

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

26 April 2016

C O N T E N T S

| | |
|--|-----|
| 01. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS..... | 4 |
| 02. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)..... | 4 |
| 03. DECLARATION OF INTEREST | 5 |
| 04. REPOSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 6 |
| 05. PUBLIC QUESTION TIME | 7 |
| 06. APPLICATIONS FOR LEAVE OF ABSENCE | 7 |
| 07. PETITIONS | 7 |
| 08. CONFIRMATION OF MINUTES..... | 8 |
| 09. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION | 8 |
| 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED | 8 |
| 11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS..... | 8 |
| 12. MINUTES OF COUNCIL COMMITTEE MEETINGS | 8 |
| 13. REPORTS..... | 9 |
| 13.01. MATTERS ARISING FROM COMMITTEES OF COUNCIL..... | 9 |
| 13.02. CHIEF EXECUTIVE OFFICER | 9 |
| 13.02.1. Intent to Review Local Laws | 9 |
| 13.02.2. Meeting Procedures Local Law 2016 | 20 |
| 13.02.3. Standing Item - Outstanding Actions from Council Resolutions | 54 |
| 13.03. COMMUNITY DEVELOPMENT..... | 64 |
| 13.03.1. Draft Alcohol Management Policy | 64 |
| 13.03.2. Council Policy Review - Trading in Public Places - Mobile Food Vehicle | 79 |
| 13.04. CORPORATE SERVICES..... | 90 |
| 13.04.1. Rates Exemptions and Concessions for 2016/17 and 2017/18 | 90 |
| 13.04.2. Monthly Statement of Financial Activity for the Period Ended 31 March 2016 | 120 |
| 13.04.3. List of Accounts Paid from Municipal Fund and Trust Fund | 130 |
| 13.05. INFRASTRUCTURE..... | 145 |
| 13.05.1. Road Development Policy | 145 |
| 13.05.2. Sale of Coldmix Asphalt to Water Corporation | 154 |
| 14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 157 |
| 14.01.1. Review of Delegations | 157 |
| 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN | 160 |
| 16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION | 160 |
| 17. MATTERS BEHIND CLOSED DOORS..... | 160 |
| 17.1. TENDER 06 15/16 COMMERCIAL CLEANING SERVICES FOR THE SHIRE OF WYNDHAM EAST KIMBERLEY | 160 |
| 17.2. TENDER ASSESSMENT - T05 1516 VARIOUS GRADING WORKS | 162 |
| 18. CLOSURE | 163 |

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
HELD ON 26 APRIL 2016 AT 5:00PM**

01. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

ATTENDANCE

| | |
|----------------|------------------------------------|
| Cr J Parker | Shire President |
| Cr B Robinson | Councillor |
| Cr D Spackman | Councillor |
| Cr S Rushby | Councillor |
| Cr A Petherick | Councillor |
| Cr E Bolto | Councillor |
| Cr N Perry | Councillor |
| Cr S Cooke | Councillor |
| | |
| C Askew | Chief Executive Officer |
| N Octoman | Director Corporate Services |
| D Klye | Director Infrastructure |
| L Gee | Director Community Development |
| M Le Riche | Executive Assistant (Minute Taker) |

GALLERY

| | |
|------------------|---------------------------|
| Lisa Hannagan | SWEK |
| Cally Dupe | Kimberley Echo |
| Joanna Atkins | North Kimberley Transport |
| Nick Atkins | North Kimberley Transport |
| Brian Garrett | SWEK |
| Felicity Heading | SWEK |
| Robert Storey | Rate Payer |
| Mark Northover | Rate Payer |
| Jenny Spragg | Rate Payer |
| Jesse Johnson | SWEK |
| Mark Davidson | SWEK |

APOLOGIES

| | |
|-------------|------------------------|
| Cr K Wright | Deputy Shire President |
|-------------|------------------------|

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

03. DECLARATION OF INTEREST

- Financial Interest

| Councillor/Officer | Item | Title | Description of Interest |
|--------------------|------|--------------------------------|---|
| Cr S Cooke | 17.2 | T05 1516 Various Grading Works | My husband owns machinery which has the potential to be hired to the successful tenderer |
| Cr A Petherick | 17.2 | T05 1516 Various Grading Works | Plant Hire Services Pty Ltd is part owned by my daughter Jodie Young |
| Cr S Rushby | 17.2 | T05 1516 Various Grading Works | I was formerly employed and have a close indirect financial connection to the proprietor of a business that may subcontract to this tender and is the subject of the legal matter |
| Cr D Spackman | 17.2 | T05 1516 Various Grading Works | May have a interest. Could not get clarification before meeting |

- Impartiality Interest

| Councillor/Officer | Item | Title | Description of Interest |
|--------------------|---------|--|--|
| Cr E Bolto | 13.04.1 | Rates Exemptions and Concessions for 2016/17 and 2017/18 | Member of Kununurra Agricultural Society |
| N Octoman | 13.04.1 | Rates Exemptions and Concessions for 2016/17 and 2017/18 | I am a member of the Ord River Sports Club |
| C Askew | 14.01.1 | Review of Delegations | As CEO I am required to action delegations |
| D Klye | 17.2 | T05 1516 Various Grading Works | The Director has a personal relationship with one of the respondents |

- Proximity Interest

NIL

04. REPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions from Allan Wedderburn, Kununurra- taken on notice at the 29 March 2016 Ordinary Council Meeting

Question – Can Council please confirm what the existing lease requirements are for caravan parks adjoining Lilly Creek and the Ord River, in relation to public access to the foreshore?

The Shire of Wyndham East Kimberley holds the management order for Reserve 51673, which is reserved for the purpose of ‘Caravan Park and Camping Ground, Boat Launching, Mooring and ancillary uses’ and is leased to Ingle Pty Ltd to be used for this purpose in association with the adjoining Lakeside Resort. The current lease commenced as of 1 July 2015, and was executed in October 2015.

There is an approximately 10m wide strip of land located between Lily Creek Lagoon and Reserve 51673, being portion of Reserve 41812 for the purpose of ‘Foreshore and Recreation’, which is licensed to grant the following:

A non-exclusive right to use the Foreshore Area for mooring and boat launching only; and

- 1. A right to erect a fence and gate the side boundary of the Premises (Reserve 51673) and Foreshore Area subject to gates being open to allow public access 10 metres landward from the high water mark between the hours of 5.00am and 7.00pm.*

The Foreshore Licence also stipulates that:

- The Lessee must at all reasonable times allow general public access to the Premises and Foreshore Area and accordingly may not permit any caravan sites or install any fence, gate or barricade within or about the Premises or Foreshore Area.*
- The Lessee must ensure that signage (approved by the Lessor and the Department of Lands) regarding public access is placed on the gate to the side boundary of the Premises and Foreshore Area.*
- The licence continues for so long as the Lessee remains the Lessee under the Lease.*
- The legal possession and control of the Foreshore Area remains vested in the Lessor.*

The Department of Water hold the management order for the foreshore area (Reserve 50425) which adjoins the Kimberleyland Holiday Park, and therefore the Shire does not have any involvement with the existing lease arrangements for this holiday park.

However, Council at its OCM held on 21 October 2014 (Minute No. 10622) resolved to advise the Department of Water that the Shire is willing to take on management of portion of Reserve 50425, being part Lot 3004 on Deposited Plan 46759, which adjoins Kimberleyland Holiday Park.

It is intended that, once the Shire has management of this portion of the foreshore land, a new lease will be entered into between the Shire and the owner of Kimberleyland Holiday Park which will be subject to the same provisions, including those regarding public access, as the lease to Ingle Pty Ltd.

Question – Can Council please confirm what actions are being taken to ensure the above caravan parks are complying with the requirements of their leases regarding public access?

Ingle Pty Ltd have been advised by the Shire of the need to comply with their lease conditions in relation to the requirement that gates are to be open between the hours of 5am and 7pm, as a minimum, and the provision of signage.

Questions from Mark Northover, Kununurra - taken on notice at the 23 February 2016 Ordinary Council Meeting

Question 1. (a) Can you please tell me why the DIO has misled myself and the public with his answer regarding RFQ15, he was made aware of this issue in May 2015 with similar queries that he partially responded and yet now has obfuscated with this misleading response?

The assertion that the Director Infrastructure has misled you or the public is incorrect. The question answered from the Ordinary Council Meeting on 23 February 2016, was directed at either the Director Corporate Services or the Director Infrastructure and was answered based on the information provided in the question at the time which did not identify the year of the RFQ that was queried. The advice provided in the Director Infrastructure’s letter of 28 April 2015 is accurate.

Question 2. (a) Which body do I address to investigate that almost \$18k was spend on RFQ15, which was advertised and never came to fruition. The funds should likely have been associated with RFQ16 making it well over budget and in excess of the \$100k tendering benchmark (of the day).

The assertion that RFQ 15/2014 “never came to fruition” is incorrect. RFQ 15/2014 was completed at a cost of \$17,193.12 as advised by the Director Infrastructure in his letter to you of 28 April 2015. This matter has been investigated by the Shire CEO who concluded that the contract was completed satisfactorily in accordance with the advice that has been provided.

The Shire will not comment on RFQ 16/2014 as it is the subject of legal action.

It is not the Shire’s responsibility to provide advice to individuals contemplating the submission of complaints to external bodies.

Question 2 (b) Would this be the CCC, The Public Sector Commission or the Ombudsman?

It is not the Shire’s responsibility to provide advice to individuals contemplating the submission of complaints to external bodies.

05. PUBLIC QUESTION TIME

NIL

06. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

07. PETITIONS

NIL

08. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 29 March 2016

COUNCIL DECISION

Minute No: 11323

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council confirms the Minutes of the Ordinary Council Meeting held on 29 March 2016

Carried 8/0

Note: The Minutes of the Ordinary Council Meeting held on 29 March 2016 are provided under separate cover via www.swek.wa.gov.au

09. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President acknowledged the receipt of a gift being a print and coasters received from the East West Forum, held in Shenzhen, China, as a thank you to the Shire of Wyndham East Kimberley's presentation at the Forum.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 17.1

Item 17.2

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

NIL

13. REPORTS

13.01. MATTERS ARISING FROM COMMITTEES OF COUNCIL

NIL

13.02. CHIEF EXECUTIVE OFFICER

13.02.1. Intent to Review Local Laws

| | |
|---------------------------------|---|
| DATE: | 26 April 2016 |
| AUTHOR: | Lisa Hannagan, Senior Governance & Risk Officer |
| RESPONSIBLE OFFICER: | Carl Askew, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council undertake a review of all of its Local Laws in accordance with the *Local Government Act 1995 s.3.16* and give statewide and local public notice of its intent to undertake a review.

COUNCIL DECISION

Minute No: 11324

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council undertake a review of all of its Local Laws in accordance with the *Local Government Act 1995 s.3.16* and give statewide and local public notice of its intent to undertake a review.

Carried 8/0

PURPOSE

Section 3.16 of the Local Government Act requires periodic review of Local Laws. A local government is to carry out a review of a Local Law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within 8 years from the day each Local Law commenced, or from when a report or a review of the Local Law was accepted under s3.16.

The Shire of Wyndham East Kimberley last resolved to undertake a review of its Local Laws at Ordinary Council Meeting held 1 April 2003.

The Shire of Wyndham East Kimberley has the following gazetted Local Laws:

- Activities in Thoroughfares and Public Places and Trading Local Law 2005
- Local Government Property Local Law 2003
- Parking & Parking Facilities Local Law 2003
- Standing Orders Local Law 2003
- Cemeteries Local Law 2003
- Bush Fire Brigade Local Law 2003
- Extractive Industries Local Law 2003
- Local Laws Relating to Fencing 2003
- Dogs Local Law 2003
- Health Local Laws 2003

A copy of the Shire's current Local Laws can be found on the Shire of Wyndham East Kimberley's website at www.swek.wa.gov.au or can be obtained through the Shire Administration.

A full list of the Shire's Local Laws and a copy of the relevant gazette (including those that have been repealed) can be found on the Department of Local Government and Communities' (DLGC's) website at:

<https://www.dlg.wa.gov.au/Content/Legislation/LocalLaws/Register.asp>.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The intention is to review each Local Law during 2016/2017 commencing with the Standing Orders Local Law and then working through the entire suite of Local Laws. Each Local Law will be workshopped with Council. After Council are satisfied with their new (proposed) Local Law, an agenda item for that Local Law giving notice of the purpose and affect will be considered and, if accepted by an absolute majority, local and statewide public notices will be posted. A period of 42 days is required for public submissions and a further agenda item will be prepared for Council to consider any submissions. At this time Council will determine whether to repeal or amend the Local Law.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.16 Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government s to give statewide public notice stating that:
 - (a) the local government proposes to review the local law; and
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is being given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers the local law should be repealed or amended.

* Absolute majority required.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Undertaking this review will incur significant staff time as well as statutory advertising costs.

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 services

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage to reputation.

COMMUNITY ENGAGEMENT

The review process enables members of the public to have their say on the current local laws and their relevance within the community. It may also identify any new matters that could be dealt with through the development of or amendment to a local law.

A six week public consultation period is required and apart from statewide advertising, the Shire will utilise noticeboards, website and Facebook page to encourage public participation over the review period.

The “Community Engagement Guidelines” have been completed and form an attachment to this item.

COMMENTS

A page has been set up on the Shire’s website to explain the Local Laws Review processes, provide a downloadable form for provision of comment, details of how to make submissions. A copy of the information that will be set out in this area is attached.

ATTACHMENTS

Attachment 1 - Local Laws - Have your say

Attachment 2 - Community Engagement Guidelines

Local Laws Review - Have Your Say

The Shire of Wyndham East Kimberley invites your feedback on the review of Local Laws.

Local Laws Review Project 2016

Under the Local Government Act 1995, a Local Government must review Local Laws at least once every 8 years.

The Shire of Wyndham East Kimberley have a number of Local Laws that require review and the Local Laws that require review are as follows:

- Activities in Thoroughfares
- Property Local Law
- Parking and Parking Facilities Local Law
- Standing Orders 2003
- Cemeteries Local Law
- Bush Fire Brigade Local Law
- Extractive Industries Local Law
- Fencing Local Law
- Dogs Local Law 2003
- Health Local Laws 2003

Council must ensure that its Local Laws are well targeted, clear to the community and operate as an effective tool for Council Officers. The Local Government Act 1995 sets out a very prescriptive process to be undertaken when reviewing Local Laws, which includes provision of opportunities for the public to make comment on any draft Local Law developed during the process.

Council is committed to discussing experiences and expectations associated with the current Local Laws with the community throughout its reviews process, as set out in the Local Government Act. As such, opportunities for public consultation are detailed on the Councils website.

In addition to this consultation with the community and other affected agencies, Council will also be conducting its Local Laws review by considering legal compliance matters, benchmarking with other Councils and has the intention to develop Local Laws in accordance with best practice guidelines.

Why have Local Laws?

The Local Government Act 1995 enables Western Australian local governments to make local laws which are considered necessary for the good government of their districts.

It is a requirement that local laws be reviewed every eight years. This ensures they remain current and suitable for their intended purpose.

Local Laws are intended to benefit the community by:

- (a) Supporting a healthy and safe community;
- (b) Protect public assets from damage or accelerated deterioration;
- (c) Protect the environment; and
- (d) Support a quality of life that meets the general expectations of the community.

To do this, Local Laws are used to control activities and uses on land which may:

- (a) Be detrimental to the amenity of the area or the environment; or
- (b) Cause a nuisance to others in the vicinity; or
- (c) Cause damage to Council and community assets; or
- (d) Create an obstruction or danger or expose others to risk; or
- (e) Interfere with the safety and convenience of people travelling on or using Council land or roads; or
- (f) Impede free and safe access for people; or
- (g) Affect a persons's enjoyment of public and other places.

Local Laws Review – have your say via:

Online Comments:

Visit: www.swek.wa.gov.au for information about the project, including consultation opportunities.

Additionally, comments may be emailed to Lisa Hannagan, Senior Risk & Governance Officer at mail@swek.wa.gov.au

Written Comments:

Written comments can be addressed to:

Local Law Review
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Frequently Asked Questions

Why is the council updating its Local Laws?

All Local Laws must be reviewed every eight years. For a number of reasons, the Shire has not been able to undertake a Local Laws Review until this time.

Who will be consulted as part of the Local Laws review?

Consultation is open to the public and all community members are encouraged to participate.

How do I provide feedback?

There are a number of ways you can provide feedback: -

1. Hand a completed feedback form into the Council's Customer Service Centres in Kununurra or Wyndham.
2. Visit www.swek.wa.gov.au
3. Email mail@swek.wa.gov.au

Will I know if my feedback has been received?

Yes, all written submissions and comments received will be acknowledged.

What happens to my ideas and feedback?

All feedback received will be reported to the Council for consideration. Sometimes differing views are received and the Council needs to consider both sides. It is important that anyone with a view on the Local Laws be heard to assist Council in making a decision that reflects the needs of the community and the enforcement responsibilities of Council.

Feedback Form

Please submit your comments by _____

Name

Address

Email:

Comments:

Comments may be emailed to Lisa Hannagan at mail@swek.wa.gov.au

Written Comments can be directed to:

Local Law Review
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Appendix 1.

Project Expectations Worksheet

Directions: Complete the table and follow instructions as a guide to determine the level of community engagement required for your project.

| Assessment Questions | Very Low | Low | Moderate | High | Very High |
|---|----------|-----|----------|------|-----------|
| What level of public participation is legally required for the project? | ✓ | | | | |
| To what extent do you believe the public could help improve the outcome of this project? | ✓ | | | | |
| At what level do you perceive public interest in this project? | ✓ | | | | |
| What is the potential for the public to influence the decision-making process? | | ✓ | | | |
| What level of media interest do you anticipate? | | ✓ | | | |
| What is the likelihood that the decision-makers will give full consideration to public input? | | | | ✓ | |
| What level of resources is likely to be available to support public participation? | | | ✓ | | |
| What is the anticipated level of political controversy? | ✓ | | | | |
| Total per column: | 4 | 2 | 1 | 1 | |
| Multiply each column by the following | x1 | x2 | x3 | x4 | x5 |
| Result per column | 4 | 4 | 3 | 4 | |
| Combined score of all column = | 15 | | | | |
| Divide combined score by 8 | 15 / 8 | | | | |
| End Result = | 1 7/8 | | | | |

Scale:

- 1 – 2 = Very low – Low. Spectrum recommendation at least "Inform"
- 2 – 3 = Low – Moderate. Spectrum recommendation at least "Consult"
- 3 – 4 = Moderate – High. Spectrum recommendation is "Involve"
- 4 – 5 = High – Very High. Spectrum recommendation is a minimum of "Involve"; consider opportunities for "Collaborate" or "Empower"

Appendix 2.

Engagement Matrix

There are 5 levels of Community Engagement, as per the IAP2 Public Participation Spectrum – Inform, Consult, Involve, Collaborate, and Empower. The following matrix assists in determining what engagement strategies are required for each level of community engagement.

| KEY | |
|----------|---|
| M | Mandatory. These activities <u>must be</u> undertaken |
| R | Recommended. Consider using these activities |
| O | Optional. These activities may be appropriate depending on the project, time & budget allocation |

| Engagement Strategies | Inform | Consult | Involve | Collaborate | Empower |
|--|--------|---------|---------|-------------|---------|
| SWEK Website – Latest News Page | M ✓ | M | M | M | M |
| SWEK Facebook Page | M ✓ | M | M | M | M |
| Internal Email | R ✓ | M | M | M | M |
| Executive Management Team | M ✓ | M | M | M | M |
| Councillor Communique | M ✓ | M | M | M | M |
| Council Briefings / Meetings | R ✓ | M | M | M | M |
| Public Notice | O ✓ | R | M | M | M |
| Community Contact Email | O ✓ | R | M | M | M |
| Media Press Release | O ✓ | R | M | M | M |
| SWEK News (The Kimberley Echo) | O ✓ | R | M | M | M |
| Kimberley Echo Line / Display Advertisement | O ✓ | O | R | M | M |
| West Australian Line / Display Advertisement | O ✓ | O | R | R | R |
| Direct Mail, Mail Drops | O x | O | M | M | M |
| Fact Sheets, Q&As | O ✓ | R | R | R | R |
| Information Booths at Fairs or Events | O x | R | M | M | M |
| Surveys / Comment Forms | O ✓ | M | M | R | R |
| Interviews | O x | R | M | M | M |
| Public Meetings | O x | R | M | M | M |
| Workshops | O x | R | M | M | R |
| Advisory Groups / Committees | O x | R | R | M | M |
| Citizen Juries | O x | O | O | R | R |
| Focus Groups | O x | R | M | M | M |
| World Cafes | O x | O | R | R | R |

The level of engagement and engagement strategies for your project will need to be recorded in the Community Engagement Plan. If you require further information on any of the above listed engagement strategies, or would like information on alternative strategies, please see the Shire's Community Development Officer.

Appendix 3.

Community Engagement Plan Template

Project Name: LOCAL LAWS REVIEW 2016
 Date: APRIL 2016
 Project Manager: LISA NANNAGAN

| | |
|--|--------------------------|
| Why is this Project Required? | STATUTORY REVIEW |
| Who are the Decision Makers for the Project? | COUNCIL |
| What needs to be decided / changed? | REVIEW/UPDATE LOCAL LAWS |

Engagement Parameters

| | |
|----------------------------|----------------------|
| Geographic Boundaries | WHOLE OF SHIRE |
| Legislative | LOCAL GOVT ACT 1995 |
| Timeline for Project | 16/17 FINANCIAL YEAR |
| Budgetary | ADVERTISING COSTS |
| Non-Negotiables of Project | COMPLETION OF REVIEW |
| Negotiables of Project | NIL. |

Level of Community Engagement: "INFORM"

13.02.2. Meeting Procedures Local Law 2016

| | |
|---------------------------------|---|
| DATE: | 26 April 2016 |
| AUTHOR: | Lisa Hannagan, Senior Governance & Risk Officer |
| RESPONSIBLE OFFICER: | Carl Askew, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | NIL |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to Section 3.12 of the Local Government Act 1995, give statewide public notice that it intends to make the Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016 as contained in the attachment to this item, the purpose of which is to provide procedures which apply to the conduct of meetings of Council, its committees and to meetings of electors. The effect of the Local Law is to control the operation of Council, committee and electors meetings.

COUNCIL DECISION

Minute No: 11325

Moved: Cr S Cooke
Seconded: Cr B Robinson

In accordance with Standing Orders 10.2 (1) "that the question be adjourned" until the end of the ordinary items

Carried 8/0

Cr D Spackman proposed an amendment to the draft Local Law:

Amend the Draft Local Law section 17.1 (3) (b), where draft says absolute majority, change to simple majority.

COUNCIL DECISION

Minute No: 11326

Moved: Cr D Spackman

Seconded: Cr S Cooke

That Council, pursuant to Section 3.12 of the Local Government Act 1995, give statewide public notice that it intends to make the Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016 as contained in the attachment to this item, with the amendment to section 17.1 (3) (b) replacing the words “Absolute Majority” to “Simple Majority”, the purpose of which is to provide procedures which apply to the conduct of meetings of Council, its committees and to meetings of electors. The effect of the Local Law is to control the operation of Council, committee and electors meetings.

