/HTH-3761 considered by Council in on 20 April 2010

Attachment 2 – Summary of comment submissions

Attachment 3 – Revised Policy CP/HTH-3761

### **VOTING REQUIREMENT**

Simple majority

### **OFFICER'S RECOMMENDATION**

That Council resolve to adopt the draft Council Policy CP/HTH-3761 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 3, and proceed to notify all licensed caravan park and camping ground licensees, requesting any submissions be lodged within 21 days.

#### **COUNCIL DECISION**

**Minute No:** 9415

**Moved:** Cr J Moulden

**Seconded:** Cr J Parker

**That Council resolve to adopt the draft Council Policy CP/HTH-3761 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 3, and proceed to notify all licensed caravan park and camping ground licensees, requesting any submissions be lodged within 21 days.**

**CARRIED UNANIMOUSLY: (7/0)**

**ATTACHMENT 1 - Original Policy CP/HTH-3761 considered by Council in on 20 April 2010**



**Shire of Wyndham East Kimberley  
Council Policy Number: CP/HTH-3761  
Licensing of Overflow Sites in  
Caravan Parks and Camping Grounds**

**OBJECTIVE:**

- To provide guidance to staff, Councillors and caravan park operators on the licensing of overflow camp sites within Licensed Caravan Park and Camping Grounds.

**POLICY:**

**Scope & Limitations**

This policy applies to all licensed caravan parks and camping grounds within the Shire of Wyndham East Kimberley.

The *Caravan Parks and Camping Grounds Regulations 1997* define the following;

- '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 licensing of overflow sites. Section 20 of the regulations state;

- "The license holder of a facility is to ensure that an overflow area is used only;*
- (i) With the approval of the local government;*
  - (ii) For the period of time specified in that approval; and*
  - (iii) In accordance with any conditions specified in that approval."*

There is no reduction in the level of amenity and service provided to overflow sites, allowing them to be occupied 12 months of the year. In addition, the lower differential between peak and off season travellers also reduces the need for designated overflow areas within caravan parks and camping grounds.

**Guiding Statement**

The Shire of Wyndham East Kimberley will not specify or approve an overflow area within a caravan park or camping ground licence.

**Outcomes**

The policy is clear in its intent of providing guidance on the licensing of overflow sites within Caravan Parks and Camping Grounds. It provides staff and park operators with an understanding of why overflow sites will not be approved within these facilities.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	<i>Caravan Parks and Camping Grounds Act 1995 Caravan Parks and Camping Grounds Regulations 1997</i>
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	Delegations Manual
<b>Process Links</b>	

**POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Development Services		Environmental Health Officer		Ext: 118	
<b>Date Effective</b>	TBA				
<b>Date Adopted</b>	TBA	<b>Last Reviewed</b>		N/A	
<b>Risk Rating</b>	Low	<b>Review Cycle</b>	Tri-Annual	<b>Next Due</b>	TBA

POLICY CONSIDERED AT 20/03/2010

## ATTACHMENT 2 - Summary of Comment Submissions

### SUMMARY OF COMMENT SUBMISSIONS

SUBMITTER	RESPONSE	SUMMARY OF CONTENT	STAFF RESPONSE AND COMMENT
Kununurra Lakeside Resort Discovery Holiday Park Ivanhoe Village Resort Hidden Valley Caravan Park Lake Argyle Village	Disagree	<ol style="list-style-type: none"> <li>We object to any alteration to the Caravan and Camping Regulation 1997 being amended to delete the overflow provision as defined in this document.</li> <li>Council has not recognised the existing potential of overflow capacity within existing parks</li> <li>That all existing and future caravan parks, farm stay, eco parks, camping areas etc comply with Caravan and Camping Regulation 1997.</li> <li>Any outstanding issues over leases be dealt with to recognise c/p facilities. Overflow capacity etc</li> <li>Deal with existing parks (showgrounds) vacating their park at the peak of the season overloading existing tourist sites.</li> </ol>	<ol style="list-style-type: none"> <li>Council does not have the power to amend the Caravan Park and Camping Ground Regulations 1997. The purpose of the policy is to provide guidance on the conditions for licensing overflow sites.</li> <li>The review of the initial draft takes into account the ability of exiting parks to offer equal or better service to overflow campers than other temporary options put forward to date.</li> <li>All licensed Caravan Parks and Camping Grounds are inspected annually (minimum) to determine compliance with the regulations. Officers are working with all proprietors to ensure compliance.</li> <li>Lease issues are not related to this policy, however Shire staff will continue to work closely with Caravan Parks that about the foreshore reserve or hold leases over it.</li> <li>Council considered an item relating to the licensing of the Kununurra Agricultural Society at it ordinary meeting on 10 December 2010. Staff will work with the Agricultural Society to meet Council's requirements.</li> </ol>
Susan Bradley, Ellenbrae Station	Disagree	<p>Please be aware that Ellenbrae only offers camping between May and October.</p> <p>It does not advertise and if we are required to upgrade or spend on capital works we shall close down to the travelling public.</p> <p>We really only take what would be described as the illegal campers all along the Gibb River Road.</p> <p>See above</p>	<p>Ellenbrae complies with requirements of the nature based camp grounds facilities.</p> <p>The overflow policy is unlikely to impact on Ellenbrae.</p>
Ivanhoe Village Caravan Resort Drysedale River Station	Disagree	See above	See above
	Support/Indifferent		

## ATTACHMENT 3 - Revised Policy CP/HTH-3761



### *Shire of Wyndham East Kimberley* Council Policy Number: CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds

#### **OBJECTIVE:**

To provide guidance to staff, Councillors and caravan park operators on the licensing of overflow camp sites within Caravan Park and Camping Grounds.

#### **POLICY:**

##### Scope & Limitations

This policy applies to all licensed caravan parks and camping grounds within the Shire of Wyndham East Kimberley.

The *Caravan Parks and Camping Grounds Regulations 1997* define the following;

- '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 licensing of overflow sites. Section 20 of the regulations state;

- "The license holder of a facility is to ensure that an overflow area is used only;*
- (i) With the approval of the local government;*
  - (ii) For the period of time specified in that approval; and*
  - (iii) In accordance with any conditions specified in that approval."*

Whilst the regulations do not specify a reduction in the level of amenity to overflow sites, they will only be permitted for two months during the peak tourist season. It is therefore reasonable to expect minimum standards similar to those required by temporary parks approved under policy CP/HTH-3762 Licensing of Temporary Camp Grounds.

##### Guiding Statement

1. Overflow sites may be approved within licensed Caravan Park and Camping Grounds.
2. Caravan Parks and Camping Grounds must apply for overflow sites each year as part of the annual license renewal process.
3. NEED

- 3.1 Overflow sites are approved only to alleviate the pressures of peak tourist season when there is an influx of caravanners and campers. They may only be operated for two months, between 1 June and 31 July, each year.
- 3.2 A maximum of five nights stay will apply unless otherwise approved by the Shire of Wyndham East Kimberley. These nights do not have to be consecutive.
- 3.2 Parks that wish to operate overflow sites outside of these dates must include justification (why is it needed, who are the main users) and impact on existing caravan park and camping ground establishments within a 50km radius.
4. AMENITY  
The Shire accepts 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. FEES  
Fees for operating overflow sites are determined in 'Schedule 3 - Fees' of the *Caravan Park and Camping Grounds Regulations 1997*.

6. MINIMUM REQUIREMENTS  
Overflow sites must meet requirements of the Caravan Park and Camping Ground Regulations 1997, however the following minimum standards may be accepted:

6.1 ABLUTIONS

Ten (10) overflow sites may be approved within a licensed caravan park and camping ground without any adjustment to the numbers of ablutions.

If more than 10 overflow sites are being licensed they should be provided with the following additional ablutions:

Sites	Toilets		Showers (each sex)	Hand basins (each sex)
	Male	Female		
11-20	1	1	1	1
21-30	2	2	2	2
31-40	3	3	3	3
41-50	4	4	4	4

There is to be at least one toilet and one shower within 90m of each overflow site.

It is the responsibility of the facility licence holder to ensure that ablutions are maintained in a clean and suitable manner.

6.2 WATER

There must be a potable water supply within 90m of every overflow site.

6.3 LIGHTING

The overflow area is to be lit at night so that occupants have sufficient visibility to go to and return from the nearest ablution block, and the nearest building containing a toilet, in safety.

#### 6.4 ELECTRICITY

Overflow sites do not need to be provided with power.

Generators to 2kva are permitted between the hours of 7am and 9.30pm on overflow sites.

#### 6.5 RUBBISH

Bins shall be located within 30m 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.

#### 6.6 FIRE FIGHTING EQUIPMENT

Where a facility's 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.

#### 6.7 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 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.

Patrons are not permitted to conduct commercial or profit making business activities from an overflow site.

#### 7. LICENCE

Overflow sites will only be approved once an Environmental Health Officer has inspected the site and determined that they meet minimum standards.

#### Outcomes

The policy is clear in its intent of providing guidance on the licensing of overflow sites within Caravan Parks and Camping Grounds. It provides staff and park operators with an understanding of minimum standards required for the licensing of overflow sites.

#### GOVERNANCE REFERENCES

Statutory Compliance	Caravan Parks and Camping Grounds Act 1995
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	<i>Caravan Parks and Camping Grounds Regulations 1997</i>
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	Delegations Manual
<b>Process Links</b>	

**POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Development Services		Environmental Health Officer		Ext. 175	
<b>Date Effective</b>	TBA				
<b>Date Adopted</b>	TBA	<b>Last Reviewed</b>	N/A		
<b>Risk Rating</b>	Low	<b>Review Cycle</b>	Tri-Annual	<b>Next Due</b>	TBA

REVISED DRAFT POLICY



POLICY NO	CP/HTH-3761	
POLICY	Licensing of Overflow Sites in Caravan Parks and Camping Grounds	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Environmental Health Officer	
COUNCIL ADOPTION	Date: 20 April 2010	Resolution No: 9101
REVIEWED/MODIFIED	Date: 15 March 2011	Resolution No: 9415
	Date: 22 September 2015	Resolution No:
REVIEW DUE	Date: 2 years	
LEGISLATION	<i>Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997</i>	
RELATED POLICIES	Licensing of Temporary Caravan Parks	
RELATED ORGANISATIONAL DIRECTIVES	Nil	

#### **PURPOSE:**

To provide a consistent approach to the approval of overflow areas in Caravan Parks and Camping Grounds.

#### **DEFINITIONS:**

**Camp Site** includes to camp in a vehicle, but not a caravan

**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

**Overflow Area** means an area of a facility specified as an overflow area in the licence for the facility.

**Permanent Licence** means a licence 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

#### **POLICY STATEMENTS:**

The *Caravan Parks and Camping Grounds Regulations 1997* allow Local Government to approve overflow areas within licences with the following mechanisms:

##### **20. Use of overflow area**

*The licence holder of a facility is to ensure that an overflow area of the facility is used only-*

- (a) with the approval of the local government;*
- (b) for the period of time specified in that approval; and*
- (c) in accordance with any conditions specified in that approval.*

#### **48. Overflow areas**

*A local government may specify in a licence for a facility, an area of the facility as an overflow area.*

#### **50. Licence to specify number and types of sites and other conditions**

*A local government is to endorse on each licence, as conditions of the licence —*

*(a) the maximum number of sites that may be used at the facility, other than at any overflow area;*

*(b) where the facility has an overflow area, the maximum number of sites that may be used at any overflow area when the area is in use;*

*(c) the maximum number of sites of particular types that may be used at the facility, other than at any overflow area; and*

*(d) where the facility has an overflow area, the maximum number of sites of particular types that may be used at any overflow area when the area is in use.*

In assessing applications for overflow areas within Permanent Licences the following will be taken into consideration:

#### **1. APPLICATION**

A facility must apply for use of any overflow area each year as part of their annual licence and must designate clearly on the site map accompanying the application a single specific area which will be used as overflow.

#### **2. SERVICES AND FACILITIES**

Any overflow area designated as part of a permanent licence must comply fully with Schedule 7 of the Regulations. There will be no reduction in services or facilities approved for sites within an overflow area.

#### **3. LICENCE**

Where an overflow area is approved as part of a permanent licence it shall be in accordance with the following:

- a. Up to 10% of a facility's sites may be designated as overflow area.
- b. The overflow area may be used for no more than three months in any year.
- c. The overflow area must be a single designated area separate from other areas of the facility.
- d. Where possible the overflow area will not include the most desirable sites within a park.

#### **4. NON-COMPLIANCE**

Where routine monitoring has found an overflow area has been occupied outside of the licensed period, favourable consideration will not be given to maintaining the overflow area in the subsequent licence renewal. In this case any sites within the overflow area will be licensed as either short stay sites or camp sites with the appropriate fee applied.

### **EXPLANATORY NOTES:**

#### **1. APPLICATION**

An accurate site map will allow Shire officers to more easily monitor compliance. It is important the site map is reviewed annually to capture any changes made to the park layout.

## 2. SERVICES AND FACILITIES

Overflow sites must be provided with the same services and facilities as other sites in accordance with Schedule 7 of the Regulations. Overflow sites are not allowed to have lesser services and facilities, however parks are charged a lower fee to reflect the lower occupancy rate.

## 3. LICENCE

- a. Up to 10% of the facilities sites may be licensed as overflow. This is to be calculated from the number of sites for the purposes of calculating the required amenities (two camp sites are equal to one caravan site).
- b. As the fee for an overflow site is one quarter of the fee for a short stay site, it is reasonable to allow overflow sites to be occupied for one quarter of the year. Parks may choose which three months they will operate their overflow sites.
- c. The overflow area should be easily distinguished from other areas to allow it to be closed outside of the licenced period. Overflow sites must not be scattered throughout the park. This will make it easier for parks to ensure people do not use overflow sites outside of the licenced period and also for Shire officers to monitor occupancy of overflow sites.
- d. The most desirable sites within a park should not be licenced as overflow, as occupants are likely to want to stay in these sites year round. Desirable sites may include those close to a waterfront area, or other more natural setting.

## 4. NON-COMPLIANCE

If an overflow area is found to be occupied outside of the licensed period, it will be converted to either short stay or camp sites with the appropriate fees payable upon renewal of the licence. This will prevent ongoing non-compliance with the policy.