Carried 7/1

**For: Cr J Parker, Cr S Rushby, Cr S Cooke, Cr N Perry, Cr D Spackman
Cr E Bolto, Cr A Petherick
Against: Cr B Robinson**

REASON FOR VARYING OFFICER’S RECOMMENDATION

Minor amendment to policy to reflect current Council practice.

PURPOSE

Section 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016, formerly referred to as Standing Orders Local Law 2003, are a key component in how the Council conducts its business. The Meeting Procedures Local Law 2016 are subsidiary legislation to the Act and are considered enforceable procedures.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Standing Orders Local Law 2013 was adopted by Council on 21 October 2003 and gazetted on 3 December 2003 with the primary objective of providing rules and guidelines which apply to the conduct of meetings of Council and committee meetings convened under the provisions of the LGA.

In its current format this local law contains inconsistencies with the LGA and other legislation and therefore requires change.

STATUTORY IMPLICATIONS

Section 3.12 of the *Local Government Act 1995* specifies the procedures to be followed when making a Local Law. Section 3.12 states:

3.12 Procedure for making Local Law

- (1) In making a Local Law a local government is to follow the procedure described in this section, in sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.
- (3) The local government is to:
 - (a) give Statewide public notice stating that -
 - (i) the local government proposes to make a Local law, the purpose
and effect of which is summarised in the notice;
 - (ii) a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice to the Minister and, if another Minister administers the Act under which a Local Law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed Local Law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

POLICY IMPLICATIONS

There are no identified policy implications in relation to this matter.

FINANCIAL IMPLICATIONS

Undertaking this review will incur Elected Member and staff time as well as statutory advertising costs.

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 services

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and the requirements of the *Local Government Act 1995* and will include:

- Local and Statewide notice of the proposed Local Law;
- A submission period of 42 days allowed, not including the first day of advertising or the closing day of advertising; and
- Consideration of any submissions made during the period.
- The Shire has developed a page on its website with information about Local Laws, access to the proposed local law and additional information on how to make a submission.

COMMENTS

Council have reviewed proposed changes to the Local Law during a Workshop held Wednesday 16 March 2016. From this Workshop and small number of queries were generated and feedback was sought from the Compliance Section of the Department of Local Government.

No issues were foreseen with Council's proposed changes and these have been incorporated into the attached document which is therefore the proposed Meeting Procedures Local Law 2016.

ATTACHMENTS

Attachment 1 - Proposed Meeting Procedures Local Law 2016

Attachment 2 - Proposed Notice

FORMS AND PROFORMAS

PROPOSED LOCAL LAW

(2) MEETING PROCEDURES LOCAL LAW 2016.....

The (1) SHIRE OF WYNDHAM EAST KIMBERLEY.....

has resolved to make a local law relating to (2) MEETING PROCEDURES LOCAL LAW 2016.....

The purpose and effect of the law is (3) THE PURPOSE IS TO PROVIDE PROCEDURES WHICH APPLY TO THE CONDUCT OF MEETINGS OF COUNCIL, ITS COMMITTEES AND TO MEETINGS OF ELECTORS. THE EFFECT OF THIS LOCAL LAW IS TO CONTROL THE OPERATION OF COUNCIL, COMMITTEE AND ELECTORS MEETINGS.

.....
.....
A copy of the proposed law may be inspected at or obtained from (4) SHIRE OF WYNDHAM EAST KIMBERLEY ADMINISTRATION OFFICES, 20 COOLIBAH DRIVE, KUNUNURRA AND KOOLAMA STREET, WYNDHAM. ALSO, SWEK WEBSITE: www.swek.wa.gov.au

.....
between the hours of (5) 0900 AND 1600, MONDAY TO FRIDAY

Submissions about the proposed law may be made to (6) SHIRE OF WYNDHAM EAST KIMBERLEY, PO BOX 614, KUNUNURRA WA 6743 or by email to mail@swek.wa.gov.au

.....
by (7) TBA.....

.....
Chief Executive Officer

- (1) Name of Local Government.
- (2) Title of Local Law.
- (3) Summary of purpose and effect of proposed law.
Example: "The purpose and effect of the law will be to ensure that all meetings held under Standing Orders will be conducted efficiently, while enhancing the decision-making process of the Council."
- (4) Name and address of Council office and any other place the proposed law is available for public inspection and copies obtained.
- (5) Hours that the Council office and other places are open.
- (6) Name and street address of the Local Government
- (7) Last date for submissions - must not be less than six weeks after Statewide public notice is given.

FORMS AND PROFORMAS

- Note:**
- Statewide public notice is to be given once pursuant to Section 3.12(3) of the Local Government Act 1995.
 - Local public notice is to be given pursuant to Section 3.12(3a).
 - A copy of this **notice** is to be exhibited on a Public Notice Board at the Local Government's offices until the close of business on the day submissions close.
 - A copy of this notice is to be exhibited on a Notice Board at every Local Government Library in the district, until the close of business on the day submissions cease.

SHIRE OF WYNDHAM EAST KIMBERLEY

DISCUSSION PAPER

ON

Meeting Procedures Local Law 2016

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of this functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of the commencement of the local law, or the date of a report of a review of the local laws was accepted by the local government.

3. DRAFT MEETING PROCEDURES LOCAL LAW 2016

The purpose of the Meeting Procedures Local Law 2016 is to provide for the orderly conduct of meetings of council and committees.

The current Standing Orders Local Law 2003 does not reflect changes that have taken place in legislation since gazettal. The WALGA Local Government (Council Meetings) Local Law model is structured to provide greater guidance and detail around meeting procedures and reflects best practice.

The recommendation that will be proposed is to repeal the existing local law and replace with the new Meeting Procedures Local Law 2016 that is based on the WALGA model.

The proposed Meeting Procedures Local Law 2016 is attached to this discussion paper.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law by 4:00pm on **[date]** to:

Lisa Hannagan
Senior Governance & Risk Officer
Shire of Wyndham East Kimberley
20 Coolibah Street
KUNUNURRA WA 6743

Email: lisa.hannagan@swek.wa.gov.au or mail@swek.wa.gov.au

Carl Askew
Chief Executive Officer

Local Government Act 1995

Shire of Wyndham East Kimberley
Meeting Procedures Local Law 2016

ARRANGEMENT

Table of Contents

| | |
|---|-----------|
| Part 1 - Preliminary | 7 |
| 1.1 Citation..... | 7 |
| 1.2 Commencement..... | 7 |
| 1.3 Application and intent..... | 7 |
| 1.4 Interpretation..... | 7 |
| 1.5 Repeal..... | 8 |
| Part 2 – Establishment and membership of committees | 8 |
| 2.1 Establishment of committees | 8 |
| 2.2 Types of committees | 8 |
| 2.3 Delegation of some powers and duties to certain committees | 8 |
| 2.4 Limits on delegation of powers and duties to certain committees | 8 |
| 2.5 Appointment of committee members..... | 9 |
| 2.6 Tenure of committee membership..... | 9 |
| 2.7 Resignation of committee members..... | 9 |
| 2.8 Register of delegations to committees | 9 |
| 2.9 Committees to report..... | 9 |
| Part 3 - Calling and convening meetings | 9 |
| 3.1 Ordinary and special Council meetings | 9 |
| 3.2 Calling Council meetings..... | 9 |
| 3.3 Convening Council meetings | 9 |
| 3.4 Calling committee meetings..... | 9 |
| 3.5 Public notice of meetings..... | 9 |
| Part 4 – Presiding Member and quorum..... | 10 |
| <i>Division 1: Who presides</i> | <i>10</i> |
| 4.1 Who presides..... | 10 |
| 4.2 When the Deputy Mayor/Deputy President can act..... | 10 |
| 4.3 Who acts if no Mayor/President..... | 10 |
| 4.4 Election of Presiding Members of committees | 10 |
| 4.5 Election of Deputy Presiding Members of committees..... | 10 |
| 4.6 Functions of Deputy Presiding Members..... | 10 |
| 4.7 Who acts if no Presiding Member..... | 10 |
| <i>Division 2 – Quorum.....</i> | <i>10</i> |
| 4.8 Quorum for meetings | 10 |
| 4.9 Reduction of quorum for Council meetings..... | 10 |
| 4.10 Reduction of quorum for committee meetings..... | 10 |
| 4.11 Procedure where no quorum to begin a meeting..... | 10 |
| 4.12 Procedure where quorum not present during a meeting..... | 10 |
| 4.13 Names to be recorded..... | 10 |
| Part 5 - Business of a meeting | 11 |
| 5.1 Business to be specified | 11 |
| 5.2 Order of business..... | 11 |

| | | |
|----------------|---|-----------|
| 5.3 | Motions of which previous notice has been given | 11 |
| 5.4 | New business of an urgent nature | 12 |
| 5.5 | Adoption by exception resolution | 12 |
| Part 6 | - Public participation..... | 12 |
| 6.1 | Meetings generally open to the public | 12 |
| 6.2 | Meetings not open to the public | 12 |
| 6.3 | Question time for the public..... | 13 |
| 6.4 | Question time for the public at certain meetings..... | 13 |
| 6.5 | Minimum question time for the public..... | 13 |
| 6.6 | Procedures for question time for the public | 13 |
| 6.7 | Other procedures for question time for the public | 13 |
| 6.8 | Distinguished visitors..... | 14 |
| 6.9 | Deputations | 14 |
| 6.10 | Petitions..... | 14 |
| 6.11 | Presentations | 15 |
| 6.12 | Participation at committee meetings | 15 |
| 6.13 | Council may meet to hear public submissions..... | 15 |
| 6.14 | Public Inspection of agenda materials..... | 16 |
| 6.15 | Confidentiality of information withheld | 16 |
| 6.16 | Recording of proceedings | 16 |
| 6.17 | Prevention of disturbance..... | 16 |
| Part 7 | - Questions by Members | 16 |
| Part 8 | - Conduct of Members..... | 17 |
| 8.1 | Members to be in their proper places..... | 17 |
| 8.2 | Respect to the Presiding Member..... | 17 |
| 8.3 | Titles to be used | 17 |
| 8.4 | Advice of entry or departure | 17 |
| 8.5 | Members to indicate their intention to speak | 17 |
| 8.6 | Priority of speaking..... | 17 |
| 8.7 | Presiding Member may take part in debates | 17 |
| 8.8 | Relevance | 18 |
| 8.9 | Speaking twice | 18 |
| 8.10 | Duration of speeches | 18 |
| 8.11 | No speaking after conclusion of debate | 18 |
| 8.12 | No interruption..... | 18 |
| 8.13 | Personal explanations..... | 18 |
| 8.14 | No reopening of discussion..... | 18 |
| 8.15 | Adverse reflection | 18 |
| 8.16 | Withdrawal of offensive language | 19 |
| Part 9 | - Preserving order..... | 19 |
| 9.1 | Presiding Member to preserve order | 19 |
| 9.2 | Point of order..... | 19 |
| 9.3 | Procedures on a point of order | 19 |
| 9.4 | Calling attention to breach | 20 |
| 9.5 | Ruling by the Presiding Member | 20 |
| 9.6 | Continued breach of order..... | 20 |
| 9.7 | Right of Presiding Member to adjourn..... | 20 |
| Part 10 | - Debate of substantive motions..... | 20 |
| 10.1 | Motions to be stated and in writing..... | 20 |
| 10.2 | Motions to be supported..... | 20 |
| 10.3 | Unopposed business | 20 |
| 10.4 | Only one substantive motion at a time | 21 |
| 10.5 | Order of call in debate..... | 21 |
| 10.6 | Limit of debate | 21 |
| 10.7 | Member may require question to be read..... | 21 |
| 10.8 | Consent of seconder required for alteration | 21 |

| | | |
|----------------|---|-----------|
| 10.9 | Order of amendments | 21 |
| 10.10 | Form of an amendment | 21 |
| 10.11 | Amendment must not negate original motion | 21 |
| 10.12 | Relevance of amendments..... | 21 |
| 10.13 | Mover of motion may speak on amendment | 21 |
| 10.14 | Effect of an amendment | 21 |
| 10.15 | Withdrawal of motion or amendment | 22 |
| 10.16 | Right of reply | 22 |
| 10.17 | Foreshadowing alternative motions | 22 |
| Part 11 | - Procedural motions | 22 |
| 11.1 | Permissible procedural motions | 22 |
| 11.2 | No debate | 23 |
| 11.3 | Who may move | 23 |
| 11.4 | Procedural motions - right of reply on substantive motion | 23 |
| 11.5 | Meeting to proceed to the next business | 23 |
| 11.6 | Debate to be adjourned..... | 23 |
| 11.7 | Meeting now adjourn | 23 |
| 11.8 | Question to be put | 23 |
| 11.9 | Member to be no longer heard | 23 |
| 11.10 | Ruling of the Presiding Member to be disagreed with..... | 24 |
| Part 12 | - Disclosure of interests | 24 |
| 12.1 | Disclosure of interests | 24 |
| Part 13 | - Voting | 24 |
| 13.1 | Question - when put | 24 |
| 13.2 | Voting..... | 24 |
| 13.3 | Majorities required for decisions..... | 24 |
| 13.4 | Method of taking vote | 24 |
| Part 14 | - Minutes of meetings..... | 24 |
| 14.1 | Keeping of minutes | 24 |
| 14.2 | Content of minutes | 24 |
| 14.3 | Public inspection of unconfirmed minutes..... | 25 |
| 14.4 | Confirmation of minutes | 25 |
| Part 15 | - Adjournment of meeting..... | 25 |
| 15.1 | Meeting may be adjourned..... | 25 |
| 15.2 | Effect of adjournment | 25 |
| Part 16 | - Revoking or changing decisions | 25 |
| 16.1 | Requirements to revoke or change decisions | 25 |
| 16.2 | Limitations on powers to revoke or change decisions | 25 |
| 16.3 | Implementing a decision | 25 |
| Part 17 | - Suspension of Local Laws..... | 26 |
| 17.1 | Suspension of Local Laws | 26 |
| 17.2 | Where Local Laws do not apply | 26 |
| 17.3 | Cases not provided for in Local Laws..... | 26 |
| Part 18 | - Meetings of electors | 27 |
| 18.1 | Electors' general meetings..... | 27 |
| 18.2 | Matters for discussion at electors' general meetings | 27 |
| 18.3 | Electors' special meetings | 27 |
| 18.4 | Requests for electors' special meetings | 27 |
| 18.5 | Convening electors' meetings..... | 27 |
| 18.6 | Who presides at electors' meetings | 27 |
| 18.7 | Procedure for electors' meetings | 27 |
| 18.8 | Participation of non-electors | 27 |
| 18.9 | Voting at electors' meetings | 27 |
| 18.10 | Minutes of electors' meetings..... | 27 |

18.11 Decisions made at electors' meetings27

Part 19 - Enforcement.....27

19.1 Penalty for breach27

19.2 Who can prosecute27

LOCAL GOVERNMENT ACT 1995

Shire of Wyndham East Kimberley

Meeting Procedures Local Law 2016

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Wyndham East Kimberley resolved on [INSERT DATE] to make the following local law.

Part 1 - Preliminary

1.1 Citation

- (1) This local law may be cited as the Shire of Wyndham East Kimberley Meeting Procedures Local Law 2016

1.2 Commencement

By virtue of section 3.14 of the Act, these Local Laws come into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

- (1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.
- (3) These Local Laws are intended to result in:
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In these Local Laws unless the context otherwise requires:

absolute majority has the meaning given to it in the Act;

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Local Government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the Shire of Wyndham East Kimberley;

Local Government means the Shire of Wyndham East Kimberley;

Mayor/President means the Mayor/President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

Presiding Member means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and,

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

- (1) The following Local Laws are repealed:
Shire of Wyndham East Kimberley – Standing Orders Local Law 2003

1.6 Provisions of the Act, Regulations and other legislation

- (1) Throughout these Local Laws, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.
- (2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.
- (3) The reproduced provisions of the Act and Regulations and other legislation:
 - (a) are to be treated as footnotes and are not part of these Local Laws (see section 32(2) of the *Interpretation Act 1984*); and
 - (b) reproduce only the provisions that were in force at the time that the Council resolved to adopt these Local Laws and therefore may not necessarily be correct at a future date.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
 - (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Local Laws are to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

- 2.5 Appointment of committee members**
The appointment of committee members is dealt with in the Act.
- 2.6 Tenure of committee membership**
Tenure of committee membership is dealt with in the Act.
- 2.7 Resignation of committee members**
The resignation of committee members is dealt with in the Regulations.
- 2.8 Register of delegations to committees**
The register of delegations to committees is dealt with in the Act.
- 2.9 Committees to report**
A committee:
- (a) is answerable to the Council; and
 - (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

- 3.1 Ordinary and special Council meetings**
- (1) Ordinary and special Council meetings are dealt with in the Act.
 - (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
 - (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.
- 3.2 Calling Council meetings**
The calling of Council meetings is dealt with in the Act.
- 3.3 Convening Council meetings**
- (1) The convening of a Council meeting is dealt with in the Act.
 - (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.
 - (3) Where, in the opinion of the Mayor/President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.
- 3.4 Calling committee meetings**
The CEO is to call a meeting of any committee when requested by the Mayor/President, the Presiding Member of a committee or any two members of that committee.
- 3.5 Public notice of meetings**
Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding Member and quorum

Division 1: Who presides

- 4.1 Who presides**
Who presides at a Council meeting is dealt with in the Act.
- 4.2 When the Deputy Mayor/Deputy President can act**
When the Deputy Mayor/Deputy President can act is dealt with in the Act.
- 4.3 Who acts if no Mayor/President**
Who acts if there is no Mayor/President is dealt with in the Act.
- 4.4 Election of Presiding Members of committees**
The election of Presiding Members of committees and their deputies is dealt with in the Act.
- 4.5 Election of Deputy Presiding Members of committees**
The election of Deputy Presiding Members of committees is dealt with in the Act.
- 4.6 Functions of Deputy Presiding Members**
The functions of Deputy Presiding Members are dealt with in the Act.
- 4.7 Who acts if no Presiding Member**
Who acts if no Presiding Member is dealt with in the Act.

Division 2 – Quorum

- 4.8 Quorum for meetings**
The quorum for meetings is dealt with in the Act.
- 4.9 Reduction of quorum for Council meetings**
The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.
- 4.10 Reduction of quorum for committee meetings**
The reduction of a quorum for committee meetings is dealt with in the Act.
- 4.11 Procedure where no quorum to begin a meeting**
The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.
- 4.12 Procedure where quorum not present during a meeting**
If at any time during a meeting a quorum is not present, the Presiding Member is:
(a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
and
(b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.
- 4.13 Names to be recorded**
At any meeting:
(a) at which there is not a quorum present; or
(b) which is adjourned for want of a quorum,
the names of the Members then present are to be recorded in the minutes.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that:
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 9) at that ordinary meeting.

5.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
 1. Declaration of Opening/Announcement of Visitors
 2. Announcements from the Presiding Member
 3. Attendance
 - 3.1 Apologies
 - 3.2 Approved leave of absence
 4. Declaration of interest
 5. Public Question Time
 - 5.1 Response to previous public questions taken on notice
 - 5.2 Public question time
 6. Confirmation of minutes
 7. Presentations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
 8. Method of dealing with agenda business
 9. Reports
 10. Applications for leave of absence
 11. Motions of which previous notice has been given
 12. Questions from Members without notice
 13. New business of an urgent nature introduced by decision of the meeting
 14. Meeting closed to public
 - 14.1 Matters for which the meeting may be closed
 - 14.2 Public reading of resolutions that may be made public
 15. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. *[See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]*

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Local Laws otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.

- (4) The CEO -
 - (a) may, with the concurrence of the Mayor/President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Local Laws or any other written law;
 - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
 - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a Member wishes to make a statement; or
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any Officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
 - (9) The Council, by resolution, may agree to extend public question time.
 - (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either :
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
 - (a) be addressed to the Mayor/President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.

| |
|---|
| A member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act. |
|---|

- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Mayor/President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.

- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at Administration Office, 20 Coolibah Drive, Kununurra and on the Local Government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager are made inaudible during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 - Questions by Members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.

- (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
- (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
 - (i) the question be placed on notice for the next meeting of Council; and
 - (ii) the answer to the question be given to the Member who asked it within 14 days.
- (4) Every question and answer -
 - (i) is to be brief and concise; and
 - (ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

8.3 Titles to be used

A speaker, when referring to the Mayor/President, Deputy Mayor/Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.4 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.6 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.7 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

8.8 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to:
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order or decorum by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.9 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e) .

8.13 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation by stating "personal explanation".
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

8.15 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).

- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or Officer; or
 - (b) to impute any motive to a Member or Officer,
 unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
 - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.15:
 - (i) reflects adversely on the character or actions of another Member or Officer; or
 - (ii) imputes any motive to a Member or Officer; or
 - (b) is offensive or insulting,
 must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 9 - Preserving order

9.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) any of these Local Laws; or
 - (b) any other written law.
- (2) Despite anything in these Local Laws to the contrary, a point of order:
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,
 and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order:
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.

- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

10.17 Foreshadowing alternative motions

- (1) Should a Member wish to negate a substantive motion and have Council consider a new substantive motion on the matter with different intent, the Member must foreshadow the new substantive motion prior to the right of reply.
- (2) Should a substantive motion be lost, the Presiding Member will call upon the Member who foreshadowed the new substantive motion to move the proposed motion.
- (3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.
- (4) If more than one foreshadowed motion is proposed for any item before the Council, the Presiding Member shall deal with them in the order in which they were presented.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next business", if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion "that the debate be adjourned":

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion "that the meeting now adjourn":
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion "that the question be now put", is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act .

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) The vote of each individual member present is to be recorded in full at all times.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Local Laws:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:

- (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "implement", in relation to a decision, includes:
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
 - (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
 - (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
 - (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 - Suspension of Local Laws

17.1 Suspension of Local Laws

- (1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
 - (a) seconded; and
 - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

- (1) In situations where:
 - (a) one or more provisions of these Local Laws have been suspended;
 - or
 - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,
 the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Local Laws, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Local Laws.

18.8 Participation of non-electors

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 19 - Enforcement

19.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$50.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: [INSERT DATE]

The Common Seal of the SHIRE OF WYNDHAM EAST KIMBERLEY
was affixed by the authority of
a resolution of Council in the presence of:

[INSERT NAME OF MAYOR/PRESIDENT]
Mayor/President

[INSERT NAME OF CEO]
Chief Executive Officer

13.02.3. Standing Item - Outstanding Actions from Council Resolutions

| | |
|---------------------------------|--------------------------------------|
| DATE: | 26 April 2016 |
| AUTHOR: | Meagan Le Riche, Executive Assistant |
| RESPONSIBLE OFFICER: | Carl Askew, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | NIL |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council Notes the report - Outstanding actions from Council Resolutions

COUNCIL DECISION

Minute No: 11327

Moved: Cr D Spackman
Seconded: Cr N Perry

That Council Notes the report - Outstanding actions from Council Resolutions

Carried 8/0

PURPOSE

To report to Council on progress of implementing Council resolutions and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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 services

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

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from February resolutions (Attachment 1). Attachment 2 summarises all actions that are outstanding from previous Council resolutions (before March 2016).

ATTACHMENTS

Attachment 1 - Actions from March Resolutions

Attachment 2 - Outstanding Actions from Previous Council Resolutions

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|---|---|---------------|-------------|
| OCM 29/03/16 | David Klye | Airport Sculpture | That Council; 1. That the sculpture be placed airside at a site determined by the CEO in accordance with the discussion at Council on 29 March 2016. 2. Note that on completion of the associated signage the sculpture be installed and a formal unveiling organised that includes representatives from Waringarri Aboriginal Arts and local Aboriginal groups. | The artist has been contacted with a request to supply the sign. | 30-Mar-16 | In progress |
| OCM 29/03/16 | David Klye | Construction Security Deposits | That Council; 1. Rescind policy, E15 (E12) Payment of Deposits to Repair Damage to Footpath, Kerb, Road or Road Reserve or Material Left on the Road. 2. Adopt policy, CP-OPS 3656 - Construction Security Deposits, attached | No further action required | 30-Mar-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Elected Members Allowances | That Council: 1. Adopts the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements with the removal of section 2.1 ICT allowance and notes the inclusion of reimbursements would now apply to: a. Council briefings and workshops; b. Training and conferences; and c. Any meeting where the Councillor is nominated as the Council's representative. 2. For the 2016/17 financial year, freeze elected member entitlements at the 2015/16 levels so that: a. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees: i. President \$15,683 ii. Councillors \$15,683 3. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance: a. President \$31,200 4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance: b. Deputy President \$7,800 | Elected member entitlements have been incorporated into the 2016/17 draft Budget. | 31-Mar-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Mid Year Budget Review and Corporate Business Plan Update | That Council: 1. Receives the Mid-Year Budget Review Report for the period ended 31 December 2015, noting that amounts up to early March have been utilised in some cases to ensure more up-to-date figures can be used in the analysing and forecasting of a year-end position for the Shire; 2. Notes that it has considered the request from the Kununurra Visitor Centre and approves initial funding assistance of \$60,000 for 2015/16 with these funds to be sourced from the 2015/16 forecast surplus, along with further consideration for ongoing funding during the 2016/17 Budget setting process to ensure all priorities are taken into account; 3. Adopts the 2015/16 revised budget position and associated budget amendments required as summarised in Attachments 1 and 2; 4. Approves the transfer of any surplus (including that from the medium and heavy plant replacement program once all calculations are finalised) to the Asset Management Reserve, less the \$60,000 committed to the Kununurra Visitor Centre in Item 2. above, to ensure that informed decisions can be made throughout the 2016/17 budget process and funds then applied accordingly; 5. Notes the status update report of the actions within the Corporate Business Plan linked to the Strategic Community Plan as a result of the Mid-Year Budget Review. | Mid Year Budget Review outcomes have been uploaded into the Shire's systems. | 06-Apr-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 1 | That Council, pursuant to section 6.16 of the Local Government Act 1995, adopts the fees and charges for 2016/17 outlined in Attachment 1 to be effective from either 1 July 2016 or 1 January 2017, whichever date is indicated in Attachment 1 with an amendment to page 39 to read: a) Fixed wing aircraft – General Aviation (GA) 1) All fixed wing aircraft – per tonne and part thereof (per landing): \$20 (including GST) 2) All fixed wing aircraft – one landing fee is applicable per one hour session of training circuits or one hour maintenance check flights: \$20 (including GST) | Fees and charges have been uploaded onto the Shire's website and letters have been sent to customers outlining the changes. | 01-Apr-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 2 | That Council: 2. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, imposes the following charges for the 2016/17 financial year effective from 1 July 2016: a. An annual waste receptacle charge of \$302.80 for one (1) service per week of verge collection waste from a 240 Litre mobile garbage bin; b. An annual waste receptacle charge of \$531.80 for each additional service per week of verge collection waste from one (1) 240 Litre mobile garbage bin; c. An annual waste collection service charge of \$531.80 for each receptacle per annum from one (1) 240 Litre mobile garbage bin for exempt/non-rateable properties. | These amounts have been included into the fees and charges schedule which has been uploaded on the Shire's website. | 01-Apr-16 | Completed |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|--|--|---|---------------|-------------|
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 3 | That Council pursuant to section 53 of the Cemeteries Act 1986 adopts the fees and charges for the Seven Mile Cemetery, Nine Mile Cemetery, Afghan Cemetery, Pioneer Cemetery, Gully Cemetery, Kununurra Cemetery, and other cemetery associated fees as specified in Attachment 1. | These amounts have been included into the fees and charges schedule which has been uploaded on the Shire's website. | 05-Apr-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 4 | That Council endorse the advertising and gazettal (where required) of the 2016/17 proposed fees and charges commencing from either 1 July 2016 or 1 January 2017, whichever date is indicated in Attachment 1, as per the legislative requirements. | Public notice has been completed along with the gazettal notice. | 06-Apr-16 | Completed |
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 5 | That Council request the CEO to commence negotiations with the Shire's waste contractor, ToxFree, to expand the current waste receptacle pick-up areas to include Packsaddle Road, Weaber Plain Road, Valentines Falls, Crossing Falls, River Farm Road, Bull Run Road and Egret Close / Curlew Court, to commence from 1 July 2016. | Initial verbal notification has been provided. This will be followed up with written correspondence advising accordingly. | 30-Mar-16 | In progress |
| OCM 29/03/16 | Louise Gee | Request for Lease - Ord River Magpies | That Council request the Chief Executive Officer to enter into negotiations with the Ord River Magpies for a lease over a portion of Lot 504 on Reserve 29799, Kununurra, subject to approval of the Minister of Lands | Letter drafted 20/04/16 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Recreation Space Strategy | That Council request the Chief Executive Officer to enter into negotiations with the Ord River Magpies for a lease over a portion of Lot 504 on Reserve 29799, Kununurra, subject to approval of the Minister of Lands | Noted | 30-Mar-16 | Completed |
| OCM 29/03/16 | Louise Gee | Request for extension of Development Approval - Lot 507 Chestnut Ave - 1 | That Council: 1. Extend the Kununurra Neighbourhood House Development Approval (DA) 6/14 at Lot 507, Chestnut Drive Kununurra for a further two years. 2. Request the Chief Executive Officer to enter into lease negotiations with Kununurra Neighbourhood House; the lease to include agreed development milestones and timeframes. | Letter drafted 20/04/16 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Request for extension of Development Approval - Lot 507 Chestnut Ave - 2 | That Council: 3. Request the Chief Executive Officer to investigate alternate options for expansion of the Child Care facility on lot 506, Chestnut Drive; and 4. Request the Chief Executive Officer to investigate alternate options for the construction of a new Kununurra Neighbourhood House facility. 5. Request the Chief Executive Officer to bring the report on future expansion of child care facilities to Council at a future Briefing Session. | | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Renewal of Caravan Parks and Camping Grounds Licences | That Council approve the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for: Digger's Rest Station, Hidden Valley Caravan Park, McGowan Island Beach Resort and Parry Creek Farm Tourist Resort & Caravan Park as shown in Attachment One. | Licences have been sent to the Caravan Parks | 01-Apr-16 | Completed |
| OCM 29/03/16 | Louise Gee | Development Application - Lot 316 Laine Jones Drive, Kununurra - Proposed Short-term Pilot Accommodation | That Council grants development approval for Short-Term Pilot Accommodation at Lot 316 Laine Jones Drive, Kununurra, subject to the following conditions: 1. Use and development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire. 2. The accommodation must only be used to accommodate pilots directly employed or enrolled in study in the aviation industry, where occupation by any person is limited to a maximum of three (3) months in any twelve month period. Any change of use will require consent from Council. 3. The short term accommodation must be designed and constructed in accordance with Australian Standard AS 2021-2000 Acoustics - Aircraft noise intrusion - Building siting and construction. 4. The short-term accommodation shall be limited to a maximum of 12 rooms, with 8 rooms to be developed in Stage 1. 5. Prior to Stage 2 of the development being commenced, a revised site plan, along with floor plans and elevations of the additional 4 room unit will be required to be submitted and approved by the Shire. When approved the plans will be endorsed and form part of the approval. 6. A minimum of 4 car parking bays shall be provided for Stage 1 (8 rooms) of the development, with an additional 2 car parking bays to be provided if Stage 2 (4 additional rooms) are developed. 7. All stormwater must be contained and disposed onsite from storm events of less than 0.2 AEP at all times, storm flows in excess of 0.2 AEP may be discharged to the Shire drainage system to the satisfaction of the local government. 8. The crossover shall be designed and constructed to the specification and satisfaction of the Shire. 9. The carpark must: a. Be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking Facilities, Part 1 - Off-Street Car Parking; b. Be constructed, drained and marked prior to the development being occupied and maintained thereafter to the satisfaction of the Shire's Director Infrastructure; and c. Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the Obtrusive effects of Outdoor Lighting. 10. A landscaping plan must be prepared and include the following detail, to the satisfaction of the Shire, prior to applying for a Building Permit: | Approval issued. | 07-Apr-16 | Completed. |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|--|--|---------------|-------------|
| OCM 29/03/16 | Louise Gee | Proposed Road Dedication - Mirima Community | That Council advises the Department of Lands that: 1. Council has no objection in principle to the proposed amendment to reserve boundaries to: a. Excise portions of Reserve 42441, Reserve 31504, and Unallocated Crown land, to be included into Reserve 26600, being portion of the Mirima Community, as shown on Deposited Plans 69584, 69584 and 217412; b. Excise portion of Reserve 31221 and Reserve 39128, to create a new Reserve over proposed Lot 2314 on Deposited Plan 189549 for the purpose of "Sewerage and Access" to be managed by the Water Corporation; and c. The proposed creation of easements over existing Water Corporation infrastructure within Reserve 31221 and expanded Reserve 26600. 2. Council has no objection in principle to the proposed dedication of roads within the Mirima Community as shown on Deposited Plans 217412 and 217795, subject to the State government committing to: a. Either providing the Shire with access to a consulting engineer at no cost to the Shire or alternatively engaging a consulting engineer to verify construction standards, current condition of the roads, and to identify any works required to be undertaken to bring the roads up to an acceptable standard to support dedication; and b. Funding required works, including contract and project management costs, to bring the roads up to an acceptable standard, prior to dedication of the roads; and c. Providing the Shire with access to a perpetual "deed of guarantee", guaranteeing this funding source, comparable to rates, to provide for the ongoing maintenance of the roads. 3. Should the perpetual "deed of guarantee" and associated funding not be ongoing then the Shire will not continue to maintain the above roads | Correspondence sent to Department of Lands advising of Council resolution. | 07-Apr-16 | Completed. |
| OCM 29/03/16 | Louise Gee | Review of CP/COM - 3580 Community Services Policy | That Council endorse the draft reviewed CP/COM - 3580 Community Development Policy for public advertising for a period of 28 days. | Comments on draft Policy to be received by COB Friday 20 May 2016 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Elected Member Representation on External Committees | That Council adopt the new Policy titled Elected Member Representation on External Committees. | | 29-Mar-16 | Completed |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 1 | That Council: 1. Notes that the WA Department of Health will be scheduling a public information session for Kununurra prior to the proposed implementation of fluoridation of the town's water supply. 2. Request that Chief Executive Officer write to the Minister for Health requesting that public consultation sessions be conducted in Kununurra to determine community support for the fluoridation of the water supply. These sessions must be conducted prior to a determined implementation date to ensure there is sufficient time for the community to make an informed decision about the fluoridation or otherwise of their drinking water supply. | letter Drafted. To be sent | 20-Apr-16 | in progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 2 | That Council note that a Regional Price Preference Policy is currently being prepared for consideration by Council. | Policy currently under draft | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 3 | That Council request the development of a Community Facilities Strategy to assess the use of existing community facilities and the opportunities for collocated facilities to meet the needs of existing and future community groups, and this be included in the Shire's 2016/17 Corporate Business Plan. | Development of a Community Facilities Strategy has been included in draft Corporate Business Plan. | 19-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 4 | That Council note that an Indigenous Employment Organisational Directive will be drafted. | Organisational Directive under draft | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Notice of Motion from Cr S Rushby: Request Review of Shire of Wyndham East Kimberley Membership to WA Local Government Association (WALGA) | That Council requests the Chief Executive Officer to provide a report to Council by June 2016 reviewing the costs, benefits, advantages and disadvantages of the Shire continuing to be a member of the Western Australian Local Government Association (WALGA). | Report is currently being drafted | 21-Apr-16 | In progress |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|--|--|---------------|-------------|
| Aug-12 | Louise Gee | 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 | Correspondence provided to A501 and a suitable payment plan has been entered into, with payments commenced. Lease discussions may now commence as the payment plan is in place. | Ongoing | In progress |
| OCM 24/02/15 | Louise Gee | 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 has been sought from Department of Lands and Department of Parks and Wildlife (DPaW). Further information to be presented to Council at a future 2016 briefing session. | 20-Nov-15 | In progress |
| OCM 24/03/15 | Louise Gee | 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. Correspondence received from MG Corporation dated 1 March 2016 advising that the board does not support the formal naming of "Philchowski Crossing", and have nominated an alternative name. Officers are undertaking further research, prior to the matter being considered at a future OCM. | 19-Apr-16 | In progress |
| OCM 28/04/15 | David Klye | 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. | Point 2 is still in progress. Issue listed for mention on 18th May 2016 | 26-Jun-15 | In Progress |
| OCM 28/04/15 | Louise Gee | 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 St. settlement completed. 67 Koojarra Street, Wyndham has been advertised for sale, no enquiries made, Shire has received a request to lease premises. 67 Koojarra Street is being privately leased. | 18-Nov-15 | In progress |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|--|---|---------------|-------------|
| OCM 23/06/15 | David Klye | 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. | Report received on 4 December. The report is under Shire review. | 25-Jun-15 | In progress |
| OCM 28/07/15 | Louise Gee | 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. | Meeting has been held with Department of Lands, Department of Regional Development, Kimberley Development Commission, Landcorp and Kununurra Chamber of Commerce. Separate discussion with MG Corporation also held. Aquatic and Leisure Facility Preliminary Business Plan discussed at 22 March briefing. | 27-Jan-16 | In progress |
| OCM 28/07/15 | Louise Gee | 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. Draft Lease sent to Kimberley Action Sports 10/2/16 | 17-Aug-15 | In progress |
| OCM 28/07/15 | Louise Gee | 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. Draft Lease sent to Dragon Boat Club 10/2/16 | 17-Aug-15 | In progress |
| OCM 28/07/15 | Carl Askew | Mediterranean Fruit Fly Eradication Program | That Council consider entering into a Memorandum of Understanding with DAFWA and industry on the following basis: 1. DAFWA continues to fund and maintain the current medfly surveillance program. 2. SWEK will fund medfly eradication programs from its biosecurity reserve, with a maximum exposure being those funds available in the reserve in excess of \$200,000 i.e. currently approximately \$67,000. 3. If an eradication program reduces the reserve balance to below \$200,000, industry will make good the difference to restore the reserve to a balance of \$200,000 (mechanism yet to be determined). 4. The biosecurity reserve be maintained with a balance for now of a minimum \$200,000, to serve as a form of insurance against future pest or disease incursions. 5. A reference group to be established with members from SWEK, DAFWA and industry. The role of the group would be to recommend expenditure from the reserve and to formulate policy in the event of future pest crises. SWEK Council approval would still be required before the reserve could be accessed for response to threats other than medfly. | Letter sent to DAFWA advising of the decision and requesting advice on how to proceed with the eradication program, 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. The baiting program is complete and area freedom was reinstated for the area on 5th October. Industry has been notified. Invoice has been paid. In relation to the MOU, DAFWA have requested for an interim group to be formed to progress this - feedback from industry has been minimal. ORDCO are interested in assisting where possible and have volunteered to talk with growers to get some industry participation. This will also be discussed at the incident debrief. There is no date for the debrief yet. | 12-Oct-15 | In progress |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|---|--|---------------|-------------|
| OCM 25/08/15 | Louise Gee | Proposed Gravel Reserves | That Council: 1. Requests the Chief Executive Officer to consult with the Darwulah Aboriginal Corporation to obtain written consent for the surrender of the proposed 'King River' gravel area from Lease I837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road. 2. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley: a. agrees to proceed with a future act process to facilitate the creation of reserves for the purpose of gravel supply for road building purposes over the sites identified as 'Afghan Cemetery', 'Mount Albany' and 'Parry Creek', and proposed easement to provide legal access to the 'Afghan Cemetery'. b. indemnifies the Minister for Lands against any costs arising from the future act process. 3. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley agrees to pay survey costs associated with: a. the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Afghan Cemetery', Mt Albany and 'Parry Creek', b. the creation of an easement to provide access to the area referred to as 'Afghan Cemetery'; and c. the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road. d. that the estimated total survey costs be acknowledged as \$19,600. | Correspondence sent to DoL advising of Council resolution. Correspondence also sent to Darwulah Aboriginal Corporation in relation to the gravel source along King River Road and the proposed realignment of the dedicated road reserve. The Senior Planning Officer met with Darwulah representatives on 6 October 2015 to discuss the matter. The Senior Planning Officer and Director Infrastructure met again with representatives of the Darwulah Aboriginal Corporation on 18 March 2016. Awaiting written response from Darwulah Aboriginal Corporation. | 18-Mar-16 | In progress |
| OCM 25/08/15 | Louise Gee | Transient Accommodation - Lot 411 Minijirrga 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. | Officers have commenced desktop audit of accommodation on rural properties. | 15-Jan-16 | In progress |
| OCM 22/09/15 | Louise Gee | Request for Community Lease – Kununurra Bushmen's Rodeo Association | 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 Drivers Road Kununurra, subject to the approval of the Minister of Lands. | KBRA have been notified of the intent to commence negotiations. Draft Lease sent to KBRA 10/2/16 | 01-Oct-15 | In progress |
| OCM 22/09/15 | Louise Gee | Request for Community Lease – Ord Pistol Club | 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 Drivers Road Kununurra, subject to the approval of the Minister of Lands. | OPC have been notified of the intent to commence negotiations. Draft Lease has been sent to the Pistol Club (18/1/16). | 01-Oct-15 | In progress |
| OCM 15/12/15 | Louise Gee | Draft Alcohol Management Policy | That Council <ul style="list-style-type: none"> ● Place on public exhibition for a period of 28 days the draft Alcohol Management Policy requesting submissions. ● Forward a copy of the draft Alcohol Management Policy to the members of the Kununurra Wyndham Alcohol Accord requesting submissions. | Draft Alcohol Management Policy placed on public exhibition and forwarded to members of the Accord; submissions required by 4 March 2016. Draft Policy to be considered by Council at the 26 April 2016 Ordinary Council Meeting. | 14-Jan-16 | In progress |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|--|--|---------------|--------------|
| OCM 15/12/15 | Carl Askew | Notice of Motion from Cr D Spackman: That every Shire vehicle display a standard design, Shire Council approved decal of approximate size 400mm x 300mm (or other council approved size) of which clearly illustrates the Shire logo. Decals are to be on both left and right hand doors or panels where it is appropriate for that type of machinery. Decals are not to be magnetic or removable. | That Council defers the motion from Cr D Spackman to 2016, to be considered prior to budget considerations. | Deferred until budget considerations | | Not Complete |
| OCM 27/01/16 | Louise Gee | Western Australian Housing Authority Utilisation of Wyndham Administration Centre | That Council:- 1. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that it accepts its offer of \$5,000.00 per annum to utilise the Wyndham Administration Centre as outlined in Attachment 1. 2. Requests the Chief Executive Officer to advise the Western Australia Housing Authority that the Shire will not contribute any direct costs towards the placement of the Authority's officer and service within the Wyndham Administration Centre i.e. additional furniture, technology and communication equipment, display stands, signage. | Draft MoU forwarded to WA Housing Authority. Letter and MoU forwarded to WA Housing for execution. | 12-Feb-16 | In progress |
| OCM 27/01/16 | David Klye | Ivanhoe Crossing | That Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing | Under instruction from the CEO, action has been halted pending the outcome of a related item to be considered at the February OCM. | Item on hold | On hold |
| OCM 23/02/16 | Louise Gee | Wyndham CRC | That Council: 1. Continue to provide Community Resource Network services in accordance with its agreement with the Department of Regional Development. This agreement is for the provision of Community Resource Network services for a period of three years from 1 July 2014 to 30 June 2017. 2. Request the CEO to call for Expressions Of Interest from the Wyndham community for the production of the Community Newsletter - The Bastion Bulletin. | Expression of Interest being drafted. | 21-Apr-16 | In progress |
| OCM 23/02/16 | David Klye | Directional Signage Policy | That Council 1. Repeal Council Policy E9 - Traffic Signs - Directional Signage 2. Adopt draft Policy CP/OPS-3655 - Directional Signage 3. Request the CEO to investigate options for the Shire to charge an annual fee for the provision of Business Directional signage. | Policy updated. Investigation/research underway. | 24-Feb-16 | In progress |
| OCM 23/02/16 | Louise Gee | Dual Naming - Barnett River Gorge | That Council resolve to undertake community consultation in relation to the proposal for dual naming or renaming of the Barnett River Gorge. | Community Consultation to be commence 22 April 2016. | 19-Apr-16 | In progress |
| OCM 23/02/16 | David Klye | Ivanhoe Crossing - Safety audit | That a desktop safety audit be requested of Ivanhoe Crossing and any findings be included in the community information | Desk top review commenced | 04-Mar-16 | In progress |
| OCM 23/02/16 | David Klye | Ivanhoe Crossing Community Consultation | That Council: 1. Immediately initiates community consultation in the form of both public survey (published on Facebook and in the Kimberley Echo), and a community forum, to ascertain the primary use of Ivanhoe Crossing from a community perspective. The results of both to be bought back to Council for consideration at a near future Briefing Session, | Planning for community consultation commenced | 04-Mar-16 | In progress |
| OCM 23/02/16 | Carl Askew | Kununurra Visitor Centre - repairs | That Council, subject to receiving three acceptable quotes, funds security fittings to the front doors and windows of the Kununurra Visitors Centre from the East Kimberley Tourism Reserve and that the Shire President and CEO be authorised to accept the most suitable quote in order to allow fitting of security measures as soon as possible. | Three quotes have been received. Assessment to take place. | 24-Mar-16 | In progress |

| Meeting | Responsible Officer | Item | Resolution | Progress Comment | Date Actioned | Completed |
|--------------|---------------------|---|--|---|---------------|-------------|
| OCM 23/02/16 | David Klye | Wyndham Reticulation | That Council request the Chief Executive Officer to provide a report to Council on the Wyndham reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations. | Background research for the report has commenced | 24-Feb-16 | In progress |
| OCM 29/03/16 | David Klye | Airport Sculpture | That Council; 1. That the sculpture be placed airside at a site determined by the CEO in accordance with the discussion at Council on 29 March 2016. 2. Note that on completion of the associated signage the sculpture be installed and a formal unveiling organised that includes representatives from Waringarri Aboriginal Arts and local Aboriginal groups. | The artist has been contacted with a request to supply the sign. | 30-Mar-16 | In progress |
| OCM 29/03/16 | Natalie Octoman | Fees and Charges 5 | That Council request the CEO to commence negotiations with the Shire's waste contractor, ToxFree, to expand the current waste receptacle pick-up areas to include Packsaddle Road, Weaber Plain Road, Valentines Falls, Crossing Falls, River Farm Road, Bull Run Road and Egret Close / Curlew Court, to commence from 1 July 2016. | Initial verbal notification has been provided. This will be followed up with written correspondence advising accordingly. | 30-Mar-16 | In progress |
| OCM 29/03/16 | Louise Gee | Request for Lease - Ord River Magpies | That Council request the Chief Executive Officer to enter into negotiations with the Ord River Magpies for a lease over a portion of Lot 504 on Reserve 29799, Kununurra, subject to approval of the Minister of Lands | Letter drafted 20/04/16 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Request for extension of Development Approval - Lot 507 Chestnut Ave - 1 | That Council: 1. Extend the Kununurra Neighbourhood House Development Approval (DA) 6/14 at Lot 507, Chestnut Drive Kununurra for a further two years. 2. Request the Chief Executive Officer to enter into lease negotiations with Kununurra Neighbourhood House; the lease to include agreed development milestones and timeframes. | Letter drafted 20/04/16 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Request for extension of Development Approval - Lot 507 Chestnut Ave - 2 | That Council: 3. Request the Chief Executive Officer to investigate alternate options for expansion of the Child Care facility on lot 506, Chestnut Drive; and 4. Request the Chief Executive Officer to investigate alternate options for the construction of a new Kununurra Neighbourhood House facility. 5. Request the Chief Executive Officer to bring the report on future expansion of child care facilities to Council at a future Briefing Session. | | 21-Apr-16 | In progress |
| OCM 29/03/16 | Louise Gee | Review of CP/COM - 3580 Community Services Policy | That Council endorse the draft reviewed CP/COM - 3580 Community Development Policy for public advertising for a period of 28 days. | Comments on draft Policy to be received by COB Friday 20 May 2016 | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 1 | That Council: 1. Notes that the WA Department of Health will be scheduling a public information session for Kununurra prior to the proposed implementation of fluoridation of the town's water supply. 2. Request that Chief Executive Officer write to the Minister for Health requesting that public consultation sessions be conducted in Kununurra to determine community support for the fluoridation of the water supply. These sessions must be conducted prior to a determined implementation date to ensure there is sufficient time for the community to make an informed decision about the fluoridation or otherwise of their drinking water supply. | letter Drafted. To be sent | 20-Apr-16 | in progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 2 | That Council note that a Regional Price Preference Policy is currently being prepared for consideration by Council. | Policy currently under draft | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 3 | That Council request the development of a Community Facilities Strategy to assess the use of existing community facilities and the opportunities for collocated facilities to meet the needs of existing and future community groups, and this be included in the Shire's 2016/17 Corporate Business Plan. | Development of a Community Facilities Strategy has been included in draft Corporate Business Plan. | 19-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Annual General Electors Motions 4 | That Council note that an Indigenous Employment Organisational Directive will be drafted. | Organisational Directive under draft | 21-Apr-16 | In progress |
| OCM 29/03/16 | Carl Askew | Notice of Motion from Cr S Rushby: Request Review of Shire of Wyndham East Kimberley Membership to WA Local Government Association (WALGA) | That Council requests the Chief Executive Officer to provide a report to Council by June 2016 reviewing the costs, benefits, advantages and disadvantages of the Shire continuing to be a member of the Western Australian Local Government Association (WALGA). | Report is currently being drafted | 21-Apr-16 | In progress |