### **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 legislative requirements.

**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.

## 13.5 CHIEF EXECUTIVE OFFICER

### 13.5.1 Outstanding Actions from Council Resolutions

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	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 August 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. 11126**

**Moved: Cr K Wright**

**Seconded: Cr S Cooke**

**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
OCM 25/08/15	KIMBERLEY REGIONAL GROUP MEETING 3 AUGUST 2015	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.	Copy of this minute has been provided to the secretariat for the Kimberley Zone	10-Sep-15	Completed
OCM 25/08/15	Wet Season Road Closures	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.	Uauthorisation noted	28-Jul-15	completed
OCM 25/08/15	Appointment of Bush Fire Control Officers	That Council appoint Rob Gianni Dario, Ranger, as a Bushfire Control Officer under Section 38 of the Bush Fires Act 1954.	Appointments noted	28-Jul-15	completed
OCM 25/08/15	Policy Review – E13 Cattle Grids Located on Public Road Network	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.	E13 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Policy Review – E2 Crossovers	1. Rescinds, policy E2 Crossovers, 2. Adopts draft policy draft policy CP/OPS -3653 Vehicle Crossover Subsidy as per Attachment 1.	E2 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Revised Policy, FC2-Fire Breaks	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.	FC2 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Policy Review, FC1 Plant Mobilisation in an Emergency	That Council: 1. Rescinds, policy FC1 Plant Mobilisation of Plant in Emergency, 2. Adopts draft policy CP/REM -3620 Plant Mobilisation of Plant in Emergency attached as per Attachment 1.	FC1 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Policy Review – E11 – Roadside Memorials	That Council; 1. Rescinds, policy E11 Roadside Memorials, 2. Adopts draft policy CP/OPS 3654 Roadside Memorials attached as per Attachment 1.	E11 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Policy Review – F21 Asset Management	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	F21 has been repealed. The new policy is in the council policy manual.	28-Jul-15	completed
OCM 25/08/15	Policy Review - Community Grants CP COM-3582 Annual Community Grant Scheme	That Council adopt the Draft Reviewed Council Policy C P-COM Community Grant Scheme.	The new policy is in the council policy manual.	10-Sep-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Development Control Policy Review	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	The council policy manual has been updated	10-Sep-15	Completed
OCM 25/08/15	Endorsement of Draft Policy CP/PMG-3781 - Leasing of Council Managed/Owned Land – Commercial	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.	Briefing completed, will be brought to the September 22 OCM	08-Sep-15	Completed
OCM 25/08/15	Lease over Reserve 51637 – Lakeside Resort	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.	Lease document amended as per Council resolution and forwarded to Ingle Pty Ltd in triplicate for signing.	14-Sep-15	Completed
OCM 25/08/15	Development Application for Shade Structure	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.	Approval issued.	25-Aug-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Proposed Gravel Reserves	<p>That Council:</p> <ol style="list-style-type: none"> <li>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 1837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road.</li> <li>2. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley: <ol style="list-style-type: none"> <li>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'.</li> <li>b. indemnifies the Minister for Lands against any costs arising from the future act process.</li> </ol> </li> <li>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: <ol style="list-style-type: none"> <li>a. the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Afghan Cemetery', Mt Albany and 'Parry Creek',</li> </ol> </li> </ol>	Correspondence sent to DoL advising of Council resolution	14-Sep-15	In progress
OCM 25/08/15	Repeal of Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities	That Council repeal Council Policy CP/HTH-3760 Guidelines for Nature Based Camp Facilities.	The council policy manual has been updated	10-Sep-15	Completed
OCM 25/08/15	Review of Council Policy Number: CP/HTH-3762 Licensing of Temporary Caravan Parks and Camp	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	Policy is currently being advertised for comment until 9th October 2015.		In progress
OCM 25/08/15	Transient Accommodation - Lot 411 Minijirriga Lane, Kununurra	<p>That Council grants planning approval for Transient Accommodation at Lot 411 Minijirriga Lane subject to the following conditions:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The approved management plan must be implemented in accordance with the processes set out and information specified.</li> <li>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.</li> <li>5. Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development.</li> <li>6. Prior to the submission of an Occupancy Permit all indicated buffers of minimum 40 metres width including vegetative barriers</li> </ol>	Approval issued.	03-Sep-15	Completed
OCM 25/08/15	Transient Accommodation - Lot 411 Minijirriga Lane, Kununurra	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.	To be commenced.	25-Aug-15	In progress
OCM 25/08/15	Delegations Register 2015/16	That Council adopts the Delegations Register 2015/16.	Currently working under these Delegations with a revision to go to Council at the September OCM	10-Sep-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Kimberley Accommodation (East) Pty Ltd (Hotel Kununurra) Application for Extended Trading Permit	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.	Letter has been sent to Director of Liquor Licensing	02-Sep-15	Completed
OCM 25/08/15	Financial Assistance Grants – ALGA and WALGA Seeking Support to Reverse the Federal Government's Decision to Freeze Indexation	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.	Correspondence currently being drafted.		In progress
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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	The council policy manual has been updated	10-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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	Budget adopted. Rates notices sent.	11-Sep-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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¢	Budget adopted. Rates notices sent.	11-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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	Budget adopted. Rates notices sent.	11-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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.	Budget adopted.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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.).	Budget adopted. New items incorporated.	30-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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.	Budget adopted. New fees incorporated.	30-Aug-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>That the Council:</p> <p>1. Approves waste vouchers to be provided from 1 October 2015 to 30 September 2016 for properties within the following rating categories:</p> <p>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</p> <p>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.</p>	Budget adopted. Waste vouchers sent with rates notices.	11-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>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:</p> <p>(a) 16 October 2015; or to pay in full within 35 days of issue of the rates notice;</p> <p>(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);</p> <p>(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.</p>	Budget adopted. Rates notices sent.	11-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>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:</p> <p>a) No instalment option is taken – interest is applied 35 days after the date of issue of the Rates Notice.</p> <p>b) Instalment option is taken – interest is applied after the due date of the instalment, and continues to accrue until the instalment is paid.</p>	Budget adopted. Rates notices sent.	11-Sep-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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 charges 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.	Budget adopted. Rates notices sent.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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	Budget adopted. Concessions applied.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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	Budget adopted. Allowances incorporated.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	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.	Budget adopted. Reports will be submitted accordingly.	28-Aug-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>That Council, in accordance with section 6.11 of the Local Government Act 1995, approves:</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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."</li> </ol>	Budget adopted and items incorporated.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Airport – to provide for the operation, maintenance, renewal and upgrade of existing and new airport facilities within the Shire of Wyndham East Kimberley.</li> <li>3. Plant and Equipment – to provide for the plant management program.</li> <li>4. Civic Buildings – to provide for the maintenance, renewal, upgrade of existing and new civic buildings within the Shire of Wyndham East Kimberley.</li> <li>5. East Kimberley Tourism – to provide for the significant maintenance, renewal and upgrade of the East Kimberley Tourism House.</li> <li>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.</li> </ol>	Budget adopted and items incorporated.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	That Council rescinds the Council Policy F20 Non-Current Asset Capitalisation and Depreciation Control.	The council policy manual has been updated	10-Sep-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	That Council adopts the revised policy CP/FIN3201 - Significant Accounting Policies.	The council policy manual has been updated	10-Sep-15	Completed