13.03. COMMUNITY DEVELOPMENT

13.03.1. Draft Alcohol Management Policy

| | |
|---------------------------------|--|
| DATE: | 26/04/2016 |
| AUTHOR: | Louise Gee, Director Community Development |
| RESPONSIBLE OFFICER: | Louise Gee, Director Community Development |
| FILE NO: | CM.11.2 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Alcohol Management Policy as detailed in Attachment 1.

COUNCIL DECISION

Minute No: 11328

Moved: Cr B Robinson

Seconded: Cr E Bolto

That Council adopt the Alcohol Management Policy as detailed in Attachment 1.

Carried 8/0

PURPOSE

For Council to consider the adoption of the draft Alcohol Management Policy which will provide a prevention and risk management approach to existing Shire activities, responsibilities and approval processes regarding alcohol.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The problems associated with harmful alcohol use impact both directly and indirectly on the community. Some of the negative impacts include:

- nuisance including noise and antisocial behaviour from intoxicated persons;
- violence and threats to safety;
- crime including vandalism, trespass and property damage;
- community ill-health; and
- costs of mitigation, management, reactive and responsive services.

The Shire is requested to provide consent or comment on matters related to alcohol management, these requests include the following:-

- planning and liquor licence approvals;
A liquor licence comes about through two different processes - planning, building and health approvals (*Section 39 and 40 Certificates*) and liquor licence objection, intervention and appeal to the Department of Racing, Gaming and Liquor.
- extended trading permits for licensed venues;
- occasional liquor licences;
- consumption of BYO alcohol on Shire property - alfresco dining areas; community facilities;
- provision of alcohol at Shire community facilities; sporting fields or public open space.

While it is not the sole responsibility of the Shire to reduce alcohol-related problems in the community, there is merit in the Shire considering aspects of its existing business that can be adapted to contribute to the prevention of alcohol-related issues in the community.

STATUTORY IMPLICATIONS

Liquor Control Act (1988)

Section 39 - Certificate of Local government as to whether premises comply with laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state -
 - (a) whether or not the premises comply with all relevant requirements of -
 - (i) the *Health Act 1911*; and
 - (ia) the *Food Act 2008*; and
 - (ii) any written law applying to the sewerage or drainage of those premises; and
 - (iii) the *Local Government Act 1995*; and
 - (iv) the *Building Act 2011*; and
 - (b) where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.
- (3) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Section 40 - Certificate of planning authority as to whether use of premises complies with planning laws

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state that the proposed use of the premises -
 - (i) will comply with the requirements of the written laws relating to planning specified; or
 - (ii) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
 - (iii) will not comply with the requirements specified for the reasons specified.
- (3) In this section -
specified means specified in the planning certificate.
- (4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

Section 69 (7) - Grounds for intervention by Local Governments

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 continue to be, licensed or the subject of a permit;
- (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.

Section 69 (8) - Right to Intervene

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*;
- (b) any written law relating to sewerage or drainage; or
- (c) the *Local Government Act 1995* or the *Local Government (Miscellaneous Provisions) Act 1960*, in so far as the Act relates to health matters, and may submit a report to the Licensing Authority on those matters.

Section 74 (1) - Grounds for objection by Local Government

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;
- (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;

- (c) *deleted*
- (d) *deleted*
- (e) *deleted*
- (f) 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;
- (g) *deleted*
- (h) that the grant of the application would otherwise be contrary to this Act.

Shire of Wyndham East Kimberley - Local Government Property Local Law 2003

Clause 3.4 (2) - Conditions which may be imposed on a permit

Without limiting clause 3.3 (1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued -

- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*.

Clause 3.15 - Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless -
 - (a) that is permitted under the Liquor Licensing Act 1988; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where liquor is in a sealed container.

Clause 4.4 - Intoxicated persons not to enter local government property

A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

Shire of Wyndham East Kimberley - Activities in Thoroughfares and Public Places and Trading Local Law 2005

Clause 2.3 - No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless -
 - (a) that is permitted under the Liquor Licensing Act 1988 or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

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

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

RISK IMPLICATIONS

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.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and included:

1. The circulation of the draft Alcohol Management Policy to the members of the Kununurra Wyndham Liquor Accord for their information and comment.
2. Public notice of the draft Alcohol Management Policy in the Kimberley Echo on 11 February 2016 providing the community and stakeholders with an opportunity to review the draft Policy and provide a submission to the Shire.
3. Article on the Shire Facebook page providing the community and stakeholders with an opportunity to review the draft Policy and provide a submission to the Shire.

Details of the comments received from the two (2) submissions received during the public exhibition period, and the action taken in respect of these comments is outlined in Attachment 2.

COMMENTS

Reducing alcohol-related harm is a whole of community responsibility including all levels of government, law enforcement agencies, the health and welfare sector, local communities, families and individuals.

Alcohol management action by the Shire occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in the community.

The Shire has some sphere of influence over alcohol management through existing legislative and policy functions in planning, and the enforcement of its Local Laws.

Under the Liquor Control Act (1988), Shire approval is required for all new liquor licence applications and any alterations to existing licensed premises. This applies to licensed liquor outlets including hotels, taverns, restaurants, night clubs, liquor stores, special facilities, club and restricted club licences and other facilities nominated by the Director of Liquor Licensing.

The Shire's Local Laws - Local Government Property, and Activities in Thoroughfares and Public Places and Trading, both require approval from the Shire for the possession and consumption of alcohol on land owned or managed by the Shire. The purpose of the draft Alcohol Management Policy is to act as the strategic guiding document for the community, applicants and Shire employees regarding considerations associated with new and existing licensed venues; consumption and sale of alcohol on Shire property, and event management. The draft Policy therefore will provide the guidelines Shire employees will utilise when:-

1. assessing planning applications for new liquor licensed venues
2. assessment of Section 39 and Section 40 of the *Liquor Control Act 1988* applications
3. requested for comments by the Department of Racing, Gaming and Liquor on applications for Extended Trading Permits and Occasional Liquor Licences
4. assessment and approval of permits under the Shire's Local Laws for the possession and consumption of alcohol on land owned or managed by the Shire
5. public event approvals.

ATTACHMENTS

Attachment 1 - Amended draft Alcohol Management Policy

Attachment 2 - Comments received on the draft Alcohol Management Policy



| | | |
|--|---|----------------|
| POLICY NO | *** To be supplied by Governance once adopted by Council | |
| POLICY | Alcohol Management | |
| RESPONSIBLE DIRECTORATE | Community Development | |
| RESPONSIBLE OFFICER | Director Community Development | |
| COUNCIL ADOPTION | Date: | Resolution No: |
| REVIEWED/MODIFIED | Date: | Resolution No: |
| | Date: | Resolution No: |
| REVIEW DUE | Date: | |
| LEGISLATION | <i>Liquor Control Act 1988</i> <i>Local Government Act 1995</i> <i>Health Act 1911</i> <i>Health (Public Buildings) Regulations 1992</i> <i>Building Act 2011</i> <i>Food Act 2008</i> <i>Shire of Wyndham East Kimberley Local Government Property Local Law 2003</i> <i>Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005</i> | |
| RELATED POLICIES | Nil | |
| RELATED ORGANISATIONAL DIRECTIVES | Nil | |

PURPOSE:

To act as the strategic guiding document for the community, applicants and Shire employees regarding considerations associated with new and existing licensed venues; consumption and sale of alcohol on Shire property, and event management.

DEFINITIONS:

Alcohol has the same meaning as is given to liquor in section 3 of the *Liquor Control Act 1988*.

Land Owned or Managed by the Shire means –

- (a) land which belongs to the Shire of Wyndham East Kimberley;
- (b) land of which the Shire of Wyndham East Kimberley is the management body under the *Land Administration Act 1997*; or
- (c) land which is an 'otherwise unvested facility'
- (d) a thoroughfare.

Permit means a permit issued under a local law.

Public Event: means an event that is open to the public whether or not the public are participants or spectators. Public events are typically advertised. An event (*as per Department of Health Guidelines for concerts, events and organised gatherings 2009*): means a gathering of people brought together for a common purpose by some prearrangement.

POLICY STATEMENTS:

The Shire acknowledges that consumption of alcohol is legal and a normal part of entertainment and leisure in our community. However, the misuse of alcohol contributes significantly to a wide range of social, economic and environmental implications for the community due to issues such as chronic disease, anti-social behaviour, violence, crime, vandalism, littering, and noise.

The Shire is committed to ensuring that the harm caused to individuals and the community from misuse of alcohol are minimised through the responsible sale, supply and consumption of alcohol. In order to achieve these outcomes, the Shire will:-

1. Work alongside agencies to help improve public health, community safety and wellbeing and to assist with the reduction of the harmful effects of alcohol.
2. Be actively involved with the Kununurra Wyndham Liquor Accord.
3. Reflect community values and expectations in the Shire's services and programs in assisting with the management of alcohol and the associated issues it creates by consulting with the community and encouraging participation in alcohol related decision making.
4. Support evidence based measures that reduce harm caused by the misuse of alcohol.
5. Support the provision of services such as sobering up facilities and, drug and alcohol counselling.

Applications for Planning Approval

6. Consider all applications for planning approval of licensed premises with regard to potentially unreasonable impacts on the health, wellbeing, amenity and safety of the community. This would include, where appropriate, external engagement with the WA Police Service, the Drug, Alcohol and Preventive Service and other agencies.

Applications for Extended Trading Permits

7. Consider all permits for extended trading hours of licensed premises with regard to:-
 - potentially unreasonable impacts on the amenity and safety of the community. This would include, where appropriate, external engagement with the WA Police Service, the Drug, Alcohol and Preventive Service and other agencies
 - compatibility of the activity that occurs during the requested extended time
 - the applicants ability to demonstrate a responsible attitude to the provision of alcohol and compliance with licensing laws and regulations
 - appropriate levels and use of registered security staff.
8. Not support a permit if the primary purpose of the extended trading hours relates to alcohol consumption.
9. Not support a permit for extended trading hours without foodbeing available for consumption.

Land Owned or Managed by the Shire

10. Only support a permit for the consumption of alcohol at unlicensed alfresco dining areas if:-
 - the venue complies with Planning/Development/Health requirements
 - alcohol consumption is ancillary to a meal
 - consumption of alcohol only occurs within the approved alfresco dining area
 - the permit holder documents how alcohol consumption will be responsibly monitored and managed (consideration of children / juveniles in the alfresco area, preventing intoxication, how will the area be monitored, etc.)
 - the permit holder and staff hold a Responsible Service of Alcohol qualification.
11. Not support a permit for an alfresco dining area where the venue has a clear child / juvenile appeal or patronage.
12. Only support a permit for the sale and / or consumption of alcohol at sporting fields or public open space if:-
 - food is available for consumption
 - low percentage alcohol, soft drink and water are available (no glass containers)
 - alcohol is only sold and supplied in accordance with Trading Hours nominated in the Kununurra Wyndham Liquor Accord
 - the primary focus of the activity is not child / juvenile related
 - the permit holder and all people involved with the sale of alcohol hold a Responsible Service of Alcohol qualification
 - no objection is received from the WA Police.
13. The Shire will not support the closure of roads for alcohol consumption such as street parties.
14. The Shire may seek additional strategies to be implemented before approval is given if there are likely to be large crowds involved with the activity.

Alcohol at Shire Community Facilities

15. Consumption permits are required for hirers of a facility. No alcohol is to be consumed by hirers on the grounds surrounding a community facility.
16. No approvals for the consumption of alcohol will be provided at the Kununurra Swimming Pool area, Wyndham Swimming Pool and Ted Birch Recreation Facility.
17. Children / juveniles are not permitted to utilise hired facilities where alcohol is being consumed unless accompanied by a parent or guardian and are not to be permitted to consume alcohol on Shire owned or managed land.

Public Events

18. Ensure that Shire organised public events, for example Australia Day, are alcohol-free events.
19. Ensure where an event or activity has a focus on children / juveniles, or has a strong youth patronage, that the event, venue or activity is required to be alcohol-free.

Alcohol and Youth

20. Not support the sale or consumption of alcohol in a situation where adults can watch children / juveniles playing sport while drinking without adequate separation by distance and a structural barrier.
21. Not support alcohol consumption permits and approvals for occasional liquor licences for events linked with junior clubs where junior players will be attending.

EXPLANATORY NOTES:

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.

ATTACHMENT 2: COMMENTS RECEIVED ON DRAFT ALCOHOL MANAGEMENT POLICY

| Comment | Action |
|---|---|
| <p><u>Legislation</u></p> <ul style="list-style-type: none"> • Shire of Wyndham East Kimberley – Activities in Thoroughfares and Public Places and Trading Local Law 2005; Clause 2.3 – No possession and consumption of liquor on thoroughfare <ul style="list-style-type: none"> - If the Shire is serious about a true prevention and risk management approach and this new policy, it needs to consistently step up and enforce its local law – as well as communicate with the community about how ‘they’ can collectively assist the Shire by reporting consumption of alcohol in thoroughfares and public places. Currently the burden appears to be predominantly carried by the Police. | <p>Shire Rangers work in collaboration with Kununurra Police in response to complaints to limit itinerancy and anti-social behaviour through the consumption of alcohol.</p> <p>Due to limited resources the Shire’s Ranger Service team is able to maintain a reactive approach in enforcing the Shire’s Local Laws.</p> <p>With the introduction of the Fines Enforcement Registry, Shire Rangers will be communicating with the general public about improving compliance with all Local Laws.</p> |
| <p><u>Related Policies/organisational directives</u></p> <ul style="list-style-type: none"> • If there are relevant elements of the Shire’s Strategic Plan (or other strategic documents/policies) that align with the intent of the Alcohol Policy, it would be useful to list in this section to give weight to the Alcohol Policy | <p>Alcohol management aspirations are referenced in the Shire’s Community Strategic Plan i.e. <i>3.3 Towns are safe and inviting for locals and tourists</i>, however there is no direct reference to alcohol management.</p> |
| <p><u>Definitions</u></p> <ul style="list-style-type: none"> • Food is not defined yet referred to as a key factor in decision making for some applications | <p>The definition of food is very broad, and it is considered that such a broad definition would not provide guidance during the</p> |

| | |
|--|--|
| | <p>assessment of permits.</p> <p>The food to be provided will be dependent on the type, and length of the event. For example, if its proposed that alcohol be provided for an extended period of time, it will be required that the food provided would be of a type to assist in engaging patrons in activities other than drinking, and reduce the potential for intoxication and related problems. For example, a barbeque; pies, pasties, etc.</p> |
| <p><u>Policy Statements</u></p> <ul style="list-style-type: none"> • Under general point 1, recommend separating the two sentences to be two separate dot points, e.g. <ol style="list-style-type: none"> 1. Work alongside agencies to help improve public health, community safety and wellbeing to assist with the reduction of the harmful effects of alcohol 2. The Shire will be actively involved with the Kununurra Wyndham Liquor Accord. | <p>Draft Policy amended, as suggested</p> |
| <p><u>Applications for Planning Approval</u></p> <ul style="list-style-type: none"> • To do what is outlined in this point effectively, the Shire may wish to consider whether information in the WALGA resource titled Local Government Town Planning – Guideline for Alcohol Outlets may benefit in this context. The resource provides guidance which is available via their Planners portal on their website. The information within the resource has been written by planners for planners and presents options based on existing mechanisms for Local Governments wanting to consider alcohol management within their planning framework and what might be appropriate for their local circumstances. | <p>Noted</p> |
| <p><u>Applications for Extended Trading Permits</u></p> <ul style="list-style-type: none"> • <i>Not support a permit for extended trading hours without food being available for</i> | <p>The definition of food is very broad, and it is considered that such a broad definition</p> |

| | |
|--|--|
| <p><i>consumption</i> – What is the definition of food in this context? Is it chips and nuts? Or is it a meal? Most pub kitchens will close between 9 and 9.30pm on a late trading night. What is the intention of having food available? A definition of food will assist officers in assessing an application consistently.</p> | <p>would not provide guidance during the assessment of permits.</p> <p>The food to be provided will be dependent on the type, and length of the event. For example, if its proposed that alcohol be provided for an extended period of time, it will be required that the food provided would be of a type to assist in engaging patrons in activities other than drinking, and reduce the potential for intoxication and related problems. For example, a barbeque; pies, pasties, etc.</p> |
| <p><u>Land owned or managed by the Shire</u></p> <ul style="list-style-type: none"> • <i>Only support a permit for the consumption of alcohol at unlicensed alfresco dining areas if food is available for consumption</i> – food requires definition – and in this instance consistency with the Liquor Control Act would be appropriate: BYO only supported where consumption is ancillary to a meal (prevents one person purchasing a meal and others in the group only consuming BYO alcohol). Meal is a better way to specify what kind of food is acceptable. • <i>Only support a permit for the consumption of alcohol at unlicensed alfresco dining areas if: the permit holder documents how alcohol consumption will be responsibly monitored and managed (consideration of juveniles in the alfresco area, preventing intoxication, how will the area be monitored, etc..) - for the permit holder to do this AND manage this on the approved premises the permit holder AND staff should hold an RSA qualification. An RSA will provide a through theoretical understanding of responsible service practices.</i> • Use of ‘etc.’ should be replaced with an exact list criteria the applicant is expected to address, including removal of intoxicated persons from the approved premises. • There needs to be a resulting monitoring and review process of approved venues to ensure the responsible service of alcohol is being upheld and they have RSAs. Venues, who want the convenience of BYO alcohol for their guests rather than the overheads of a | <p>Draft Policy amended, as suggested</p> <p>Draft Policy amended, as suggested</p> <p>The details of the assessment criteria will be included on the Permit Application Form</p> <p>Permits will need to be renewed annually; this will allow the Shire to address any issues as a result of the availability of BYO.</p> |

| | |
|--|--|
| <p>full licence, should have a level of responsibility to ensure they can assess and manage responsible consumption.</p> <ul style="list-style-type: none"> Point 11 regarding support for a permit for the sale and or consumption of alcohol at sporting fields or public open space. Sub point 3, 'alcohol is only sold and supplied in accordance with trading hours nominated in the Kununurra Wyndham Liquor Accord'. To allow the Shire scope, recommend wording amendment to 'alcohol is only sold and supplied in accordance with, or less than, trading hours nominated in the Kununurra Wyndham Liquor Accord. To align with other elements within the draft Policy around children and alcohol, the Shire may also wish to consider whether they feel it is appropriate to add another sub point to point 11 – <i>The primary focus of activity is not child/juvenile related.</i> To provide the Shire with discretionary options relating to dealing with large events at sporting fields or public open space, reference to crowd size is an additional item in relation to point 11 may be of interest – <i>In addition to the above, where there are likely to be large crowds involved, the Shire may seek additional strategies to be implemented before approval.</i> | <p>The Shire will also respond to Customer Service requests regarding any concerns with the operation of the facility</p> <p>It was considered that the trading hours nominated in the Kununurra Wyndham Liquor Accord will provide the standard</p> <p>Draft Policy amended, as suggested</p> <p>Draft Policy amended, as suggested</p> |
| <p><u>General</u></p> <ul style="list-style-type: none"> While this policy is a good thing to the extent that it provides guidance for officers during the approvals process, I am concerned to see that monitoring processes are put in place to ensure compliance. I am more concerned that there are not resources allocated to upholding existing local laws, in particular: <ul style="list-style-type: none"> 2.3 No possession and consumption of liquor on thoroughfare 2.3 (1) No gambling in a public place or on local government property | <p>Over the last two years, Shire Rangers have issued almost 100 infringement notices for antisocial behaviour including litter and illegal camping as a result of itinerancy. Many of these infringements have been in Whitegum Park.</p> <p>With the introduction of the Fines</p> |

Whitegum Park is but one example of a disgraceful spectacle day and night in a public place and the Shire is failing to uphold two of its local laws which are the root cause of the situation.

Thank you for the opportunity to provide feedback.

Enforcement Registry, Shire Rangers expect to increase their enforcement effectiveness across their delegated authority.

13.03.2. Council Policy Review - Trading in Public Places - Mobile Food Vehicle

| | |
|---------------------------------|--|
| DATE: | 26/04/2016 |
| AUTHOR: | Roy Adam, Planning Officer |
| RESPONSIBLE OFFICER: | Louise Gee, Director Community Development |
| FILE NO: | CM.11.2 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the draft Trading in Public Places - Mobile Food Vehicle Policy for public advertising for a period of 28 days.

COUNCIL DECISION

Minute No: 11329

Moved: Cr S Cooke
Seconded: Cr E Bolto

That Council endorse the draft Trading in Public Places - Mobile Food Vehicle Policy for public advertising for a period of 28 days.

Carried 8/0

PURPOSE

For Council to consider the review of Council Policy CP/LPP-3827 Trading in Public Places.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL

The Trading in Public Places Policy was first adopted in February 2014.

More guidance for applicants and Shire officers on Trader's Permits is considered to be useful to add to the Shire's *Activities in Thoroughfares and Public Places and Trading Local Law 2005*. "Trading" is broadly defined in the Local Law - to encompass many kinds of public trade including (but not limited to) Stalls, Display of Goods and Outdoor Dining Facilities.

Amongst the permits described in the Local Law it is considered that the approvals process for Trader's Permits where mobile food vehicles are being operated in particular would be better facilitated with a policy in place.

As further background it is recognised that there is an emerging national and international trend for "pop up" mobile food vehicles as a means of activating underutilised streets and public places to create places for creative and social activities. Reviewing the Policy is also considered appropriate in this wider context.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 Role of council

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Activities in Thoroughfares and Public Places and Trading Local Law 2005

Part 6.2

- (1) The local government may -
 - (a) approve an application for a permit unconditionally or subject to any conditions

Part 6.4

- (2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

POLICY IMPLICATIONS

Changes are drafted as attached.

FINANCIAL IMPLICATIONS

There are likely to be minor costs associated with advertising for the placement of an advert in the Kimberley Echo.

The Shire's 2016/17 Fees and Charges includes the following fees for "Trading in Public Places or Thoroughfares":

| | |
|----------------------------------|------------|
| Traders Permit - Application Fee | \$107.70 |
| Traders Permit - Daily Charge | \$27.00 |
| Traders Permit - Monthly Charge | \$376.70 |
| Traders Permit - Annual Charge | \$1,076.10 |

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 services

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

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

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

Under the *Thoroughfares and Public Places Local Law 2005* there is no requirement to advertise a policy for public comment. However the Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy and Community Engagement Guidelines have been considered.

It is recommended that public consultation occur for a period of 28 days; via advertising in the Kimberley Echo and by inviting comment from existing traders and the Kununurra Chamber of Commerce & Industry.

It is noted that Council's resolution of 18 November 2013 was to advertise the original policy for a period of 21 days. Advertising was undertaken between 16 January and 6 February 2014. Two (2) submissions were lodged:

| Submission | Response (25 February 2014) |
|---|--|
| The 300m condition creates a monopolistic effect and restricts healthy competition. | The Shire is responsible for ensuring that local businesses are protected and therefore the traders are not permitted to trade within 300 metres of existing conflicting businesses. |
| The draft policy will not allow for businesses to trade at the markets due to the 300m restriction. | Traders are permitted to operate at approved events, for example, the Kununurra markets, Ord Valley Muster events under the banner of the event organiser. |

COMMENTS

In reviewing the existing Policy comment has been sought from current permit holders of which there are now three (3) in the Shire. In addition, comments from applicants who have not pursued permits due to policy restrictions have been received over time.

Research of other local government policies has been undertaken in the review.

Key changes in the draft:

- Reference to stalls/stallholders removed from the Policy to refine its purpose to Traders operating Mobile Food Vehicles;
- Days per week restriction (three days per week) removed;
- The “4 hours in any one location each day” restriction removed;
- Distinct time limitations of: 8am-6pm for food vendors (e.g. ice-cream vans) while in residential areas; and
- Time limitation of 6am-9pm for mobile food vehicles in other Shire-approved locations.

Council may note that the 300 metres separation distance referred to in the draft policy is a component of the *Activities in Thoroughfares and Public Places Local Law 2005* which states:

*“5.8 (2) A stallholder or trader shall not—
attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods of the kind being offered for sale by the stallholder or trader”.*

ATTACHMENTS

- Attachment 1 - Trading in Public Places Policy
- Attachment 2 - Draft Trading in Public Places - Mobile Food Vehicle



Trading in public places policy

OBJECTIVE:

Statement of intent

The objective of this policy is to manage the activities of traders on land managed by the Shire. This is to ensure that appropriate types of traders are permitted in suitable locations and the management of permits is fair and equitable.

POLICY:

Scope & Limitations

Under the *Thoroughfares and Public Places Local Law 2005* traders are able to apply for a permit to trade within the Shire. This policy has been developed to ensure that applications for trading permits are assessed against set guidelines and standard conditions are placed upon all approvals. Traders permits are only issued when the proposed location is on land that is managed by the Shire.

People wishing to trade on private property will need separate planning approval from the Shire.

Background

Guidelines for assessing and approving traders permits are required to ensure that trading takes place in a manner that does not affect the amenity and primary purpose of public places.

This policy aims to encourage a high standard of service delivery to our local community and visitors whilst supporting local economic development and commercial viability.

Guiding Statement

1. APPLICATION REQUIREMENTS

Applications must be in writing and be accompanied by:

- Details of goods/merchandise and or services to be offered.
- Details of vehicle or stall intended to be used for trading including a photograph of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed).
- Specific details of area(s) or route (including site plans).
- Times, days and dates sought.
- Evidence of public liability insurance.

2. STANDARD LIMITATIONS AND CONDITIONS

Location

- Traders are only permitted to operate in locations approved by the Shire.
- No trading is permitted within 200m of schools, between the hours of 8am and 3pm including adjoining streets (except during school holidays).
- The permit holder is limited to supply products and services approved by the Shire.
- Approvals will generally not be given on sites within 300 metres of permanent businesses that sell or offer the same or similar product or service.

Timeframes

- Trading may take place between 8am – 6pm in town areas including residential areas.
- Trading may take place between 6am-6pm at Celebrity Tree Park and Swim Beach.
- Traders operating from a mobile van shall not stop at any one location longer than 15 minutes and are to move on when all customers at a particular location have been satisfied.

Operations

- Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register with the Shire in accordance with the Food Act 2008.
- The permit holder must ensure that the area is kept clean and tidy at all times. It is the licensees responsibility to remove all litter associated with their operations.
- Food vehicles are not permitted to set up or provide external tables or chairs for customers.
- The permit holder must maintain a minimum of \$10 million Public Liability insurance.
- Traders must provide their own power and water.
- All advertising must be affixed to the vehicle or stall.
- Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.

3. TRADING ON PUBLIC LAND

Council does not generally allow trading on reserves in excess of 15 minutes except for during approved events. An application to trade on public land managed by Council may be considered should all the standard limitations and conditions be satisfied and subject to the following:

- The land must be readily and safely accessible to customers.
- Adequate parking is available.

- The activity will not interfere with the overall public enjoyment of the area, the facilitation of approved businesses or authorised events, including to occupy public parking.
- The Shire will approve a specific location for trading.
- Approval periods for stall holders generally restricted to a maximum of 3 days per week with no more than 3 consecutive days of operation at one time.
- Traders are not permitted to operate for more than 4 hours in any one location each day.
- Trading will be strictly limited to the sale of food and drink.
- The following assessment criteria will guide selection:
 - Offering a range of food products.
 - Ability to provide own power and water supply.
 - Appropriate waste management plan.

Outcomes

The guidelines for trading in public places managed by the Shire have been developed to ensure that the use of Shire land is appropriate and regulated.

GOVERNANCE REFERENCES

| | |
|-----------------------------|---|
| Statutory Compliance | <i>Thoroughfares and Public Places Local Law 2005 Food Act 2008</i> |
|-----------------------------|---|

POLICY ADMINISTRATION

| | | | | | |
|------------------------------|------------|-------------------------|------------|-----------------|------------|
| Directorate | | Officer Title | | Contact: | |
| <i>Community Development</i> | | <i>Planning Officer</i> | | Ext: 177 | |
| Date Effective | 25/02/2014 | CEO Approved | | | |
| Date Adopted | 25/02/2014 | Last Reviewed | 25/02/2014 | | |
| Risk Rating | Medium | Review Cycle | Bi-Annual | Next Due | 25/02/2016 |



| | | |
|--|--|----------------------------|
| POLICY NO | *** To be supplied by Governance once adopted by Council | |
| POLICY | Trading in Public Places – Mobile Food Vehicle (MFV) | |
| RESPONSIBLE DIRECTORATE | Community Development | |
| RESPONSIBLE OFFICER | Director Community Development | |
| COUNCIL ADOPTION | Date: 25/02/2014 | Resolution No: Insert Here |
| REVIEWED/MODIFIED | Date: | Resolution No: |
| | Date: | Resolution No: |
| REVIEW DUE | Date: 25/02/2016 | |
| LEGISLATION | <i>Local Government Act 1995 (WA) Activities in Thoroughfares and Public Places and Trading Local Law 2005</i> | |
| RELATED POLICIES | N/A | |
| RELATED ORGANISATIONAL DIRECTIVES | N/A | |

PURPOSE:

To guide the consideration of Traders Permits for high quality food-vending activities in a balanced manner that improves the usage and vitality of the Shire's public realm whilst ensuring that the needs of pedestrians, consumers and local business proprietors are met.

The Shire of Wyndham East Kimberley is committed to supporting and enhancing local business and in creating vibrant and active spaces for people.

The Shire encourages the use of parks and reserves for MFVs as a means of enhancing community activity that flows from this activation of shared public spaces.

The Shire also has a commitment to community wellbeing; economically, socially, and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property.

The Shire's *Activities in Thoroughfares and Public Places and Trading Local Law (Part 5)* outlines the requirement for a permit for the sale of goods in or within any street, vacant land, or public place.

DEFINITIONS:

| Word/Term | Definition |
|---------------------|--|
| Mobile Food Vehicle | <ol style="list-style-type: none"> Registered Vehicle, caravan, trailer or any other method of transport from which food is sold; Non-road registered vehicles such as, but not limited to coffee carts, hot dog carts or similar vehicles. |
| Public Place | <ol style="list-style-type: none"> Any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and Local government property. (As described in the Shire's <i>Activities in Thoroughfares and Public Places and Trading Local Law Part 5</i>) |

POLICY STATEMENTS:

1. Eligibility Requirements

1.1 To be eligible for a MFV permit, operators need to meet the basic standards required for the operation of a business of this nature including:

- *Food Act 2008* Certificate of Registration or equivalent from an Australian Local Government.
- Current vehicle registration.
- Public Liability Insurance.
- Details of goods/merchandise and or services to be offered (e.g. food menu).
- Details of vehicle or stall intended to be used for trading including internal and external photographs of the vehicle. Any such vehicle may be subject to inspection in order to determine its suitability for the purpose proposed.
- Details of preferred location(s) days and hours of operation.
- Details of associated lighting, banners and bunting.
- Permit application form.

2. Location and Siting

- 2.1 No trading is permitted within 200 metres of schools 8am - 3pm during school terms.
- 2.2 In general no trading is permitted within a distance of 300m of any shop or permanent place of business that is (i) open for business and (ii) has for sale any goods or services of the kind being offered for sale by the trader.
- 2.3 In regards to the above point this may be waived where a suitable agreement with the existing permanent business has been obtained.
- 2.4 Trading times are generally permitted 6am – 9pm (outside residential areas).
- 2.5 In residential areas and routes, trading may occur 8am - 6pm.
- 2.6 Mobile food vending will not be supported where vehicle size or layout may compromise public access, safety or other street activities. If concerns are raised by local businesses or the community on the operation or location of a vendor, the Shire may require the operation to relocate.
- 2.7 In general trading is permitted only in those particular public places applied for and specifically approved. However flexibility to “itinerant vendors” outside set locations is described in part 3 of this Policy.

3. Itinerant Vendors

3.1 Additional conditions for itinerant vendors such as ice-cream vans that stop for trade on public property when hailed by a customer are permitted to trade under the following additional conditions:

- May stop to serve (quickly-prepared) items such as ice creams, confectionary and drinks only;
- Remain stopped at a location for the transaction time period and no longer. If there is no customer making a purchase, the trader must move on from that location within a reasonable time; and
- Music or any other forms of noise to attract customers is not permitted to be played whilst the van is parked.

4. *Management and Responsibilities*

4.1 Permanent fixtures and elements are not permitted. Following trade the mobile food vehicle and all related fixtures must be removed from the site.

4.2 Any fixtures/furniture relating to the MFV (e.g. umbrellas, waste bins) should be sturdy and windproof, made of quality materials and be designed safely, without sharp edges or other features likely to cause injury.

4.3 Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists.

4.4 No waste or litter may be disposed of in Shire rubbish bins. MFVs must provide bins for use and ensure the area around their position is kept clear of rubbish and refuse at all times.

4.5 Background music may only be played from the MFV if the noise levels comply with the Assigned Levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. Generator noise must also comply with the Assigned Levels in the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music from Mobile Food Vehicle locations, the Shire reserves the right to prohibit music at the site.

4.6 MFVs must be positioned to allow access to service covers and emergency services.

4.7 MFVs must not: Remain at a site when not in use for trade.
 Require external power, gas or water connections.

5. *Public Risk Management*

5.1 Permit Holders must take out and keep current a public and product liability insurance policy specifically noting the Shire as an interested party. The policy should generally insure for the amount of 10 million dollars (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried

out under the Permit. A lesser amount public and product liability insurance might be accepted but this decision will be subject to a risk assessment process. A Certificate of Currency for the policy must accompany the application or renewal of a Permit.

5.2 The Permit Holder assumes responsibility for any liability issues which arise or are associated with the vending area.

6. Fees

6.1 The permit holder will be required to pay the fees and charges as prescribed by the Shire.

6.2 The fees will be consistent with the Traders Permit as detailed in the Fees and Charges for the relevant financial year.

7. Permit Monitoring, Renewal and Cancellation

7.1 Authorised Officers will conduct unannounced inspections of MFVs to determine compliance with permit conditions and *Activities in Thoroughfares and Public Places and Trading Local Law 2005*.

7.2 Following a complaint or observation of a breach of a permit, Shire officers will contact the permit holder and take appropriate enforcement action which may include penalties or permit cancellation.

7.3 During annual festivals, parades or special events a Traders Permit located within the event precinct will not necessarily be valid. Permission to participate in specific events needs to be obtained separately.

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.

Cr E Bolto and N Octoman, Director Corporate Services, declare impartiality interests. Cr E Bolto is a member of the Kununurra Agricultural Society and N Octoman is a member of the Ord River Sports Club.

13.04. CORPORATE SERVICES

13.04.1. Rates Exemptions and Concessions for 2016/17 and 2017/18

| | |
|---------------------------------|--|
| DATE: | 26 April 2016 |
| AUTHOR: | Veronica Gulland, Senior Rates Officer |
| RESPONSIBLE OFFICER: | Natalie Octoman, Director Corporate Services |
| ASSESSMENT NO: | A4993, A7561, A2859, A7620, A1160, A1072, A502, A2866, A5621, A5616 |
| FILE NO: | FM.11.79 |
| DISCLOSURE OF INTERESTS: | The Director Corporate Services discloses an impartiality interest in this item as she is a member of the Ord River Sports Club. |

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council:-

- Approves the following rates concessions for the 2016/17 and 2017/18 financial years, therefore waiving rates of approximately \$55,894.88 for the 2016/17 financial year in accordance with the following table:

| Assessment Number | Name | Concession Applied | Estimated Concession Based on 2015/16 Rates |
|-------------------|--------------------------------|--------------------|---|
| A4993 | Lake Kununurra Golf Club Inc | 100% Concession | \$9,406.60 |
| A7561 | Ord River Sailing Club Inc. | 100% Concession | \$2,183.68 |
| A2859 | Kununurra Race Club Inc. | 100% Concession | \$3,359.50 |
| A7620 | Kununurra Agricultural Society | 100% Concession | \$3,487.68 |
| A1160 | Ord River Sports Club | 100% Concession | \$9,676.04 |

| | | | |
|--------------|--------------------------------|-----------------|--------------------|
| A1072 | Kununurra Progress Association | 100% Concession | \$20,067.74 |
| A502 | Wyndham Gardens Inc. | 100% Concession | \$1,948.75 |
| A2866 | Ord Pistol Club Inc. | 100% Concession | \$2,203.83 |
| A5621 | Kununurra Speedway Inc. | 100% Concession | \$1,767.10 |
| A5616 | Kununurra Motorcross Club Inc. | 100% Concession | \$1,793.97 |
| TOTAL | | | \$55,894.88 |

- Notes that the amounts above will be adjusted once the 2016/17 rates are finalised, whereby it is likely that the rates concessions may vary.
- Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.
- Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease.
- Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
- Notes the current rates exemptions outlined in Attachment 1.

Cr B Robinson proposed an alternative motion:

That Council:-

- Approves an 80% rates concession for 2016/17 and a 70% rates concession for the 2017/18 financial year, therefore waiving rates of approximately \$44,715.90 for 2016/17 and \$39,126.43 for the 2017/18 financial year in accordance with the following table:

| Assess. Number | Name | Total Rates as per 2015/16 Rates | 2016/17 80% Rates Concession | 2017/18 70% Rates Concession |
|----------------|-------------------------------|----------------------------------|------------------------------|------------------------------|
| A4993 | Lake Kununurra Golf Club Inc. | \$9,406.60 | \$7,525.28 | \$6,584.62 |
| A7561 | Ord River Sailing Club Inc. | \$2,183.68 | \$1,746.94 | \$1,528.58 |

| | | | | |
|--------------|--------------------------------|--------------------|--------------------|--------------------|
| A2859 | Kununurra Race Club Inc. | \$3,359.50 | \$2,687.60 | \$2,351.65 |
| A7620 | Kununurra Agricultural Society | \$3,487.68 | \$2,790.14 | \$2,441.38 |
| A1160 | Ord River Sports Club | \$9,676.04 | \$7,740.83 | \$6,773.23 |
| A1072 | Kununurra Progress Association | \$20,067.74 | \$16,054.19 | \$14,047.42 |
| A502 | Wyndham Gardens Inc. | \$1,948.75 | \$1,559.00 | \$1,364.12 |
| A2866 | Ord Pistol Club Inc. | \$2,203.83 | \$1,763.06 | \$1,542.68 |
| A5621 | Kununurra Speedway Inc. | \$1,767.10 | \$1,413.68 | \$1,236.97 |
| A5616 | Kununurra Motorcross Club Inc. | \$1,793.97 | \$1,435.18 | \$1,255.78 |
| TOTAL | | \$55,894.88 | \$44,715.90 | \$39,126.43 |

2. Notes that the amounts above will be adjusted once the 2016/17 rates and 2017/18 rates are finalised, whereby it is likely that the rates concessions may vary, however the percentage applied would remain the same.
3. Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.
4. Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease, whereby the concessions considered will be consistent with the percentages outlined in dot point 1 above, with no exceptions.
5. Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
6. Notes the current rates exemptions outlined in Attachment 1.
7. Notes that not all community groups have applied for a rates concession and recognises the services and support that these groups also offer to the community.

Cr S Cooke foreshadows a motion to defer the item to a Budget Briefing Session.

COUNCIL DECISION

Minute No: 11330

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council:-

1. Approves an 80% rates concession for 2016/17 and a 70% rates concession for the 2017/18 financial year, therefore waiving rates of approximately \$44,715.90 for 2016/17 and \$39,126.43 for the 2017/18 financial year in accordance with the following table:

| Assess. Number | Name | Total Rates as per 2015/16 Rates | 2016/17 80% Rates Concession | 2017/18 70% Rates Concession |
|----------------|--------------------------------|----------------------------------|------------------------------|------------------------------|
| A4993 | Lake Kununurra Golf Club Inc. | \$9,406.60 | \$7,525.28 | \$6,584.62 |
| A7561 | Ord River Sailing Club Inc. | \$2,183.68 | \$1,746.94 | \$1,528.58 |
| A2859 | Kununurra Race Club Inc. | \$3,359.50 | \$2,687.60 | \$2,351.65 |
| A7620 | Kununurra Agricultural Society | \$3,487.68 | \$2,790.14 | \$2,441.38 |
| A1160 | Ord River Sports Club | \$9,676.04 | \$7,740.83 | \$6,773.23 |
| A1072 | Kununurra Progress Association | \$20,067.74 | \$16,054.19 | \$14,047.42 |
| A502 | Wyndham Gardens Inc. | \$1,948.75 | \$1,559.00 | \$1,364.12 |
| A2866 | Ord Pistol Club Inc. | \$2,203.83 | \$1,763.06 | \$1,542.68 |
| A5621 | Kununurra Speedway Inc. | \$1,767.10 | \$1,413.68 | \$1,236.97 |
| A5616 | Kununurra Motorcross Club Inc. | \$1,793.97 | \$1,435.18 | \$1,255.78 |
| TOTAL | | \$55,894.88 | \$44,715.90 | \$39,126.43 |

2. Notes that the amounts above will be adjusted once the 2016/17 rates and 2017/18 rates are finalised, whereby it is likely that the rates concessions may vary, however the percentage applied would remain the same.
3. Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.

4. Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease, whereby the concessions considered will be consistent with the percentages outlined in dot point 1 above, with no exceptions.
5. Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
6. Notes the current rates exemptions outlined in Attachment 1.
7. Notes that not all community groups have applied for a rates concession and recognises the services and support that these groups also offer to the community.

Lost 3/5

For: Cr J Parker, Cr B Robinson, Cr N Perry

Against: Cr E Bolto, Cr S Rushby, Cr D Spackman, Cr A Petherick, Cr S Cooke

COUNCIL DECISION

Minute No: 11331

Moved: Cr S Cooke

Seconded: Cr E Bolto

That Council defers item 13.04.1 to a Budget Briefing session

Carried 7/1

For: Cr J Parker, Cr E Bolto, Cr S Rushby, Cr S Cooke, Cr N Perry,

Cr D Spackman, Cr B Robinson

Against: Cr A Petherick

REASON FOR VARYING OFFICER'S RECOMMENDATION

To get clarification and further information.

PURPOSE

For the Council to consider rates concession applications for inclusion in the 2016/17 and 2017/18 budget and to note the rates exemptions for the 2016/17 and 2017/18 financial years.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Each year, as part of the Annual Budget, the Council provides rates concessions to a number of community, recreation and welfare organisations.

In March 2014, the Council adopted a Rates Concession Policy (Rateable Land) and a Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land) to assist the Council in determining community rate concessions and to identify applicable exemptions. At the 24 November 2015 Ordinary Council Meeting the Council adopted amended policies *CP/FIN-3209 Rates Concessions (Rateable Land)* and *CP/FIN-3208 Rates Exemption for Charitable Organisation (Non-Rateable Land)*.

As per these policies, community groups are required to reapply for rates concessions or exemptions every two years. The policies and associated applications forms were sent to community, recreation and welfare organisations on 20 January 2016.