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>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:</p> <ol style="list-style-type: none"> <li>1. Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$1,853,492;</li> <li>2. Statement of Comprehensive Income by Program showing a net result for that year of \$1,853,492;</li> <li>3. Statement of Cash Flows;</li> <li>4. Rate Setting Statement showing an amount required to be raised from rates of \$9,951,565;</li> <li>5. Notes to and Forming Part of the Budget;</li> <li>6. Budget Schedules including the Capital Expenditure Program;</li> <li>7. Fees and Charges Schedule.</li> </ol>	Budget adopted.	28-Aug-15	Completed
OCM 25/08/15	Adoption of 2015/16 Annual Budget	<p>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).</p>	Item amended accordingly.	30-Aug-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 A501 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 also by Council on 25 August 2015. Correspondence to be drafted to A501.	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.	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 was considered by Council on 25 August 2015. Matter is ongoing.	Ongoing	In progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
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 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
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.	Statement of defence lodged with the Court. Awaiting a Date probably for a second conference.	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; and there have been a number of property viewings to date but no formal offers. Tenancy Agreement being finalised for the rental of Shire residential properties.	14-Sep-15	In progress
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 also by Council on 25 August 2015. Correspondence to be drafted to A501.	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

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
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 advertised on website, facebook, and SWEK news. Council deferred endorsement of the draft Policy at the August OCM. To be again considered at September OCM with modifications.	806/2015	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, on hold due to staff resources	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. Amended draft lease in triplicate sent to Ingle Pty Ltd following August OCM.	14-Sep-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	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

Meeting	Item	Resolution	Progress Comment	Date Actioned	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.	Contractor appointed and works commenced.	27-Jul-15	in progress
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 <u>Local Law 2005 section 2.19(1)</u> .	Officer appointment letters being drafted	28-Jul-15	in progress
OCM 28/07/15	Tender Evaluation T10 14-15 Lease of Aircraft Hangarage at Wyndham Airport	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	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	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. Site requires survey and lease to be drafted.	17-Aug-15	in progress
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. Site requires survey and lease to be drafted.	17-Aug-15	in progress

Meeting	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	Mediterranean Fruit Fly Eradication Program	<p>That Council consider entering into a Memorandum of Understanding with DAFWA and industry on the following basis:</p> <ol style="list-style-type: none"> <li>1. DAFWA continues to fund and maintain the current medfly surveillance program.</li> <li>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.</li> <li>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).</li> <li>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.</li> <li>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.</li> </ol>	Letter sent to DAFWA advising of the decision and requesting advice on how to proceed with the eradication program, including 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
OCM 28/07/15	Management and Operation of Kununurra Youth Centre	<p>That Council:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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: <ul style="list-style-type: none"> <li>• A term of 3 years, with an option of a 3 year extension.</li> <li>• Annual Lease fee of \$18,250.00 inclusive of GST, indexed for CPI annually.</li> <li>• Shire to maintain responsibility for fixtures and fittings.</li> <li>• Lessee to provide general maintenance including cleaning and gardening.</li> <li>• The primary use of the facility will be the provision of services for Young people at risk.</li> <li>• The facility will continue to be available to the community for hire.</li> </ul> </li> </ol>	the Department for Child Protection and Family Support have been approached (5 August) regarding this matter. Officers are awaiting formal response. Save the Children have been updated on the progress of this approval on 17 August. <i>Approval has been received from DCPFS, Lease has been drafted and forwarded to STC for review (8/9/15)</i>	08-Sep-15	In progress
OCM 28/07/15	RFQ 1 15/16 KALUMBURU ROAD RECONSTRUCTION, RE-SHEETING, FLOOD-WAYS AND CULVERT PROGRAM	<p>That the Council:-</p> <ol style="list-style-type: none"> <li>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);</li> <li>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.</li> </ol>	Contractor appointed, expected start date 18 Aug 2015.	28-Jul-15	in progress

### 13.5.2 Proposed Special Council Meeting

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	Nil

#### **PURPOSE**

For Council to call a Special Council Meeting to be held on the 20 October 2015.

#### **BACKGROUND**

The Local Government Elections are scheduled for Saturday 17 October 2015 and it is usual for the new Council to meet as soon as possible after the election results are known, in order for elected members to make their declaration of office, determine Council seating arrangements, elect a Shire President and Deputy, determine Standing Committee memberships and arrangements, as well as Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointment to various community organisations and informal working groups.

In October 2014 Council resolved to set its meeting dates for 2015 and these dates were subsequently advertised as required by the Act. A copy of the report to and resolution by Council is attached for information purposes (Attachment 1).

The meeting dates as approved by Council for October 2015 are as follows;

- Council Briefing Tuesday 13 October
- Ordinary Council Meeting Tuesday 27 October

In 2013 the Local Government elections took place on Saturday 19 October and a Special Council meeting was held on Tuesday 22 October. The Ordinary meeting of Council was held the following Tuesday 29 October 2013.

#### **STATUTORY IMPLICATIONS**

##### ***Local Government Act 1995***

##### **5.4. *Calling council meetings***

*An ordinary or a special meeting of a council is to be held —*

*(a) if called for by either —*

*(i) the mayor or president; or*

*(ii) at least  $\frac{1}{3}$  of the councillors,*

*in a notice to the CEO setting out the date and purpose of the proposed meeting; or*

*(b) if so decided by the council.*

## **Local Government (Administration) Regulations 1996**

### **12. Meetings, public notice of (Act s. 5.25(1)(g))**

(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

*(a) the ordinary council meetings; and*

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*

*are to be held in the next 12 months.*

(2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

(3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*

### **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.

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

Advertising of the time, date and purpose of the Special Council Meeting.

### **COMMENT**

The endorsed meeting dates for October 2015 are outlined above. The Local Government elections are scheduled for Saturday 17 October 2015. If it is intended to hold the first meeting of the new Council on the first available Tuesday after the elections, as per convention, then there is a need to formally advertise that meeting.

In relation to meeting options, the following are provided for consideration;

1. Based upon the process followed in 2013, one option is to advertise a Special Council meeting on Tuesday 20 October 2015 in order to conduct *only* the business of elected member declarations of office, determination of Council seating arrangements, and election of the Shire President and deputy and defer all other matters to the Ordinary Council meeting on Tuesday 27 October.
2. A second option is for Council to advertise a Special Council meeting on Tuesday 20 October 2015 in order to conduct the business of elected member declarations of office, determination of Council seating arrangements, election of the Shire President and deputy, and determination of Standing Committee and Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointment to various community organisations and informal working groups. All other dates including the Ordinary Council meeting on Tuesday 27 October remain as advertised.
3. A third option is to incorporate the entirety of the requirements of the proposed Special Council meeting into the OCM on 27 October 2015, however this leaves a significant “gap” between the election and the first Council meeting and will leave the Shire without both a President and deputy and no members “*sworn in*” and may well complicate a potentially busy Council meeting on 27 October. This option is not favoured or recommended by Administration.

With option 2 above, the timeframes are very short and newly appointed elected members would need to obtain relevant information in relation to various Committees of Council etc. between election on Saturday and a meeting the following Tuesday before deliberating.

Option 1 provides a more reasonable timeframe after the elections for all members, especially any new members, an opportunity to familiarise themselves with the business of Council and the content of Standing Committee and Advisory Committee memberships, appointment of Council delegates to other Local Government bodies, and appointment to various community organisations and informal working groups. It will however increase the size of the Committee agenda on 27 October. If there was an imperative for a particular issue to be considered by Council or a decision to be made or it was considered that the content of the Council agenda in October may be too large, Council could determine to set alternative meeting dates after the appointment of the new Council and potentially schedule a second Special meeting to determine the respective business.

Option 1 allows for a Special Council meeting to be held as soon as possible after the elections as well as allowing for the normal business of Council to be transacted the following week. This timing would allow new Councillors to liaise with the Shire President and other elected members as well as receive an initial induction and background briefings on the business of Council, prior to formally meeting to consider the business of Council. On balance option 1 is the preferred way forward and is recommended.

## **ATTACHMENTS**

Attachment 1 - October 2014 Minutes-2015 Ordinary Council Meetings

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council

1. declare a Special Council meeting on Tuesday 20 October 2015 at 5pm in the Kununurra Council Chambers, the purpose of which is for newly elected members to make their declaration of office, elect a Shire President and Deputy Shire President and, in accordance with Standing Orders, for the CEO to determine Elected Member seating arrangements.
2. advertise the proposed meeting date in accordance with the Act.

## **COUNCIL DECISION**

**Minute No. 11127**

**Moved: Cr B Robinson**

**Seconded: Cr D Spackman**

**That Council**

1. declare a Special Council meeting on Tuesday 20 October 2015 at 5pm in the Kununurra Council Chambers, the purpose of which is for newly elected members to make their declaration of office, elect a Shire President and Deputy Shire President and, in accordance with Standing Orders, for the CEO to determine Elected Member seating arrangements.
2. advertise the proposed meeting date in accordance with the Act.

**Carried Unanimously 8/0**

### 13.4.2 2015 Ordinary Council Meetings

<b>DATE:</b>	21/10/2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Debbie McCallum, Governance Officer
<b>REPORTING OFFICER:</b>	Kevin Hannagan , Acting CEO
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	Nil

#### PURPOSE

For Council to accept Ordinary Council Meeting dates, times and locations for 2015.

#### BACKGROUND

In 2003 Councillors indicated a preference for monthly meetings at a regular time and resolved at the August 2003 Council Meeting to change the meeting venue ratio from one Kununurra and one at another location to two Kununurra and one at another location. Over the past three years, Council has adopted meeting dates which reflect the decision to hold Ordinary Council Meetings on a venue ratio of two Kununurra and one in Wyndham.

#### STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

##### **5.3. Ordinary and special council meetings**

- (1) *A Council is to hold Ordinary Meetings and may hold special meetings*
- (2) *Ordinary meetings are to be held not more than three months apart.*

##### **5.5. Convening council meetings**

- (1) *The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

In accordance with the *Local Government (Administration) Regulations 1996, Section 2*:

##### **12 Meetings, public notice of**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
  - (a) *the ordinary council meetings;**are to be held in the next 12 months.*

#### POLICY IMPLICATIONS

There are no policy implications associated with this item.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

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

Objective 1.4: Business innovation, efficiency and improved service

Strategy 1.4.2: Improve the efficiency and productivity of Shire services

## **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

## **COMMENT**

The ability to provide prompt, informed decisions and customer service implications are the key issues that need to be considered by the Council when setting meeting dates and venues. While the proposed spacing of meetings means that there could potentially be a six week wait to obtain a Council decision, this scenario has been lessened due to the additional delegated authority to Officers on more routine matters and urgent matters can be considered faster if deemed necessary via Special Meetings.

Considering that all nine Councillors reside in Kununurra, it is proposed that all Council briefing sessions will all occur in Kununurra and that Council continue to operate with Ordinary Council Meetings being held in Kununurra on 8 occasions and Wyndham on 4 occasions.

The proposed schedule has taken into consideration events Easter (3-6 April), Ord Valley Muster (15-24 May 2015) and Local Government Week (generally around the first week in August). Further to this, the proposed schedule has allowed reasonable time (at least two weeks) between meetings to provide Officers the opportunity to prepare Council reports.

Council Meeting dates and Briefing Sessions are proposed as follows. All Council meetings and Briefings will commence at 5.00pm:

Month	Briefing Session	Ordinary Council Meeting	Location of OCM
January	No briefing	27 January	Kununurra
February	10 February	24 February	Wyndham
March	10 March	24 March	Kununurra
April	14 April	28 April	Kununurra
May	12 May	26 May	Wyndham
June	9 June	23 June	Kununurra
July	14 July	28 July	Kununurra
August	11 August	25 August	Wyndham
September	8 September	22 September	Kununurra
October	13 October	27 October	Kununurra
November	10 November	24 November	Wyndham
December	1 December	15 December	Kununurra

### **ATTACHMENTS**

Attachment 1 - 2015 Calendar

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

1. That Council accepts the following dates, time and locations for 2015 Ordinary Council Meetings:

27 January - Kununurra, commencing at 5pm  
24 February - Wyndham, commencing at 5pm  
24 March - Kununurra, commencing at 5pm  
28 April - Kununurra, commencing at 5pm  
26 May - Wyndham, commencing at 5pm  
23 June - Kununurra, commencing at 5pm  
28 July - Kununurra, commencing at 5pm  
25 August - Wyndham, commencing at 5pm  
22 September – Kununurra, commencing at 5pm  
27 October – Kununurra, commencing at 5pm  
24 November – Wyndham, commencing at 5pm  
15 December – Kununurra, commencing at 5pm

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted meeting dates, times and place of meeting.

## **COUNCIL DECISION**

**Minute No. 10625**

**Moved: S Cooke**

**Seconded: Cr R Dessert**

1. That Council accepts the following dates, time and locations for 2015 Ordinary Council Meetings:

27 January - Kununurra, commencing at 5pm  
24 February - Wyndham, commencing at 5pm  
24 March - Kununurra, commencing at 5pm  
28 April - Kununurra, commencing at 5pm  
26 May - Wyndham, commencing at 5pm  
23 June - Kununurra, commencing at 5pm  
28 July - Kununurra, commencing at 5pm  
25 August - Wyndham, commencing at 5pm  
22 September – Kununurra, commencing at 5pm  
27 October – Kununurra, commencing at 5pm  
24 November – Wyndham, commencing at 5pm  
15 December – Kununurra, commencing at 5pm

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted meeting dates, times and place of meeting.

**Carried Unanimously 8/0**

# 2015 Calendar

Briefing

OCM

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28
25	26	27	28	29	30	31								29	30	31				

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
							31													

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

### 13.5.3 Updated Delegations Register 2015/16

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	PL.02.1
<b>DECLARATION OF INTERESTS:</b>	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 an updated Delegations Register for 2015/16.

#### **BACKGROUND**

At the 25 August 2015 Ordinary Council Meeting (OCM), Council adopted the Delegations Register for 2015/16. The CEO and delegated officers have been working under this Register from this date.

After the meeting it was noted that the incorrect version of the Delegations Register 2015/16 was placed into the August OCM Agenda and subsequently adopted. The version placed into the Agenda and adopted was the version presented to Council at the August Council Briefing session and did not reflect the amendments that had been made to the Register after the Council Briefing Session.

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.

## **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**

The following changes were made to the Delegations Register 15/16 after the Council Briefing Session and were therefore not reflected in the Delegations Register adopted by the Council at the 25 August 2015 Ordinary Council Meeting:

- Structural / layout amendments
- Minor grammar / spelling amendments
- More detail added to the majority of delegations
- Removal of the following delegations as not required or duplicated:
  - o Authorisation of Expenditure
  - o Building Act 2011 – Commencement of Legal Proceedings
  - o Health Act 1911 and Relevant Regulations Administration and Notices of Breach
- Addition of the following delegations:
  - o Cat Act – Powers, Duties & Functions
  - o Dog Act – Powers, Duties & Functions
  - o Poundkeepers – Appointment of Rangers

It is important to note that all delegations by Council require an absolute majority.

### **ATTACHMENTS**

Attachment 1 - Delegations Register 2015/16 adopted at 25 August OCM

Attachment 2 – Updated Delegations Register 2015/16

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER'S RECOMMENDATION**

That Council adopts the Updated Delegations Register 2015/16.