The rates concessions that the Council are requested to consider would be applied for the 2016/17 and 2017/18 financial years as allowed within the policies.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

*(I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or*

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than

for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

POLICY IMPLICATIONS

1. Policy CP/FIN-3209 Rates Concession Policy (Rateable Land)
2. Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land)

FINANCIAL IMPLICATIONS

In order to accurately calculate the proposed rates required to be raised for the 2016/17 Annual Budget, the Council is requested to provide direction as to which properties may be provided a concession.

Rates are the Shire's primary means of raising income to cover operational costs and approving these concessions will directly impact Council's budget and reduce the funds available for other programs and projects.

If all recommendations are approved, Council will provide concessions to the value of approximately \$55,894.88 for the 2016/17 financial year. This amount is an estimate and is based on the existing 2015/16 rate in the dollar and it is envisaged that this amount may increase slightly.

It should be noted that as a result of the review of the applicable Policies, this will be the first year that the community groups will be required to pay the waste management charge of \$200.

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 services

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

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and included:

As per the Council's Policies *CP/FIN-3209 Rates Concession (Rateable Land)* and *CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)* for rates concessions to be considered, an application for rates concession or exemption must be made prior to the rating year.

The due date for applications for the 2016/17 rating year was 31 March 2016. This was advertised to the community through the local newspaper, on the Facebook page, Public Notice at each office - Wyndham and Kununurra, SWEK Website and applications were either posted or emailed to community, recreation and welfare organisations. A follow up phone call was also made to all the groups who previously had concessions or where officers were aware that a concession could be applied for.

Elected Members were involved in the Budget Forum held on 5 April 2016 whereby concessions were discussed.

COMMENTS

The Council offering concessions to rates payable by community, recreation and welfare organisations demonstrates its support and assistance to the community. The Council cannot have input into rating exemptions given the legislation that surrounds them, although organisations need to clearly demonstrate that they are exempt in accordance with section 6.26 of the *Local Government Act 1995*.

As per Council's Policies *CP/FIN-3209 Rates Concession (Rateable Land)* and *CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non Rateable Land)* the applicants have submitted a copy of their constitution, copies of their financial statements and written statements outlining the purpose of the property their exemption or concession application is relating to.

Officers have reviewed all information supplied with the applications for rates concessions and have briefed Elected Members on their content. The recommendations take into account the discussions held at the briefing.

The community, recreation and welfare organisations that have requested a rates concession or exemption are:

Concessions:

| Assessment Number | Name |
|--------------------------|--|
| A4993 | Lake Kununurra Golf Club Inc. |
| A7561 | Ord River Sailing Club Inc. |
| A2859 | Kununurra Race Club Inc. |
| A7620 | Kununurra Agricultural Society Inc. |
| A1160 | Ord River Sports Club Inc. |
| A1072 | Kununurra Progress Association |
| A502 | Wyndham Picture Gardens Inc. |
| A2866 | Ord Pistol Club Inc. |
| A5621 | Kununurra Speedway Inc. |
| A5616 | Kununurra Motorcross Club Inc. |
| A7566 | Kununurra Water Ski Club (submit after closing date) |

Exemptions:

| Assessment Number | Name |
|--------------------------|--|
| A1814 & A1649 | Wyndham Historical Society Inc. |
| A7469 & A1071 | Yawoorrong Miriuwung Gajerrong Yirrgab Noong Dawang Aboriginal Corporation |
| A2529 | Ewin Early Learning Centre Inc. |
| A2151 | Kununurra Historical Society Inc. |
| A7152 | Wunan Foundation Inc. |
| A7090 | Kimberley Group Training Inc. |
| A5262 | The Returned & Services League of Australia Inc. |

Due to the extent of information received in the applications, it is impractical to provide a complete copy to each Councillor as part of this report. The information is however available for Councillors to review if requested.

It should be noted that if applications were not received prior to 31 March 2016, rates will be charged, and in accordance with the Policy, concessions will not be considered for the 2016/17 financial year.

An application for Concession from the Kununurra Water Ski Club was received on 15 April 2016. Application forms and information were mailed out on 20 January 2016 and follow up courtesy calls were made to try to contact the responsible person with messages left to contact the Shire prior to the closing date for applications of 31 March 2016. In accordance with the Policy the application from the Kununurra Water Ski Club was not be considered for a concession for the 2016/17 year but may be considered for the 2017/18 year.

Officers are aware that there are a number of community organisations with whom lease negotiations are currently being undertaken. These include Kimberley Action Sports Incorporated, Kununurra Dragon Boat Club and Kununurra Bushmen's Rodeo Association Inc. Currently, as no lease is in place for these organisations, they do not effectively hold a rateable property and no valuation is recorded. It is proposed that for organisations who commence a lease during the 2016/17 financial year, that applications for rates concessions or exemptions will be considered from the date that the lease commences as once a lease is signed the land becomes rateable and a valuation is received from the Valuer General's Office.

Organisations who are in this situation and wish to seek a rates concession or exemption will be required to submit an application for within 30 days of the date of commencement of the lease for a rates concession or exemption to be considered. The current Policies do not incorporate any such provision and are effectively silent on the matter, however Officers believe that this would be a fair approach moving forward and will recommend these changes when the Policies are subsequently reviewed for the following round.

While the current rates concessions are applied for two financial years in accordance with the Policy, it is proposed that the Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)* be reviewed to take into account the outcomes of another draft Council Policy, *CP/COM-3580 Community Development* whereby Council's purpose is to implement a community development approach which empowers and strengthens the community, encourages collaborative practices and celebrates the diversity of our community. A key component of that Policy is the recognition that the Shire does not need to provide all of the community-related services but that it is the Shire's role to create an environment where these services are present within the community which is done through building the capacity of the community.

Rates concessions are one mechanism to assist in developing this approach whereby rates concessions could be considered utilising a similar approach to the current assessment tool that is used for the Annual Community Grants program i.e. each grant application is assessed based upon the following criteria:

1. Demonstrated need for funding
2. Benefit to the community including community development outcomes
3. Demonstrated partnerships and ability to source additional funds and/or partnerships
4. Demonstrated community support for the organisation
5. The organisation's demonstrated ability or capacity to achieve measureable outcomes for the community
6. Demonstration of links to Council's strategic direction and objectives.

As this assessment process cannot be applied for 2016/17 or 2017/18 under the current Policy provisions, it provides time to gain community input on the draft Policy and to engage with the community groups.

SUMMARY OF APPLICATIONS:

CONCESSIONS

1. A4993 – Lake Kununurra Golf Club Inc.

Benefit to the Community

The Lake Kununurra Golf Club Inc. holds a lease with the Shire. The lease indicates that rates and outgoings are payable by the Lake Kununurra Golf Club Inc. The land is used to provide golfing facilities to members and the wider community of Kununurra and to tourists who can play on the course any day of the year once they have paid the requisite green fees. The Lake Kununurra Golf Club Inc. receives funding through membership fees, competition fees, the onsite golf shop, bar sales and grants.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Golf Club holds a liquor license, has a small golf shop and has membership in excess of 100. While all of the maintenance is undertaken by volunteers, it could be considered to be operating on a commercial basis, particularly given the liquor license and shop and it is open all year round.

It is therefore recommended that a 100% concession be granted to the Lake Kununurra Golf Club.

Based on a UV of \$1.4 million and utilising the current 2015/16 UV Commercial/Industrial rate in the dollar of 0.6719 the rates concession would be \$9,406.60 and the proposed rates to pay would be nil.

2. A7561 - Ord River Sailing Club Inc.

Benefit to the Community

The Ord River Sailing Club Inc. holds a current lease with the Shire which indicates that rates and outgoings are payable. The land is used for recreation purposes by club members for both recreation and competition purposes. The property includes a shed which holds sailing boats (that belong to both the club and its members) where the membership fees cover the use of boats and facilities. The Ord River Sailing Club Inc. receives funding from membership fees, shed fees, race nomination fees and fundraising.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Ord River Sailing Club Inc. appears to have very few members and do not hold a liquor license, however it may be considered that given the prime real estate held by the Club, that the Club could be looking at further opportunities to increase their membership and revenue base.

It is therefore recommended that a 100% concession be granted to the Ord River Sailing Club Club Inc.

Based on a UV of \$325,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the rates concession would be \$2,183.68 and the rates to pay would be nil.

3. A2859 - Kununurra Race Club Inc.

Benefit to the Community

The Kununurra Race Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Race Club Inc. The organisation provides two race meets in August – Ladies Day and Kununurra Cup Day. The facilities are utilised by jockeys and horse trainers racing in the Kununurra races which is run by volunteers, although Cup Day can see as many as 1,500 people attend. The Kununurra Race Club receives funding from membership fees, sponsorships, bar sales and the two race meets held in August. The money raised is put towards the stake money and the running of the races.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Race Club Inc. may only hold two race meets, but they hold a liquor license, and gain a significant amount of their income from bar sales and Racing and Wagering Western Australia (RWAA) subsidies.

This being the case, the Race Club reinvests their returns into the Club which is seen to provide a valuable benefit to the community.

It is therefore recommended that a 100% concession be granted to the Kununurra Race Club Inc.

Based on a UV of \$500,000 and utilising the current 2015/16 UV concession rate in the dollar of 0.6719 the rates concession would be \$3,359.50 and the rates to pay would be nil.

4. A7620 – Kununurra Agricultural Society Inc.

Benefit to the Community

The Kununurra Agricultural Society Inc. organises and operates the annual Kununurra Agricultural Show that is held in July. The show supplies a safe environment for local and interstate competitors to participate in show events. The Kununurra Agricultural Society Inc. receives funding from membership fees, sponsorship, grant funding and entrance fees for show activities.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Agricultural Society Inc. organises and runs the annual Kununurra Agricultural Show that is a benefit to the whole community and utilises its profits to promote sustainable development and practices within the agricultural, horticultural and pastoral industries.

It is therefore recommended that a 100% concession be granted to the Kununurra Agricultural Society Inc.

Based on a GRV of \$28,850 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$3,487.68 and the rates to pay would be nil.

5. A1160 - Ord River Sports Club Inc.

Benefit to the Community

To provide, maintain and conduct a club for the purpose of promotion and encouragement of sporting, recreational and community activities and promote good fellowship amongst its members. The organisation is primarily funded by function and facilities bookings, corporate sponsorship and grants and the sale of alcohol. These income sources pay for the day to day running of the venue, building maintenance and facility upgrades.

Rates (2015/16)

\$9,676.00.

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% concession

The Ord River Sports Club Inc. appears to have increased the number of new members and do generate a large amount of income due to having volunteers instead of paid employees. With having a new Strategic Business Plan 2015 - 2020 in place there has been constant commitment from the volunteers and the new board members which has significantly increased the community benefits that the Ord River Sports Club Inc. provide.

It is therefore recommended that a 100% concession be granted to the Ord River Sports Club Inc.

Based on a GRV of \$80,040 and utilising the current 2015/16 GRV Commercial rate in the dollar of 12.089 the rates concession would be \$9,676.04 and the proposed rates to pay would be nil.

6. A1072 – Kununurra Progress Association Inc.

Benefit to the Community

The Kununurra Progress Association Inc. provides for the progress, welfare, interest and advancement of Kununurra and in particular the operation of the outdoor cinema and partnerships with other groups to host cultural events for the town (eg. Barramundi Concert). The Kununurra Progress Association Inc. charges patrons to the outdoor movie screenings. A ticket price and runs a kiosk using volunteers during the movie screenings and will occasionally sell cooked food to support a fundraising activity.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Progress Association Inc. runs successful movie screenings, with many community members attending. It is understood that the ticket prices charged cover the costs of the movie (which is calculated on a percentage basis of takings and can be as high as 50% of the takings); electricity and water; courier costs for the movie disc; insurance; equipment and grounds maintenance; and capital costs. All workers are volunteers and as such are unpaid.

It is therefore recommended that a 100% concession be granted to the Kununurra Progress Association Inc.

Based on a GRV of \$166,000 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$20,067.74 and the proposed rates to pay would be nil.

7. A502 - Wyndham Gardens Inc.

Benefit to the Community

Wyndham Gardens Inc. provides inexpensive and safe recreation and entertainment for children and families of Wyndham and outlying communities. The Wyndham Gardens Inc. receives funding through canteen sales and entry fees.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The Wyndham Gardens Inc. provides a service to the broader community and only utilises its profits for the promotion of the objects of the Association. Family movies are screened weekly throughout the dry season (May-November); it is a venue for the "Grow the Music" concert events and an "old movie" is played for senior citizens during Seniors Week.

It is considered to be a valuable service to the community, and essentially run by volunteers, with a small gate entry fee of only \$4.00 and canteen sales.

It is therefore recommended that a 100% concession be granted.

Based on a GRV of \$16,120 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$1,948.75 and the rates to pay would be nil.

8. A2866 - Ord Pistol Club Inc.

Benefit to the Community

The Ord Pistol Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Ord Pistol Club Inc. The club was formed to promote safe, proficient and enjoyable participation and competition in pistol shooting for all ages at club, zone, state, national, international and olympic levels. The club is also an integral part of the firearms training and licensing service for the region. The Ord Pistol Club Inc. receives funding from membership fees, and outside range users.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The range is used for Club Competition each Sunday morning with members paying an annual membership fee and a range fee. Other users such as Shire (Airport services), WA Police Kununurra and Wyndham, Parks and Wildlife, Agriculture WA and Local Security Services pay a user fee per day to cover the cost of maintenance and upgrades to the facility at the current Police Range Safety Standards.

Whilst it is considered to be a valuable service to the community, and essentially run by volunteers, a profit is generated from the user fees.

It is therefore recommended that a 100% concession be granted to the Ord Pistol Club Inc.

Based on a UV of \$328,000 and utilising the current 2015/16 UV Commercial rate in the dollar of 0.6719 the rates concession would be \$2,203.83 and the proposed rates to pay would be nil.

9. A5621 - Kununurra Speedway Inc.

Benefit to the Community

The Kununurra Speedway Inc. provides a race track that suits a range of certified racing cars for local and interstate speedway members to race in a safe environment. It holds between 7 – 10 meets from April to November each year for spectators. The organisation receives funding from membership fees, gate entry fees, sponsorships, raffles and canteen takings.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

Essentially, this service provides a venue for local motor sport enthusiast to participate in a safe environment. It is considered to be a service to the community, and is run by volunteers.

It is therefore recommended that a 100% concession be granted.

Based on a UV of \$263,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the 100% rates concession would be \$1,767.10 and the proposed rates to pay would be nil.

10. A5616 - Kununurra Motorcross Club Inc.

Benefit to the Community

The Kununurra Motorcross Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Motorcross Club Inc. The facilities are used to provide a safe and organised sports and community club for all age groups, both indigenous and non-indigenous in Kununurra and surrounding regional centres. The Kununurra Motorcross Club Inc. receives funding from membership fees, race day canteen sales and nomination fees.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The Kununurra Motorcross Club Inc. has had a loss in membership base bring what appeared to be a 80-100 members right down to around 60 members (riders and non-riders) with the Club. The Club has many partnerships with organisations such as the Department of Sport and Recreation, Lakeview Apartments and JSW Holdings P/L plus others. The kununurra

Motorcross Club Inc. has had a decline in membership this financial year simply because families have moved away from the region.

It is therefore recommended that a 100% concession be granted.

Based on a UV of \$267,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the 100% rates concession would be \$1,793.98 and the proposed rates to pay would be nil.

11. A7566 Kununurra Water Ski Club (Application received after closing date).

Benefit to the Community

The Kununurra Water Ski Club holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Water Ski Club. The club's purpose is to encourage the participation and skill development of the community in aquatic tow sports. The club uses its facilities in support to these purposes and also offers the venue for use to the wider community. The Kununurra Water Ski Club receives funding through membership fees, hire of the club facilities, donations, and the running of the annual Dam 2 Dam dinghy race.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - Application not considered

The application for rates concession from the Kununurra Water Ski Club was received after the closing date of 31 March 2016. In accordance with Council Policy *CP/FIN-3209 Rates Concession Policy (Rateable Land)* the application from the Kununurra Water Ski Club will therefore not be considered for a rates concession for the 2016/17 year. The application will be considered for the 2017/18 year.

Based on a UV of \$299,000 and utilising the current 2015/16 UV Commercial/Industrial rate in the dollar of 0.6719 the rates to pay will be \$2,008.98.

EXEMPTIONS:

12. A1814 and A1649 - Wyndham Historical Society Inc.

Benefit to the Community

The Wyndham Historical Society Inc. objective is to foster historical interest in Wyndham, including preservation and display of artefacts and documents pertaining to the history of Wyndham. The organisation receives funding through museum sales, donations, memberships and museum takings.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Wyndham Historical Society Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Wyndham Historical Society Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

13. A1071 and A7469 - Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation

Benefit to the Community

Both properties for Assessment A1071 and Assessment A7469 are owned by Yawoorrong Miriuwung Gajerrong Yirreb Noong Dawang Aboriginal Corporation (MG Corporation). MG Corporation provides direct relief from poverty and disadvantage as well as undertaking community development for the benefit of the Miriuwung and Gajerrong people (MG People). They also focus on facilitating improvements in community health, housing education, employment and wellbeing in partnerships with State and Federal Governments, non-government and community agencies and industry. MG Corporation receives funding from grant funding, contributions from Landcorp, interest income, income from investments and considerable other income.

The Australian Business Register ABN Lookup has been provided stating that Yawoorrong Miriuwung Gajerrong Yirreb Noong Dawang Aboriginal Corporation is registered with Australian Charities and Not-for-profits Commission (ACNC) since 03 December 2012 on the basis that it is a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

14. A2529 - Ewin Early Learning Centre Inc.

Benefit to the Community

The Ewin Early Learning Centre Inc. holds a lease with the Shire which indicates that rates and taxes are payable. The land is utilised for the provision of education and care for up to 80 children per day with around 140 children attending the centre over the course of each week, supporting 116 families who meet the work/study requirements of the government.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Ewin Early Learning Centre Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Ewin Early Learning Centre Inc is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

15. A2151 - Kununurra Historical Society Inc.

Benefit to the Community

The objectives of the Kununurra Historical Society Inc. are to foster historical interest in Western Australian History in general and in Kununurra and the Ord River Irrigation Area in particular, including preservation and display of artefacts and documents. The organisation receives funding through museum sales, donations and membership fees.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Kununurra Historical Society Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Ewin Early Learning Centre Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

16. A7152 - Wunan Foundation Inc.

Benefit to the Community

To improve the lives of Aboriginal people in the East Kimberley by driving sustainable change for the future. The Wunan Foundation Inc. receives funding through grants, donations, membership and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Wunan Foundation Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

17. A7090 - Kimberley Group Training Inc.

Benefit to the Community

To relieve poverty through the provision of skills and employment throughout the East Kimberley region. Kimberley Group Training is solely focused on employment of disadvantaged people in the Kimberley, especially indigenous people, in order to break the poverty cycle and reduce or eliminate the level of disadvantage. Kimberley Group Training Inc. receives funding through grants, donations and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), Kimberley Group Training Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

18. A5262 - The Returned & Services League of Australia Inc.

Benefit to the Community

The Returned & Services League of Australia WA Branch Inc. (RSL) supports the serving and those who have served in the Australian Defence Forces, various British Commonwealth Defence Forces, members of allied Defence Forces and their dependants. The RSL conducts activities under the Constitution including ANZAC Day and Remembrance Commemoration Services. The RSL receives funding through grants, donations, membership and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Returned & Services League of Australia WA Branch Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

ATTACHMENTS

Attachment 1 - List of Exempt Properties

| Assessment Number | Property Owner |
|--------------------------|--|
| A5688 | Aboriginal Affairs Authority |
| A6822 | Aboriginal Hostels Limited |
| A2420 | Aboriginal Lands Trust |
| A2546 | Aboriginal Lands Trust |
| A2555 | Aboriginal Lands Trust |
| A3087 | Aboriginal Lands Trust |
| A5174 | Aboriginal Lands Trust |
| A5238 | Aboriginal Lands Trust |
| A5321 | Aboriginal Lands Trust |
| A5641 | Aboriginal Lands Trust |
| A5653 | Aboriginal Lands Trust |
| A5656 | Aboriginal Lands Trust |
| A5665 | Aboriginal Lands Trust |
| A5666 | Aboriginal Lands Trust |
| A5667 | Aboriginal Lands Trust |
| A5668 | Aboriginal Lands Trust |
| A5669 | Aboriginal Lands Trust |
| A5670 | Aboriginal Lands Trust |
| A5671 | Aboriginal Lands Trust |
| A5674 | Aboriginal Lands Trust |
| A5743 | Aboriginal Lands Trust |
| A5750 | Aboriginal Lands Trust |
| A5752 | Aboriginal Lands Trust |
| A5759 | Aboriginal Lands Trust |
| A5761 | Aboriginal Lands Trust |
| A5312 | Airservices Australia |
| A6265 | Alligator Hole Community |
| A824 | Anglican Church |
| A285 | Assemblies Of God In Australia WA Conference |
| A1079 | Australian Broadcasting Corporation |
| A2284 | Australian Maritime Safety Authority |
| A2285 | Australian Maritime Safety Authority |
| A5749 | Australian Maritime Safety Authority |
| A5263 | Balanggarra Aboriginal Corporation |
| A5837 | Baptist Union of WA Inc |
| A2271 | Bell Springs Community |
| A798 | Bethel Inc. |

| Assessment Number | Property Owner |
|--------------------------|---|
| A1659 | Clerk of Courts |
| A6264 | Cockatoo Springs Community |
| A5101 | Commissioner of Main Roads |
| A5102 | Commissioner of Main Roads |
| A5685 | Commissioner of Main Roads |
| A5697 | Commissioner of Main Roads |
| A5725 | Commissioner of Main Roads |
| A5726 | Commissioner of Main Roads |
| A5732 | Commissioner of Main Roads |
| A5744 | Commissioner of Main Roads |
| A5760 | Commissioner of Main Roads |
| A5488 | Commonwealth Of Australia |
| A5708 | Commonwealth of Australia |
| A85 | Country Women's Association of WA Inc |
| A5748 | Crocodile Hole Community |
| A453 | Department for Child Protection |
| A7465 | Department for Child Protection |
| A5684 | Department of Agriculture |
| A2427 | Department of Conservation |
| A5006 | Department of Conservation |
| A5673 | Department of Conservation and Land Management (CALM) |
| A5681 | Department of Conservation and Land Management (CALM) |
| A5689 | Department of Conservation and Land Management (CALM) |
| A5696 | Department of Conservation and Land Management (CALM) |
| A5709 | Department of Conservation and Land Management (CALM) |
| A3227 | Department Of Defence |
| A7697 | Department of Education |
| A7771 | Department of Education |
| A1815 | Department of Fire & Emergency Services Western Australia |
| A6903 | Department of Fire & Emergency Services Western Australia |
| A1315 | Department of Housing |
| A258 | Department of Housing |
| A259 | Department of Housing |
| A2048 | Department of Lands |
| A7154 | Department of Regional Development |
| A2508 | Department of Transport |
| A2047 | Department of Water - Kununurra |
| A5260 | Department of Water - Kununurra |