### **MOTION**

Cr K Wright moves an amendment to the Officer's Recommendation. That the Officer's Recommendation is:

That Council adopts the updated Delegations Register 2015/16 with the amendment to delegation number 3 that is to read:

"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 or absence from the

Shire for periods up to one week. For periods in excess of one week this will be referred to Council for consideration.

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."

## **MOTION**

Cr D Spackman moves to suspend Standing Order 7.5 Limitation of Number of Speeches.

The motion lapses for want of a seconder.

Cr K Wright asks that the motion (his amendment to the Officer's Recommendation) be put.

## **COUNCIL DECISION**

**Minute No. 11128**

**Moved: Cr K Wright**

**Seconded: Cr S Cooke**

**That the Officer's Recommendation is amended to:**

**That Council adopts the updated Delegations Register 2015/16 with the amendment to delegation number 3 that is to read:**

**"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 or absence from the Shire for periods up to one week. For periods in excess of one week this will be referred to Council for consideration.**

**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."**

**Tied 4/4**

**For: Cr K Wright, Cr D Spackman, Cr S Cooke, Cr G Taylor**

**Against: Cr R Dessert, Cr J Moulden, Cr D Learbuch, Cr B Robinson**

**Carried**

**5/4**

**Shire President's Casting Vote: In support of the amendment**

**COUNCIL DECISION**

**Minute No. 11129**

**Moved: Cr B Robinson  
Seconded: Cr G Taylor**

**That Council adopts the updated Delegations Register 2015/16 with the amendment to delegation number 3 that is to read:**

**“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 or absence from the Shire for periods up to one week. For periods in excess of one week this will be referred to Council for consideration.**

**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.”**

**Carried 5/3**

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

# COUNCIL DELEGATIONS REGISTER 2015/16

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## SHIRE OF WYNDHAM EAST KIMBERLEY

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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 Strata 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 its 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. If 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. if 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 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.

## 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 *Local 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

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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 ADMINISTRATION 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 COMMISSION 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 Wagering 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 2015/16

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## SHIRE OF WYNDHAM EAST KIMBERLEY

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All Delegations included within this Register were adopted at a meeting of the Council held  
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### 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, however they are included in this register for ease of reference and review.

## STATUTORY DELEGATIONS – LOCAL GOVERNMENT ACT 1995

### 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, Sections 5.36 and 5.39*

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to appoint a Shire employee holding the position of 'Director' and is a 'Senior Employee' in accordance with Council Policy CP/HR-3350 Designation of Senior Employees 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.

#### 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

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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
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

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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, if any, of those expressions of interest are from persons who it thinks could satisfactorily supply the goods or services.

Provided that appropriate provision is made with reference to Council Policy CP/FIN-3204 Purchasing.

Condition-

The CEO must ensure safe custody of tender documents submitted.

NOTE: Minor variations to a specification for goods or services shall be deemed to be variations the value of the supply or to the scope of a specification that is expected to be less than approximately 10% of the value of the contract or specification.

## 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 and submissions are considered, 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.

In this delegation:

**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.

## 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 Council Policy CP/OPS-3650 Private Works 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. WAIVE, GRANT CONCESSIONS OR WRITE OFF DEBTS

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LEGISLATIVE POWER      *Local Government Act 1995, Section 6.12(1)(b) and (c)*

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer in exceptional circumstances 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

Conditions:-

- a) Limited to individual debts not exceeding \$500
- b) Write-off rates and service charges not exceeding \$200
- c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation

In this delegation:-

**Waive** means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.

**Write Off** occurs following the realisation that the asset can no longer be converted into cash (eg. a bad debt), can provide no further use to the Shire, or has no market value.

## 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 Policy CP/FIN-3204 Purchasing; 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

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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 Council Policy CP/FIN-3212 Rates and Charges Debt Collection; 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 Policy CP/FIN-3203 Investment;
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

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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

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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 of up to 10% to the value or 10% of the specification for goods or services for a proposed supply, 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 Policy CP/FIN-3212 Rates and Charges Debt Collection.

## 19. SALE OF IMPOUNDED OR CONFISCATED VEHICLES, ANIMALS OR GOODS

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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.

## 20. ENFORCEMENT AND INFRINGEMENT NOTICES

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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.

## 21. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

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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 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.

## 22. 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 *Local 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)

## 23. PUBLIC THOROUGHFARES

---

LEGISLATIVE POWER      *Local Government Act 1995* Sections 3.50, 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.

## 24. 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.

## 25. 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.

## 26. 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. 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*.

Recover the cost of anything done under (3) and (4) 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.

27. 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.

## 28. 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*.

## 29. 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.

### 30. 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.

## 31. 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.

## 32. AUDIT (FINANCE AND RISK) COMMITTEE

---

LEGISLATIVE POWER      *Local Government Act 1995*, Section 5.18

DELEGATE                      Audit (Finance and Risk) Committee

FUNCTION TO BE PERFORMED

Pursuant to Section 7.12A of the *Local Government Act 1995*, the Council provides delegated authority to the Audit (Finance and Risk) Committee to meet annually with the Shire of Wyndham East Kimberley's auditor(s).

## STATUTORY DELEGATIONS – OTHER LEGISLATION

### 33. LOCAL PLANNING SCHEME No. 7

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LEGISLATIVE POWER      *Local Planning Scheme No. 7*

DELEGATE                      Chief Executive Officer  
   Director Community Development  
   Senior Planning 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; and
  - c. unauthorised existing developments.
2. Advertise an application for planning approval.
3. 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.
4. Amend or revoke a planning approval.
5. Grant an extension of development approval for up to two (2) years.
6. Delete or modify conditions of approval, whether imposed under delegated authority or not.
7. Make recommendations to the WA Planning Commission on:
  - a. Applications for subdivision or amalgamation of land;
  - b. Minor variations to approved subdivisions;
  - c. Clearance of conditions of subdivision approval
8. 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.
9. 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.
10. Recover expenses under Section 11 (4) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

DELEGATE                      Planning 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 where the proposed use is a 'P' or 'IP' use, 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. Advertise an application for planning approval.
3. Grant an extension of development approval for up to two (2) years.
4. Make recommendations to the WA Planning Commission on:
  - a. Applications for subdivision or amalgamation of land;
  - b. Minor variations to approved subdivisions;
  - c. Clearance of conditions of subdivision approval.
5. 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.
6. 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.
7. Recover expenses under Section 11 (4) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

### 34. STRATA TITLES – ISSUE OF LOCAL AUTHORITY CERTIFICATE

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LEGISLATIVE POWER      *Strata Titles Act 1985* – Section 9 (3), 10 (2) and 24 (2)

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 9 (3) and 10(2) of the *Strata Titles Act 1985* and make preliminary determinations pursuant to Section 24 (2) of the Act.

Subject to the following conditions:

- (a) Applicant being advised of the objection and/or appeal rights

### 35. PLANNING AND DEVELOPMENT ACT 2005 – ILLEGAL DEVELOPMENT

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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 its 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.

### 36. 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).

## 37. 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. If 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. if 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*.

### 38. 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.

### 39. 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.

#### 40. BUSH FIRES ACT 1954 - VARIATION TO FIREBREAK ORDERS

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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. BUSH FIRES ACT 1954 - VARIATION TO PROHIBITED BURNING TIMES

---

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-

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. FOOD ACT 2008 – PROHIBITION ORDERS, CERTIFICATES OF CLEARANCE

---

LEGISLATIVE POWER      *Food Act 2008*, Sections 65(1), 66 and 67(4)

DELEGATE                      Chief Executive Officer  
   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.

### 43. 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.

#### 44. GAMING AND WAGERING COMMISSION 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 Wagering Commission Act 1987* reports.

#### 45. CAT ACT 2011 – POWERS, DUTIES AND FUNCTIONS

---

LEGISLATIVE POWER      *Cat Act 2011, Cat (Uniform Local Provisions) Regulations 2013 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 2011*.

## 46. CAT ACT 2011 – APPOINTMENT OF AUTHORISED PERSONS

---

LEGISLATIVE POWER      *Cat Act 2011*, Section 48

DELEGATE                      Chief Executive Officer

FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

- 1) Appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Cat Act 2011*
- 2) Determine conditions on any authorisation
- 3) Cancel or vary an authorisation

## 47. DOG ACT 1976 – POWERS, DUTIES AND FUNCTIONS

---

LEGISLATIVE POWER      *Dog Act 1976 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* and to further delegate powers and duties under the *Dog act 1976* and associated Regulations.

## 48. DOG ACT 1976 – APPOINTMENT OF AUTHORISED PERSONS

---

LEGISLATIVE POWER      *Dog Act 1976 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:

- 1) Appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Dog Act 1976*
- 2) Appoint persons or classes of persons to be authorised as registration officers
- 3) Determine conditions on any authorisation
- 4) Cancel or vary an authorisation

## 49. POUNDKEEPERS – APPOINTMENT OF RANGERS

---

LEGISLATIVE POWER      *Local Government (Miscellaneous Provisions) Act 1960*

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Council delegates its authority and power to the Chief Executive Officer to:

- 1) Appoint persons or classes of persons to be authorised as rangers for the purpose of being a poundkeeper as per the *Local Government (Miscellaneous Provisions) Act 1960*.
- 2) Determine conditions on any authorisation
- 3) Cancel or vary an authorisation

Subject to-

1. The local government having the care, control, and management of a public pound shall cause public notice to be given of the appointment or removal of poundkeepers and rangers, and a notice so given is *prima facie* evidence a poundkeeper or ranger has been lawfully appointed or removed, as the case may be.

## COUNCIL APPOINTED AUTHORISED PERSONS & OFFICERS

### 50. HEALTH ACT 1911 – APPOINTMENT OF DEPUTY

---

LEGISLATIVE POWER      *Health Act 1911, Section 26*

DELEGATE                      Director Community Development  
   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.

## 51. FOOD ACT 2008 – APPOINTMENT OF AUTHORISED OFFICERS

---

LEGISLATIVE POWER      *Food Act 2008*, Part 5, Divisions 1 and 2

DELEGATE                      Director Community Development  
   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*.

## 52. FOOD ACT 2008 – APPOINTMENT OF DESIGNATED OFFICERS

---

LEGISLATIVE POWER      *Food Act 2008*, Section 126(13)

DELEGATE                      Chief Executive Officer  
   Director Community Development  
   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.

## 53. 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  
   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.

## 54. 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  
Senior Ranger & Emergency Services Coordinator  
Ranger/s

### FUNCTION TO BE PERFORMED

Council delegates its authority and power to the Director Infrastructure, Senior Ranger & Emergency Services Coordinator and Ranger/s 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.

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

**COUNCIL DECISION**

**Minute No. 11130**

**Moved: Cr B Robinson**

**Seconded: Cr D Learbuch**

**That Council moves behind closed doors to consider items:**

**17.1 Tender RFT01 15-16 Lily Creek Lagoon – Boat Launching Facility, Kununurra**

**17.2 Disposal of Shire Property – Lot 1664 (6) Eugenia St, Kununurra**

**17.3 Tourism House – Sub-Sub Lease Suite 124**

**17.4 Tourism House – Assignment of Lease, Suite 5**

**17.5 Chief Executive Officer Review**

**Carried Unanimously 8/0**

Council moves behind closed doors at 6.10pm.

## 17. MATTERS BEHIND CLOSED DOORS

### 17.1 TENDER RFT01 15-16 LILY CREEK LAGOON – BOAT LAUNCHING FACILITY, KUNUNURRA

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire Wyndham East Kimberley
<b>LOCATION:</b>	Lily Creek Lagoon, Kununurra
<b>AUTHOR:</b>	Mark Davidson, Manager Engineering Services
<b>REPORTING OFFICER:</b>	David Klye, Director Infrastructure
<b>FILE NO:</b>	CM.16.157
<b>DECLARATION OF INTERESTS:</b>	NIL

The item was discussed Behind Closed Doors under Section 5.23 of the *Local Government Act 1995* as this is a matter that affects:

- e) a matter that if disclosed, would reveal –
- (i) A trade secret; or
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person,
- Where the trade secret or information is held by, or is about, a person other than the local government

#### **PURPOSE**

To provide Council with details of the Confidential Tenders received for Tender RFT 01 2015-16 Lily Creek Lagoon – Boat Launching Facility, Kununurra, to document the results of the tender assessment and provide recommendations regarding the award of the Tender.

#### **ATTACHMENTS**

The report and all associated attachments are provided under confidential separate cover.

#### **VOTING REQUIREMENT**

Simple Majority

#### **MOTION**

Cr K Wright moves to defer the item and re-present back to Council when the results of the RFQ for the other part of the work is to hand so that Council may consider the two items side by side.

**COUNCIL DECISION**

**Minute No. 11131**

**Moved: Cr D Spackman  
Seconded: Cr K Wright**

**That Council suspends Standing Order 7.5 Limitation of Number of Speeches.**

**Carried 7/1**

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

Standing Order 7.5 Limitation of Number of Speeches is suspended at 6.26pm

**COUNCIL DECISION**

**Minute No. 11132**

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

**That Council resumes Standing Order 7.5 Limitation of Number of Speeches.**

**Carried 7/1**

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

Standing Order 7.5 Limitation of Number of Speeches is resumed at 6.42pm

Cr S Cooke moves that the motion (Cr K Wright's motion to defer the item) be put.

**COUNCIL DECISION**

**Minute No. 11133**

**Moved: Cr K Wright  
Seconded: Cr D Spackman**

**That the item (17.1 Tender RFT01 15-16 Lily Creek Lagoon – Boat Launching Facility, Kununurra) be deferred and re-presented back to Council when the results of the RFQ for the other part of the work is to hand so that Council may consider the two items side by side.**

**Lost 2/6**

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

## **MOTION**

Cr B Robinson moves the Officer's Recommendation.

### **COUNCIL DECISION**

**Minute No. 11134**

**Moved: Cr B Robinson**

**Seconded: Cr R Dessert**

**That Council accept the tender submitted by Engineered Water Systems, 26 Dellamarta Road, Wangara WA 6065, for Tender RFT01 2015-16 Lily Creek Lagoon – Boat Launching Facility, Kununurra, for the Lump Sum Price of \$694,271.80 ex GST in accordance with the tender documentation.**

**Carried 6/2**

**For: Cr B Robinson, Cr G Taylor, Cr S Cooke, Cr R Dessert, Cr J Moulden,  
Cr D Learbuch**

**Against: Cr K Wright, Cr D Spackman**

## 17.2 DISPOSAL OF SHIRE PROPERTY - LOT 1664 (6) EUGENIA ST, KUNUNURRA

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lot 1664 (6) Eugenia St, Kununurra
<b>AUTHOR:</b>	Jill Magee, Community Development Support Officer
<b>REPORTING OFFICER:</b>	Wayne Richards, A/Director Community Development
<b>FILE NO:</b>	A2171P
<b>ASSESSMENT NO:</b>	A2171
<b>DECLARATION OF INTERESTS:</b>	Nil

The item was discussed Behind Closed Doors under Section 5.23 of the *Local Government Act 1995* as this is a matter that affects:

- e) a matter that if disclosed, would reveal –
- (i) A trade secret; or
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person,  
Where the trade secret or information is held by, or is about, a person other than the local government

### **PURPOSE**

For Council to consider the disposal of property at Lot 1664 (6) Eugenia St, Kununurra.