| Assessment Number | Property Owner |
|--------------------------|---|
| A6261 | Dillon Springs Community |
| A6262 | Dillon Springs Community |
| A5981 | East Kimberley Hirings |
| A7129 | East Kimberley Volunteer Marine Rescue Group |
| A6263 | Eight Mile Community |
| A2529 | Ewin Early Learning Centre Inc. |
| A6266 | Four Mile Community |
| A1330 | Gawooleng Yawoodeng Incorporated |
| A6269 | Geeboorwama Community |
| A2256 | Gulgagulganeng Aboriginal Corporation |
| A865 | Health Department of WA (Wyndham) |
| A996 | Health Department of WA (Wyndham) |
| A6272 | Honeymoon Beach Community |
| A1100 | Horizon Power |
| A2793 | Horizon Power |
| A3291 | Horizon Power |
| A5211 | Horizon Power |
| A524 | Indigenous Land Corporation |
| A530 | Indigenous Land Corporation |
| A550 | Indigenous Land Corporation |
| A86 | Inpex Browse Limited |
| A87 | Inpex Browse Limited |
| A2585 | Jimbilum Community |
| A5829 | Kalumburu Mission |
| A2481 | Kandiwal Aboriginal Corporation |
| A2482 | Kandiwal Aboriginal Corporation |
| A7090 | Kimberley Group Training Inc. |
| A5893 | Kimberley Land Council Aboriginal Corporation |
| A2217 | Kimberley TAFE |
| A4991 | Kimberley TAFE |
| A1231 | Kununurra District High School |
| A2151 | Kununurra Historical Society Inc. |
| A1175 | Kununurra Police Station |
| A5894 | Kununurra Waringarri Aboriginal Corporation |
| A5209 | Living Waters Assembly of God |
| A6273 | McGowan Island Community |
| A1097 | MG Dawang Land Pty Ltd |
| A1098 | MG Dawang Land Pty Ltd |

| Assessment Number | Property Number |
|--------------------------|--|
| A3088 | MG Dawang Land Pty Ltd |
| A4019 | MG Dawang Land Pty Ltd |
| A6268 | MG Dawang Land Pty Ltd |
| A7730 | MG Dawang Land Pty Ltd |
| A6276 | Miniata Community |
| A2235 | Minister for Agriculture |
| A2497 | Minister for Agriculture |
| A2548 | Minister for Agriculture |
| A5181 | Minister for Agriculture |
| A5281 | Minister for Agriculture |
| A5632 | Minister for Agriculture |
| A7698 | Minister for Health |
| A7699 | Minister for Health |
| A7700 | Minister for Health |
| A2872 | Minister for Police; Emergency Services; Road Safety |
| A760 | Minister for Police; Emergency Services; Road Safety |
| A1680 | Minister for Transport |
| A273 | Minister for Transport |
| A82 | Minister for Transport |
| A5210 | Minister for Water Resources |
| A5468 | Minister for Water Resources |
| A5500 | Minister for Water Resources |
| A5682 | Minister for Water Resources |
| A5704 | Minister for Water Resources |
| A5754 | Minister for Water Resources |
| A5471 | Minister for Works |
| A5479 | Minister for Works |
| A5510 | Minister for Works |
| A5657 | Minister for Works |
| A5705 | Minister for Works |
| A1660 | Mirima Council Aboriginal Corporation |
| A2020 | Mirima Council Aboriginal Corporation |
| A6961 | Mirima Council Aboriginal Corporation |
| A6962 | Mirima Council Aboriginal Corporation |
| A6963 | Mirima Council Aboriginal Corporation |
| A6964 | Mirima Council Aboriginal Corporation |
| A6965 | Mirima Council Aboriginal Corporation |
| A6966 | Mirima Council Aboriginal Corporation |

| Assessment Number | Property Owner |
|--------------------------|--|
| A6967 | Mirima Council Aboriginal Corporation |
| A6968 | Mirima Council Aboriginal Corporation |
| A6969 | Mirima Council Aboriginal Corporation |
| A6970 | Mirima Council Aboriginal Corporation |
| A6971 | Mirima Council Aboriginal Corporation |
| A6973 | Mirima Council Aboriginal Corporation |
| A6974 | Mirima Council Aboriginal Corporation |
| A6975 | Mirima Council Aboriginal Corporation |
| A6976 | Mirima Council Aboriginal Corporation |
| A6977 | Mirima Council Aboriginal Corporation |
| A6978 | Mirima Council Aboriginal Corporation |
| A6979 | Mirima Council Aboriginal Corporation |
| A6980 | Mirima Council Aboriginal Corporation |
| A6981 | Mirima Council Aboriginal Corporation |
| A6982 | Mirima Council Aboriginal Corporation |
| A6983 | Mirima Council Aboriginal Corporation |
| A6984 | Mirima Council Aboriginal Corporation |
| A6985 | Mirima Council Aboriginal Corporation |
| A6986 | Mirima Council Aboriginal Corporation |
| A6987 | Mirima Council Aboriginal Corporation |
| A6988 | Mirima Council Aboriginal Corporation |
| A6989 | Mirima Council Aboriginal Corporation |
| A6990 | Mirima Council Aboriginal Corporation |
| A1128 | Moongoong Darwung Aboriginal Association |
| A6270 | Mud Springs Community |
| A7729 | Munthamar Community |
| A188 | Ngnowar-Aerwah Aboriginal Corporation |
| A5213 | Ngnowar-Aerwah Aboriginal Corporation |
| A6267 | Ngulwirriwirri Community |
| A1507 | Nulleywah Aboriginal Corporation |
| A6935 | Nulleywah Aboriginal Corporation |
| A6936 | Nulleywah Aboriginal Corporation |
| A6937 | Nulleywah Aboriginal Corporation |
| A6938 | Nulleywah Aboriginal Corporation |
| A6939 | Nulleywah Aboriginal Corporation |
| A6940 | Nulleywah Aboriginal Corporation |
| A6941 | Nulleywah Aboriginal Corporation |
| A6942 | Nulleywah Aboriginal Corporation |

| Assessment Number | Property Owner |
|--------------------------|---|
| A6943 | Nulleywah Aboriginal Corporation |
| A6944 | Nulleywah Aboriginal Corporation |
| A6945 | Nulleywah Aboriginal Corporation |
| A6946 | Nulleywah Aboriginal Corporation |
| A6947 | Nulleywah Aboriginal Corporation |
| A6948 | Nulleywah Aboriginal Corporation |
| A6949 | Nulleywah Aboriginal Corporation |
| A6950 | Nulleywah Aboriginal Corporation |
| A6951 | Nulleywah Aboriginal Corporation |
| A6952 | Nulleywah Aboriginal Corporation |
| A6953 | Nulleywah Aboriginal Corporation |
| A6954 | Nulleywah Aboriginal Corporation |
| A6955 | Nulleywah Aboriginal Corporation |
| A6956 | Nulleywah Aboriginal Corporation |
| A6957 | Nulleywah Aboriginal Corporation |
| A6958 | Nulleywah Aboriginal Corporation |
| A6959 | Nulleywah Aboriginal Corporation |
| A6960 | Nulleywah Aboriginal Corporation |
| A2558 | Oombulgurri Association Incorporated |
| A262 | Oombulgurri Lands Aboriginal Corporation |
| A7757 | Ord Irrigation Asset Mutual Cooperative Ltd |
| A1127 | Ord Valley Aboriginal Health Service Aboriginal Corporation |
| A5596 | Pacific Hydro |
| A6274 | Pago Community |
| A5492 | Peoples Church of Kununurra |
| A483 | Peoples Church Wyndham Inc |
| A547 | Perth Diocesan Trustees |
| A5008 | Police Department |
| A635 | Public Works Department |
| A6260 | Red Creek Community |
| A5262 | Returned Services League of Australia WA Branch Inc |
| A516 | Roman Catholic Bishop of Broome |
| A5475 | St John Ambulance |
| A5217 | St John Ambulance Association in WA |
| A5736 | Telstra (Perth) |
| A5737 | Telstra (Perth) |
| A5740 | Telstra (Perth) |
| A5742 | Telstra (Perth) |

| Assessment Number | Property Owner |
|--------------------------|---|
| A5746 | Telstra (Perth) |
| A5747 | Telstra (Perth) |
| A74 | The Anglican Church - Wyndham |
| A1189 | The Roman Catholic Bishop of Broome |
| A1190 | The Roman Catholic Bishop of Broome |
| A1664 | The Roman Catholic Bishop of Broome |
| A72 | The Roman Catholic Bishop of Broome |
| A7037 | The University of Western Australia |
| A2530 | Unallocated Crown Land |
| A1682 | Uniting Church East Kimberley |
| A1107 | Uniting Church in Australia Property Trust WA |
| A7466 | WA Country Health Service |
| A112 | WA Land Authority |
| A231 | WA Land Authority |
| A2231 | Walker |
| A7828 | Warrayu Community Aboriginal Corporation |
| A7829 | Warrayu Community Aboriginal Corporation |
| A7830 | Warrayu Community Aboriginal Corporation |
| A7831 | Warrayu Community Aboriginal Corporation |
| A7832 | Warrayu Community Aboriginal Corporation |
| A7833 | Warrayu Community Aboriginal Corporation |
| A7834 | Warrayu Community Aboriginal Corporation |
| A7835 | Warrayu Community Aboriginal Corporation |
| A7836 | Warrayu Community Aboriginal Corporation |
| A7837 | Warrayu Community Aboriginal Corporation |
| A2229 | Water Corporation |
| A5494 | Water Corporation |
| A5686 | Water Corporation |
| A5714 | Water Corporation |
| A5776 | Water Corporation |
| A5988 | Water Corporation |
| A631 | Water Corporation |
| A7570 | Water Corporation |
| A6271 | Wirrum Aboriginal Corporation |
| A7770 | Wuggubun Aboriginal Corporation |
| A1934 | Wunan Foundation Inc. |
| A7152 | Wunan Foundation Inc. |
| A1950 | Wyndham Aged and Disabled Services |

| Assessment Number | Property Owner |
|--------------------------|--|
| A765 | Wyndham District High School |
| A1649 | Wyndham Historical Society Inc |
| A1814 | Wyndham Historical Society Inc |
| A1071 | Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation |
| A7469 | Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation |
| A2319 | Yirralallem |
| A7727 | Yirralallem 2 Community |
| A7728 | Yirralallem Community |

13.04.2. Monthly Statement of Financial Activity for the Period Ended 31 March 2016

| | |
|---------------------------------|--|
| DATE: | 26 April 2016 |
| AUTHOR: | Brian Garrett, Coordinator Management Accountant |
| RESPONSIBLE OFFICER: | Natalie Octoman, Director Corporate Services |
| FILE NO: | FM.09.5 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 31 March 2016.

COUNCIL DECISION

Minute No: 11332

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council receives the monthly financial report as at 31 March 2016.

Carried 8/0

PURPOSE

For Council to receive the monthly financial report for the period ended 31 March 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by 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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

The reports are now based on the Mid-Year Budget Review values. Thus a number of the previous variances that had been noted as "to be adjusted in the Mid-Year Budget review" process have now cleared from that schedule.

The number of variances are minimal due to these adjustments.

ATTACHMENTS

Attachment 1 - Statement of Financial Activity as at 31 March 2016.



Shire of Wyndham East Kimberley

Monthly Financial Report 2015/2016

As at 31 March 2016

Contents:

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

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

Shire of Wyndham East Kimberley

Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 31 March 2016

| | YTD Actual 2015/16 \$ | YTD Budget 2015/16 \$ | YTD Variance 2015/16 \$ | % | |
|--|--------------------------------|--------------------------------|----------------------------------|-----------|----------|
| Revenue | | | | | |
| General Purpose Funding | 2,140,105 | 2,111,510 | 28,595 | 1% | ▲ |
| Governance | 89,919 | 88,399 | 1,520 | 2% | ▲ |
| Law, Order, Public Safety | 51,532 | 50,966 | 565 | 1% | ▲ |
| Health | 104,099 | 99,357 | 4,742 | 5% | ▲ |
| Education and Welfare | 9,071 | 9,072 | (0) | 0% | ▼ |
| Housing | 88,194 | 87,629 | 566 | 1% | ▲ |
| Community Amenities | 2,307,302 | 2,275,017 | 32,285 | 1% | ▲ |
| Recreation and Culture | 616,657 | 548,982 | 67,675 | 12% | ▲ |
| Transport | 2,786,682 | 2,727,641 | 59,041 | 2% | ▲ |
| Economic Services | 46,527 | 44,897 | 1,629 | 4% | ▲ |
| Other Property and Services | 50,829 | 50,829 | 0 | 0% | ▲ |
| | <u>8,290,916</u> | <u>8,094,297</u> | <u>196,619</u> | <u>2%</u> | <u>▲</u> |
| Expenses | | | | | |
| General Purpose Funding | (423,964) | (422,111) | (1,853) | 0% | ▲ |
| Governance | (517,444) | (547,637) | 30,192 | -6% | ▼ |
| Law, Order, Public Safety | (393,688) | (391,466) | (2,222) | 1% | ▲ |
| Health | (233,952) | (230,519) | (3,433) | 1% | ▲ |
| Education and Welfare | (167,778) | (178,961) | 11,184 | -6% | ▼ |
| Housing | (558,139) | (594,466) | 36,327 | -6% | ▼ |
| Community Amenities | (2,722,707) | (2,706,725) | (15,982) | 1% | ▲ |
| Recreation & Culture | (4,762,691) | (4,806,614) | 43,923 | -1% | ▼ |
| Transport | (7,015,708) | (6,989,597) | (26,111) | 0% | ▲ |
| Economic Services | (268,115) | (250,872) | (17,244) | 7% | ▲ |
| Other Property and Services | (450,478) | (428,623) | (21,855) | 5% | ▲ |
| | <u>(17,514,666)</u> | <u>(17,547,591)</u> | <u>32,925</u> | <u>0%</u> | <u>▼</u> |
| Adjustments for Cash Budget Requirements: | | | | | |
| Non-Cash Expenditure and Revenue | | | | | |
| (Profit)/Loss on Asset Disposals | 98,860 | 92,716 | 6,144 | 7% | ▲ |
| Movement in Accruals and Provisions | 0 | 0 | 0 | 0% | ▼ |
| Depreciation on Assets | 5,394,839 | 5,389,983 | 4,857 | 0% | ▲ |
| Capital Expenditure and Revenue | | | | | |
| Purchase Land Held for Resale | 0 | 0 | 0 | 0% | ▲ |
| Purchase Land and Buildings | (237,527) | (236,932) | (595) | 0% | ▲ |
| Purchase Infrastructure Assets - Roads | (3,581,019) | (3,585,752) | 4,734 | 0% | ▼ |
| Purchase Infrastructure Assets - Footpaths | 0 | 0 | 0 | 0% | ▲ |
| Purchase Infrastructure Assets - Drainage | (83,054) | (93,802) | 10,748 | -11% | ▼ |
| Purchase Infrastructure Assets - Other | (903,560) | (904,560) | 1,000 | 0% | ▼ |
| Purchase Plant and Equipment | (164,331) | (175,450) | 11,119 | -6% | ▼ |
| Purchase Furniture and Equipment | (24,878) | (30,345) | 5,467 | -18% | ▼ |
| Grants / Contributions for Development of Assets | 1,735,545 | 1,781,956 | (46,411) | -3% | ▼ |
| Proceeds from Disposal of Assets | 428,799 | 449,716 | (20,917) | -5% | ▼ |
| Proceeds from Sale of Land Held for Resale | 0 | 0 | 0 | 0% | ▼ |
| Repayment of Debentures | (636,611) | (636,611) | (0) | 0% | ▲ |
| Proceeds from New Debentures | 0 | 0 | 0 | 0% | ▼ |
| Transfers to Reserves (Restricted Assets) | (204,251) | (155,264) | (48,987) | 32% | ▲ |
| Transfers from Reserves (Restricted Assets) | 6,934,511 | 6,653,951 | 280,560 | 4% | ▲ |
| ^{ADD} Estimated Surplus/(Deficit) July 1 B/Fwd. | 197,606 | 197,606 | 0 | 0% | ▲ |
| ^{LESS} Estimated Surplus/(Deficit) June 30 C/Fwd. | 9,802,922 | 9,348,882 | 454,040 | 5% | ▲ |
| Amount Required to be Raised from Rates | <u>10,071,744</u> | <u>10,054,965</u> | <u>16,779</u> | <u>0%</u> | <u>▲</u> |

Net Current Assets
as at 31 March 2016

Composition of Estimated Net Current Asset Position

| | YTD Actual 2015/16 | Brought Forward 1 July 2015 |
|--|-----------------------------------|--|
| CURRENT ASSETS | | |
| Cash - Municipal (Restricted & Unrestricted) | 7,549,146 | 2,861,225 |
| Cash - Restricted Reserves | 7,486,103 | 14,169,235 |
| Receivables | 2,195,272 | 3,770,714 |
| Inventories & Other Financial Assets | 6,407 | 17,214 |
| | <u>17,236,929</u> | <u>20,818,388</u> |
| LESS: CURRENT LIABILITIES | | |
| Payables and Provisions | 52,097 | (6,451,547) |
| Less: | | |
| Restricted - Reserves | (7,486,103) | (14,169,235) |
| | <u>9,802,923</u> | <u>197,606</u> |
| NET CURRENT ASSET POSITION | | |
| Less: | | |
| Restricted - Unspent Grants | (984,695) | |
| Restricted - Unspent Loans | (893,185) | |
| ADJUSTED NET CURRENT ASSET POSITION | <u><u>7,925,043</u></u> | |

| | | | |
|---|--|-------------------------|-------------------------|
| ② | Cash - Municipal brought forward balances represented by: | | |
| | Cash on Hand | 1,700 | 1,700 |
| | Cash at Bank - Municipal | | |
| | Unrestricted | 5,669,566 | (1,408,129) |
| | Restricted - Unspent Grants** | 984,695 | 3,232,527 |
| | Restricted - Unspent Loans*** | 893,185 | 1,035,127 |
| | | <u><u>7,549,146</u></u> | <u><u>2,861,225</u></u> |

① B/F balance includes the restricted grants and loans, however in 01 July 2015 these funds are transferred to Municipal account.

③ Net current asset position and Unrestricted cash will remain overstated until the position of grants/loans and reserves are finalised for the 2015/16 financial year.

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 March 2016

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

General Purpose Funding ▲

Interest Income - Municipal Fund

34,900

▲

Higher income due to additional investments and better interest rates received being made during the year.

Governance ▲

No material variances to report

Law, Order and Public Safety ▲

No material variances to report

Health ▲

No material variances to report

Education and Welfare ▼

No material variances to report

Housing ▲

No material variances to report

Community Amenities ▲

No material variances to report

Recreation and Culture ▲

Grants - Kununurra Swimming Complex

32,000

▲

Grant funding from DSR. Will be matched by additional expenditure in future months as per grant application.

Grants - Wyndham Swimming Complex

32,000

▲

Grant funding from DSR. Will be matched by additional expenditure in future months as per grant application.

Transport ▲

Leases - East Kimberley Regional Airport Terminal

57,600

▲

Increased income from rental car leases which are based on turnover.

Economic Services ▲

No material variances to report

Other Property and Services ▲

No material variances to report

Recurrent Expenditure ▼

General Purpose Funding ▲

No material variances to report

Governance ▼

Election Expenses

(25,900)

▼

Savings for financial year 2015/16.

Law, Order and Public Safety ▲

No material variances to report

Health ▲

No material variances to report

Education and Welfare ▼

No material variances to report

Housing ▼

No material variances to report

Community Amenities ▲

No material variances to report

Recreation and Culture ▼

No material variances to report

Transport ▲

No material variances to report

Economic Services ▲

No material variances to report

Other Property and Services ▲

No material variances to report

Non Cash Expenditure and Revenue

Adjustments and Accruals

No material variances to report

Capital

Purchase Land Held for Resale ▲

No material variances to report

Purchase Land and Buildings ▲

No material variances to report

Purchase Infrastructure Assets - Roads ▼

No material variances to report

**Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 March 2016**

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

| | | |
|---|-----------|-------------------------------------|
| Purchase Infrastructure Assets - Footpaths | ▲ | |
| No material variances to report | | |
| Purchase Infrastructure Assets - Drainage | ▼ | |
| No material variances to report | | |
| Purchase Infrastructure Assets - Other | ▼ | |
| Purchase Plant and Equipment | ▼ | |
| Purchase Furniture and Equipment | ▲ | |
| No material variances to report | | |
| Grants / Contributions for Development of Assets | ▼ | |
| No material variances to report | | |
| Proceeds from Disposal of Assets | ▼ | |
| No material variances to report | | |
| Debentures | ▲ | |
| No material variances to report | | |
| Reserves | ▲ | |
| Goomig Farmlands Road Reserve - Transfer from Reserve | (280,560) | ▲ Unused funds. Savings on project. |