### **ATTACHMENTS**

The report and all associated attachments are provided under confidential separate cover.

### **VOTING REQUIREMENT**

Simple Majority

## **COUNCIL DECISION**

**Minute No. 11135**

**Moved: Cr S Cooke**

**Seconded: Cr B Robinson**

**That Council:**

- 1. Acknowledges and thanks Denbey Moulder and Bethany Moulder for their offer on Lot 1664 (6) Eugenia St, Kununurra;**
- 2. Seeks public submissions on the proposed disposition of property for a minimum of two (2) weeks in accordance with section 3.58 of the Local Government Act 1995;**
- 3. Subject to no submissions being received within the specified advertising period:
  - a. Agrees to dispose of Lot 1664 (6) Eugenia St, Kununurra, by way of sale to Denbey Moulder and Bethany Moulder in accordance with section 3.58(3) of the Local Government Act 1995 (private treaty) for the price of \$350,000.00 in accordance with the Contract for Sale of Land or Strata by Offer and Acceptance documentation; and**
  - b. Authorises the Chief Executive Officer and the Shire President to duly execute the sale documentation with the common seal of the Shire of Wyndham East Kimberley.****
- 4. That proceeds from the sale of Lot 1664 (6) Eugenia St, Kununurra be placed in the Asset Management Reserve for staff housing purposes.**

**Carried Unanimously 8/0**

### 17.3 TOURISM HOUSE – SUB-SUB LEASE SUITE 124

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Tourism House
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Carl Askew, CEO
<b>FILE NO:</b>	CP.07.8
<b>DECLARATION OF INTERESTS:</b>	Nil

The item was discussed Behind Closed Doors under Section 5.23 of the *Local Government Act 1995* as this is a matter that affects:

- e) a matter that if disclosed, would reveal –
- (i) A trade secret; or
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person,  
Where the trade secret or information is held by, or is about, a person other than the local government

#### **PURPOSE**

For Council to endorse the Shire President and CEO to sign the Sub-Sub Lease Suite 124, Tourism House, Kununurra.

#### **ATTACHMENTS**

The report and all associated attachments are provided under confidential separate cover.

#### **VOTING REQUIREMENT**

Simple Majority

Cr K Wright discloses that he is the Council's representative on the board of the Kimberley Visitors Centre.

#### **COUNCIL DECISION**

Minute No. 11136

Moved: Cr S Cooke

Seconded: Cr B Robinson

**That Council endorses the Shire President and CEO to sign the Sub-Sub Lease Suite 1, 2 and 4, Tourism House, Kununurra.**

**Carried Unanimously 8/0**

## 17.4 TOURISM HOUSE – ASSIGNMENT OF LEASE, SUITE 5

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Tourism House
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Carl Askew, CEO
<b>FILE NO:</b>	CP.07.8
<b>DECLARATION OF INTERESTS:</b>	Nil

The item was discussed Behind Closed Doors under Section 5.23 of the *Local Government Act 1995* as this is a matter that affects:

- e) a matter that if disclosed, would reveal –
- (i) A trade secret; or
  - (ii) Information that has a commercial value to a person; or
  - (iii) Information about the business, professional, commercial or financial affairs of a person,  
Where the trade secret or information is held by, or is about, a person other than the local government

### **PURPOSE**

For Council to approve a change of lease assignment for Suite 5, East Kimberley Tourism House.

### **ATTACHMENTS**

The report and all associated attachments are provided under confidential separate cover.

### **VOTING REQUIREMENT**

Simple Majority

Cr K Wright discloses that he is the Council's representative on the board of the Kimberley Visitors Centre.

### **COUNCIL DECISION**

Minute No. 11137

Moved: Cr G Taylor

Seconded: Cr D Learbuch

**That Council approves the assignment of the lease for Suite 5 East Kimberley Tourism House from Jiang Food Industry Pty Ltd to Mrs Ting Huang.**

**Carried Unanimously 8/0**

All SWEK employees, except for the Minute Taker leave the Chambers at 6.53pm.

## 17.5 CHIEF EXECUTIVE OFFICER REVIEW

<b>DATE:</b>	22/09/2015
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Rebecca Richards, Coordinator Organisational Development
<b>REPORTING OFFICER:</b>	Cr John Moulden, Shire President
<b>FILE NO:</b>	N/A
<b>DECLARATION OF INTERESTS:</b>	The CEO declares an interest in this matter as it directly relates to his contract of employment.

The item was discussed Behind Closed Doors under Section 5.23 of the *Local Government Act 1995* as this is a matter that affects:

- a) a matter affecting an employee or employees

### **PURPOSE**

For Council to note and endorse the contents of the confidential report in relation to the CEO's Review.

### **ATTACHMENTS**

The report and all associated attachments are provided under confidential separate cover (for Councillors only).

### **VOTING REQUIREMENT**

Simple Majority

### **MOTION**

Cr K Wright moves an amendment to point 2 of the Officer's Recommendation. With the amended recommendation to be:

That the CEO Performance Review Committee recommends that Council:

1. Inform the Chief Executive Officer (CEO) by letter signed by the Shire President that, having completed his six (6) month initial qualifying period, Council is satisfied with the CEO's performance to date and that he has successfully completed the probationary period.
2. Establish with the CEO and Council mutually acceptable Key Performance indicators no later than February 2016.

**COUNCIL DECISION**

Minute No. 11138

Moved: Cr K Wright

Seconded: Cr D Spackman

That the Officer's Recommendation is amended to:

That the CEO Performance Review Committee recommends that Council:

1. Inform the Chief Executive Officer (CEO) by letter signed by the Shire President that, having completed his six (6) month initial qualifying period, Council is satisfied with the CEO's performance to date and that he has successfully completed the probationary period.
2. Establish with the CEO and Council mutually acceptable Key Performance indicators no later than February 2016.

Carried Unanimously 8/0

**COUNCIL DECISION**

Minute No. 11139

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That the CEO Performance Review Committee recommends that Council:

1. Inform the Chief Executive Officer (CEO) by letter signed by the Shire President that, having completed his six (6) month initial qualifying period, Council is satisfied with the CEO's performance to date and that he has successfully completed the probationary period.
2. Establish with the CEO and Council mutually acceptable Key Performance indicators no later than February 2016.

Carried Unanimously 8/0

All SWEK employees enter the Chambers at 6.58pm.

**COUNCIL DECISION**

Minute No. 11140

Moved: Cr S Cooke

Seconded: Cr K Wright

That Council move out from behind closed doors.

Carried Unanimously 8/0

Council moves out from behind closed doors at 7.00pm.

In accordance with the Local Government Act 1995 the Shire President reads aloud the resolutions of Council for item 17.1, 17.2, 17.3, 17.4 and 17.5.

**18. CLOSURE**

The Shire President declares the meeting closed at 7:04pm.