Shire of Wyndham East Kimberley

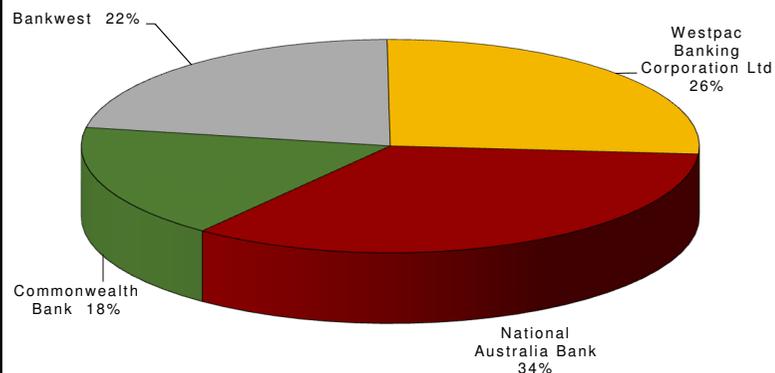
Statement of Financial Activity Budget Remaining to Collect/Spend as at 31 March 2016

| | YTD Actual 2015/16 \$ | Annual Budget 2015/16 \$ | Revised Annual Budget 2015/16 \$ | Budget Remaining (Revised Budget less 2015/16 \$ | % | |
|--|--------------------------------|-----------------------------------|--|--|------------|----------|
| Revenue | | | | | | |
| General Purpose Funding | 2,140,105 | 2,547,115 | 2,639,746 | 499,641 | 20% | ▼ |
| Governance | 89,919 | 150,872 | 157,116 | 67,196 | 45% | ▼ |
| Law, Order, Public Safety | 51,532 | 58,613 | 112,031 | 60,500 | 103% | ▼ |
| Health | 104,099 | 92,506 | 106,589 | 2,490 | 3% | ▲ |
| Education and Welfare | 9,071 | 11,500 | 11,500 | 2,428 | 21% | ▼ |
| Housing | 88,194 | 121,590 | 123,819 | 35,624 | 29% | ▼ |
| Community Amenities | 2,307,302 | 2,534,733 | 2,537,694 | 230,392 | 9% | ▼ |
| Recreation and Culture | 616,657 | 997,143 | 942,154 | 325,497 | 33% | ▼ |
| Transport | 2,786,682 | 4,160,621 | 3,963,479 | 1,176,798 | 28% | ▼ |
| Economic Services | 46,527 | 96,365 | 74,902 | 28,376 | 29% | ▼ |
| Other Property and Services | 50,829 | 271,933 | 228,968 | 178,139 | 66% | ▼ |
| | <u>8,290,916</u> | <u>11,042,991</u> | <u>10,897,996</u> | <u>2,607,080</u> | <u>24%</u> | <u>▼</u> |
| Expenses | | | | | | |
| General Purpose Funding | (423,964) | (573,835) | (580,723) | (156,759) | 27% | ▼ |
| Governance | (517,444) | (930,227) | (957,266) | (439,822) | 47% | ▼ |
| Law, Order, Public Safety | (393,688) | (592,391) | (641,055) | (247,366) | 42% | ▼ |
| Health | (233,952) | (299,639) | (347,412) | (113,460) | 38% | ▼ |
| Education and Welfare | (167,778) | (243,541) | (278,457) | (110,679) | 45% | ▼ |
| Housing | (558,139) | (604,444) | (753,316) | (195,177) | 32% | ▼ |
| Community Amenities | (2,722,707) | (4,144,548) | (4,288,907) | (1,566,199) | 38% | ▼ |
| Recreation & Culture | (4,762,691) | (6,897,090) | (7,287,353) | (2,524,662) | 37% | ▼ |
| Transport | (7,015,708) | (8,611,392) | (10,106,919) | (3,091,210) | 36% | ▼ |
| Economic Services | (268,115) | (330,981) | (437,397) | (169,281) | 51% | ▼ |
| Other Property and Services | (450,478) | (1,623,336) | (974,014) | (523,536) | 32% | ▼ |
| | <u>(17,514,666)</u> | <u>(24,851,424)</u> | <u>(26,652,817)</u> | <u>(9,138,151)</u> | <u>37%</u> | <u>▼</u> |
| Adjustments for Cash Budget Requirements: | | | | | | |
| Non-Cash Expenditure and Revenue | | | | | | |
| (Profit)/Loss on Asset Disposals | 98,860 | (40,211) | 75,200 | (23,660) | 59% | ▼ |
| Movement in Accruals and Provisions | 0 | 0 | 0 | 0 | 0% | ▼ |
| Depreciation on Assets | 5,394,839 | 5,765,188 | 7,185,788 | 1,790,948 | 31% | ▼ |
| Capital Expenditure and Revenue | | | | | | |
| Purchase Land Held for Resale | 0 | 0 | 0 | 0 | 0% | ▼ |
| Purchase Land and Buildings | (237,527) | (187,830) | (406,001) | (168,474) | 90% | ▲ |
| Purchase Infrastructure Assets - Roads | (3,581,019) | (5,978,884) | (5,283,585) | (1,702,566) | 28% | ▼ |
| Purchase Infrastructure Assets - Footpaths | 0 | (109,315) | (109,315) | (109,315) | 100% | ▼ |
| Purchase Infrastructure Assets - Drainage | (83,054) | (552,970) | (541,495) | (458,441) | 83% | ▼ |
| Purchase Infrastructure Assets - Other | (903,560) | (6,501,870) | (3,597,306) | (2,693,746) | 41% | ▼ |
| Purchase Plant and Equipment | (164,331) | (1,501,043) | (1,501,043) | (1,336,712) | 89% | ▼ |
| Purchase Furniture and Equipment | (24,878) | (191,100) | (197,345) | (172,467) | 90% | ▼ |
| Grants / Contributions for Development of Assets | 1,735,545 | 5,721,304 | 4,120,082 | 2,384,537 | 42% | ▼ |
| Proceeds from Disposal of Assets | 428,799 | 363,237 | 702,038 | 273,239 | 75% | ▲ |
| Proceeds from Sale of Land Held for Resale | 0 | 0 | 0 | 0 | 0% | ▼ |
| Repayment of Debentures | (636,611) | (954,447) | (954,447) | (317,836) | 33% | ▼ |
| Proceeds from New Debentures | 0 | 0 | 0 | 0 | 0% | ▼ |
| Transfers to Reserves (Restricted Assets) | (204,251) | (6,707,472) | (5,578,483) | (5,374,232) | 80% | ▼ |
| Transfers from Reserves (Restricted Assets) | 6,934,511 | 16,576,747 | 12,195,511 | 5,261,000 | 32% | ▼ |
| ADD Estimated Surplus/(Deficit) July 1 B/Fwd. | 197,606 | (1,665,875) | 197,606 | 0 | 0% | ▲ |
| LESS Estimated Surplus/(Deficit) June 30 C/Fwd. | 9,802,922 | 178,591 | 613,030 | (9,189,892) | -5146% | ▲ |
| Amount Required to be Raised from Rates | <u>10,071,744</u> | <u>9,951,565</u> | <u>10,060,647</u> | <u>(11,097)</u> | <u>0%</u> | <u>▲</u> |

REPORT ON INVESTMENT PORTFOLIO AS AT 31 March 2016

| INVESTMENT POLICY - CP FIN - 3203 | | | |
|--|------------|-----------------------------|-------------------------------|
| S&P Rating | | Portfolio Credit Framework | Counterparty Credit Framework |
| Long Term | Short Term | Direct Investment Maximum % | |
| AAA | A-1+ | 100% | 45% |
| AA | A-1 | 100% | 35% |
| A | A-2 | 60% | 20% |
| Note: "S & P" relates to Standard & Poors credit rating agency | | | |
| 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 | |

Counterparty Credit



| Institution Name | S&P Rating | Term to Maturity | Interest Rate | Maturity Date | Principal | Interest on Maturity | % of portfolio |
|---|------------|------------------|---------------|---------------|----------------------|----------------------|----------------|
| MUNICIPAL FUNDS | | | | | | | |
| CBA | A-1+/AA | 2 Months | 2.75% | 30-May-16 | 1,011,105.39 | 4,570.75 | 9% |
| Bankwest | | 1 Month | 2.40% | 28-Apr-16 | 1,011,105.39 | 1,994.51 | 9% |
| NAB | | 3 Months | 3.05% | 27-Jun-16 | 1,011,105.39 | 7,604.07 | 9% |
| Westpac | | 3 Months | 3.00% | 27-Apr-16 | 1,007,284.38 | 7,554.63 | 9% |
| Westpac | | 3 Months | 3.00% | 27-Apr-16 | 1,007,284.38 | 7,554.63 | 9% |
| TOTAL MUNICIPAL INVESTMENTS | | | | | 5,047,884.93 | 38,529.93 | 43% |
| RESERVE FUNDS | | | | | | | |
| NAB | A-1+/AA | 3 Months | 3.00% | 13-Jun-16 | 759,568.35 | 5,540.56 | 6% |
| CBA | | 2 Months | 2.75% | 8-Apr-16 | 1,036,650.97 | 4,686.23 | 9% |
| NAB | | 3 Months | 3.00% | 25-Jun-16 | 1,806,783.79 | 13,365.25 | 15% |
| Westpac | | 3 Months | 3.00% | 27-Apr-16 | 1,089,760.12 | 8,173.20 | 9% |
| Bankwest | | 3 Months | 2.95% | 22-Jun-16 | 545,290.01 | 5,288.57 | 5% |
| Bankwest | | 4 Months | 3.00% | 14-Jun-16 | 1,040,722.29 | 7,698.49 | 9% |
| TOTAL RESERVE INVESTMENTS | | | | | 6,278,775.53 | 44,752.30 | 53% |
| TRUST FUNDS - T292 | | | | | | | |
| NAB | A-1+/AA | 2 Months | 3.00% | 26-Jul-16 | 444,242.06 | 4,381.57 | 4% |
| TOTAL TRUST INVESTMENTS | | | | | 444,242.06 | 4,381.57 | 4% |
| TOTAL INVESTMENTS HELD & INTEREST PAID | | | | | 11,770,902.52 | 87,663.80 | 100% |

13.04.3. List of Accounts Paid from Municipal Fund and Trust Fund

| | |
|---------------------------------|--|
| DATE: | 26 April 2016 |
| AUTHOR: | Victoria Nakamya, Creditors Officer |
| RESPONSIBLE OFFICER: | Natalie Octoman, Director Corporate Services |
| FILE NO: | FM.09.5 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

| | |
|--|------------------------|
| That Council receives the listing of accounts paid from the Municipal and Trust funds, being: | |
| Municipal EFT 125866 – 126123 (03 March – 31 March 16) | \$ 1,089,978.17 |
| Municipal cheques 51273 - 51295 (02 March – 31 March 16) | \$ 152,348.01 |
| Trust cheques 864 - 871 (09 March – 31 March 16) | \$ 3,960.54 |
| Trust EFT 501124 – 501142 (02 March – 31 March 16) | \$ 20,709.35 |
| Payroll (02 March – 30 March 16) | \$ 704,574.40 |
| Direct bank debits (01 March – 31 March 16) | \$ 103,567.33 |
| TOTAL | \$ 2,075,137.80 |

COUNCIL DECISION

Minute No: 11333

Moved: Cr S Cooke
Seconded: Cr N Perry

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

| | |
|--|------------------------|
| Municipal EFT 125866 – 126123 (03 March – 31 March 16) | \$ 1,089,978.17 |
| Municipal cheques 51273 - 51295 (02 March – 31 March 16) | \$ 152,348.01 |
| Trust cheques 864 - 871 (09 March – 31 March 16) | \$ 3,960.54 |
| Trust EFT 501124 – 501142 (02 March – 31 March 16) | \$ 20,709.35 |
| Payroll (02 March – 30 March 16) | \$ 704,574.40 |
| Direct bank debits (01 March – 31 March 16) | \$ 103,567.33 |
| TOTAL | \$ 2,075,137.80 |

Carried 8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2015/16 which was adopted by the Council on the 22 September 2015, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with Council Policy CP/FIN-3204 Purchasing.

FINANCIAL IMPLICATIONS

Ongoing management of the Shire’s 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 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.3: Maintain Council's long term financial viability

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee’s name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented 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.

ATTACHMENT 1**LIST OF ACCOUNTS SUBMITTED TO COUNCIL 26 APRIL 2016**

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|----------------|-------------|-----------------------------------|--|---------------|
| EFT125866 | 03/03/2016 | 4D LANDSCAPING SOLUTIONS | GARDEN MAINTENANCE - STAFF HOUSING, CLEAN GUTTER, OLD SHIRE OFFICES | 1,185.50 |
| EFT125867 | 03/03/2016 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 414.27 |
| EFT125868 | 03/03/2016 | AIR LIQUIDE WA PTY LTD | WELDING GASES AND BOTTLE RENTAL | 412.39 |
| EFT125869 | 03/03/2016 | ALLGEAR MOTORCYCLES | PARTS FOR P356 | 100.30 |
| EFT125870 | 03/03/2016 | AUSTRALIA POST | POSTAGE - JANUARY 2016 | 921.42 |
| EFT125871 | 03/03/2016 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS | 154.80 |
| EFT125872 | 03/03/2016 | AUSTRALIAN TAXATION OFFICE - PAYG | PAYROLL DEDUCTIONS | 79,134.00 |
| EFT125873 | 03/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 182.19 |
| EFT125874 | 03/03/2016 | C & S JOLLY ELECTRICS PTY LTD | REPAIRS TO DISH WASHER - AIRPORT CAFÉ - EAST KIMBERLEY REGIONAL AIRPORT | 830.50 |
| EFT125875 | 03/03/2016 | CENTURION TRANSPORT | FREIGHT - PERTH TO KUNUNURRA DEPOT - BIN LINERS | 54.25 |
| EFT125876 | 03/03/2016 | COCA-COLA AMATIL | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 228.00 |
| EFT125877 | 03/03/2016 | COMSYS GROUP | NETWORK SUPPORT & SECURITY MOUNTING BRACKETS - KUNUNURRA ADMIN | 1,310.14 |
| EFT125878 | 03/03/2016 | CROCODILE SIGNS PTY LTD | SIGNAGE FOR WYN YOUTH & MAGNETIC LOGOS FOR P137, P131, P382, P384, P354 | 1,017.50 |
| EFT125879 | 03/03/2016 | DATACOM SYSTEMS WA | NETWORK EQUIPMENT INCL. FIRE BLANKET FOR SOPHOS - WYNDHAM DEPOT | 455.49 |
| EFT125880 | 03/03/2016 | EAST KIMBERLEY CONSTRUCTION | T04 14 -15 SUPPLY AND INSTALLATION OF VINYL FLOOR AT WYNDHAM DEPOT | 8,397.40 |
| EFT125881 | 03/03/2016 | EAST KIMBERLEY HARDWARE | VARIOUS HARDWARE ITEMS - STAFF HOUSING & KUNUNURRA ADMIN | 34.00 |
| EFT125882 | 03/03/2016 | EAST KIMBERLEY PLUMBING | PLUMBING REPAIRS - KUNUNURRA HISTORICAL SOCIETY | 257.40 |
| EFT125883 | 03/03/2016 | ENIGMA BUSINESS PRODUCTS | HP OFFICE JET PRINTER - KUNUNURRA ADMINISTRATION | 918.50 |
| EFT125884 | 03/03/2016 | FIGLEAF POOL PRODUCTS | SERVICE - WYNDHAM POOL, PLANT ROOM MAINTENANCE - KNX POOL | 6,199.45 |
| EFT125885 | 03/03/2016 | J. CAV ELECTRICAL | LIGHT REPLACEMENT, MAINT. TO AIRCON - STAFF HOUSING, WYN YOUTH CNT | 603.15 |
| EFT125886 | 03/03/2016 | JASON SIGNMAKERS LTD | SIGNAGE - ROAD WORKS-VARIOUS STREETS INCL. KOOJARRA ST, O'DONNELL ST WYN | 2,302.74 |
| EFT125887 | 03/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 532.88 |
| EFT125888 | 03/03/2016 | KIMBERLEY MARKETING | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 552.01 |
| EFT125889 | 03/03/2016 | KUNUNURRA BETTA ELECTRICAL & GAS | CORDLESS PHONE - KUNUNURRA DEPOT | 99.95 |
| EFT125890 | 03/03/2016 | KUNUNURRA DIESEL SERVICES | SERVICE - P137 | 1,846.90 |
| EFT125891 | 03/03/2016 | KUNUNURRA DISTRICT HIGH SCHOOL | SWEK CONTRIBUTION TO ELECTRICITY CHARGES - JAN 16 - KUNUNURRA LIBRARY | 5,409.12 |
| EFT125892 | 03/03/2016 | KUNUNURRA POOLS & SPAS | SERVICE AND REPAIRS TO DOLPHIN CLEANER - WYNDHAM POOL | 2,275.56 |
| EFT125893 | 03/03/2016 | LAWRENCE & HANSON GROUP | SUPPLY OF DIFFUSER - KUNUNURRA YOUTH CENTRE | 999.44 |
| EFT125894 | 03/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 38.26 |
| EFT125895 | 03/03/2016 | LOCAL GOVERNMENT MANAGERS AUS. | 2015 -2016 ANNUAL MEMBERSHIP AND SUBSCRIPTION | 252.00 |

| | | | | |
|-----------------------|------------|-----------------------------------|---|-----------|
| EFT125896 | 03/03/2016 | MAXXIA | PAYROLL DEDUCTIONS | 5,207.79 |
| EFT125897 | 03/03/2016 | NEC AUSTRALIA PTY LTD | SIP NETWORK WORK LICENSE AND INSTALLATION - KUNUNURRA ADMINISTRATION | 301.40 |
| EFT125898 | 03/03/2016 | OFFICE NATIONAL KUNUNURRA | ARCHIVE BOX FOR KUNUNURRA AIRPORT | 99.50 |
| EFT125899 | 03/03/2016 | ORD MACHINING | PARTS - P356 | 35.20 |
| EFT125900 | 03/03/2016 | ORDCO | WEED CONTROL CHEMICALS - KUNUNURRA DEPOT | 1,221.00 |
| EFT125901 | 03/03/2016 | PILA GROUP | CEREMONIAL FLAG POLES - FIVE RIVERS LOOKOUT WYNDHAM | 594.00 |
| EFT125902 | 03/03/2016 | SHIRE OF WYNDHAM EAST KIMBERLEY | PAYROLL DEDUCTIONS | 385.00 |
| EFT125903 | 03/03/2016 | SIGMA CHEMICALS | FILTER BAGS - KUNUNURRA SWIMMING POOL | 198.83 |
| EFT125904 | 03/03/2016 | SIMPLY UNIFORMS | STAFF UNIFORMS - KUNUNURRA ADMINISTRATION | 657.03 |
| EFT125905 | 03/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 169.95 |
| EFT125906 | 03/03/2016 | TOLL EXPRESS | FREIGHT - PERTH TO KUNUNURRA DEPOT - SIGNAGE | 578.20 |
| EFT125907 | 03/03/2016 | ORD FUEL SUPPLIES | BULK DIESEL - KUNUNURRA DEPOT, GREASE - P390, OIL - P384 | 8,195.33 |
| EFT125908 | 03/03/2016 | VANDERFIELD NORTHWEST PTY LTD | PARTS - P124 | 423.51 |
| EFT125909 - EFT125910 | | CANCELLED | CANCELLED | - |
| EFT125911 | 03/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 3,127.23 |
| EFT125912 | 03/03/2016 | TUCKERBOX | PROVISIONS AND MATERIALS - KNX ADMIN, EKR AIRPORT, KNX LIBRARY & KLC | 710.34 |
| EFT125913 | 09/03/2016 | ABCO PRODUCTS | CLEANING PRODUCTS AND FREIGHT - EAST KIMBERLEY REGIONAL AIRPORT | 962.91 |
| EFT125914 | 09/03/2016 | AUST. PERFORMING RIGHT ASSN | ANNUAL LICENSE FEE - WYNDHAM RECREATION CENTRE, KYC & PETER REID HALL | 240.34 |
| EFT125915 | 09/03/2016 | AUST LOCAL GOV'T JOB DIRECTORY | ADVERTISING - RECRUITMENT | 1,188.00 |
| EFT125916 | 09/03/2016 | AUSTRALIAN TAXATION OFFICE - PAYG | PAYROLL DEDUCTIONS | 5,886.00 |
| EFT125917 | 09/03/2016 | BROOME TOYOTA | RFQ19 15/16 - SUPPLY & DELIVERY - P141 AS PER 2015/16 ADOPTED BUDGET | 27,116.74 |
| EFT125918 | 09/03/2016 | BADGELINK | NAME BADGES FOR STAFF MEMBERS | 135.30 |
| EFT125919 | 09/03/2016 | BANKSIA GARDENS SERVICED APART. | ACCOMMODATION AND MEALS - STAFF MEMBERS - ATTEND TRAINING -23/02/16 | 575.50 |
| EFT125920 | 09/03/2016 | C & S JOLLY ELECTRICS PTY LTD | REPLACEMENT LAMPS - EAST KIMBERLEY REGIONAL AIRPORT | 1,738.00 |
| EFT125921 | 09/03/2016 | CDM HYDRAULICS PTY LTD | REPAIRS - P390, P492 | 465.42 |
| EFT125922 | 09/03/2016 | CHEFMASTER AUSTRALIA | BIN LINERS - KUNUNURRA DEPOT | 661.80 |
| EFT125923 | 09/03/2016 | CLEVERPATCH | CRAFT SUPPLIES FOR STORY TIME ACTIVITIES - KUNUNURRA LIBRARY | 502.82 |
| EFT125924 | 09/03/2016 | COCA-COLA AMATIL | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 280.50 |
| EFT125925 | 09/03/2016 | CROCODILE SIGNS PTY LTD | SIGNAGE - WYNDHAM POOL | 270.60 |
| EFT125926 | 09/03/2016 | DSC CONTRACTING | MONTHLY FIRE TEST - FEB 16 - EAST KIMBERLEY REGIONAL AIRPORT | 132.00 |
| EFT125927 | 09/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 418.91 |
| EFT125928 | 09/03/2016 | AUTO TOW AND REPAIR | REPAIRS - P122 | 229.63 |
| EFT125929 | 09/03/2016 | EAST KIMBERLEY HARDWARE | KEY CUTTING - STAFF HOUSING | 62.00 |
| EFT125930 | 09/03/2016 | EASY GUIDES AUSTRALIA PTY LTD | DAILY INSPECTION CHECKLISTS - P137, P354, P331, P379, P491 | 491.00 |

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| EFT125931 | 09/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 718.50 |
| EFT125932 | 09/03/2016 | KUNUNURRA MEDICAL | IMMUNISATION-STAFF MEMBERS IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 132.00 |
| EFT125933 | 09/03/2016 | KIMBERLEY COMMUNICATIONS | REPAIRS TO SATELITE DISH - WYNDHAM ADMINISTRATION | 600.00 |
| EFT125934 | 09/03/2016 | KIMBERLEY MOTORS | FUEL COSTS JANUARY 2016 - WYNDHAM DEPOT | 3,511.67 |
| EFT125935 | 09/03/2016 | KIMBERLEY TREE SERVICES PTY LTD | TREE REMOVAL- POINCETTIA WAY, KONKERBERRY DRIVE, SETOSA LOOP KNX | 1,325.00 |
| EFT125936 | 09/03/2016 | KUNUNURRA AMCAL PHARMACY | SUPPLIES FOR YOUNG WOMEN'S GROUP - WYNDHAM YOUTH PROGRAM | 297.54 |
| EFT125937 | 09/03/2016 | KUNUNURRA DIESEL SERVICES | REPAIRS - P384 | 364.10 |
| EFT125938 | 09/03/2016 | KUNUNURRA NETBALL ASSOCIATION | ANNUAL COMMUNITY GRANT | 2,500.00 |
| EFT125939 | 09/03/2016 | LANGFORD MACHINERY PTY LTD | LABOUR AND PARTS - P127 | 440.00 |
| EFT125940 | 09/03/2016 | MCLEODS BARRISTERS & SOLICITORS | LEGAL ADVICE - GENERAL PROCEDURE CLAIM | 1,151.92 |
| EFT125941 | 09/03/2016 | MCLERNONS | SUPPLY AND INSTALLATION OF SHELVING - WYNDHAM DEPOT SHED | 2,096.00 |
| EFT125942 | 09/03/2016 | PIVOTEL | SATELLITE PHONE COSTS - FEBRUARY 16 | 65.00 |
| EFT125943 | 09/03/2016 | PHONOGRAPHIC PERFORMANCE CO. | PUBLIC PERFORMANCE LICENCE - 01/01/16 to 31/12/16- KLC | 659.00 |
| EFT125944 | 09/03/2016 | SEARLE HOLDINGS (WA) PTY LTD | SUPERCHARGE BATTERY - EAST KIMBERLEY REGIONAL AIRPORT | 456.00 |
| EFT125945 | 09/03/2016 | TNT AUSTRALIA PTY LIMITED | FREIGHT - KUNUNURRA TO PERTH - HEALTH SAMPLES | 662.21 |
| EFT125946 | 09/03/2016 | THINK WATER KUNUNURRA | SPRINKLERS - RETICULATION MAINTENANCE - KUNUNURRA PARKS & GARDENS | 1,029.60 |
| EFT125947 | 09/03/2016 | TOLL EXPRESS | FREIGHT- PERTH TO WYNDHAM POOL - POOL CHEMICALS | 539.57 |
| EFT125948 | 09/03/2016 | VANDERFIELD NORTHWEST PTY LTD | PARTS - P135, P138 | 108.64 |
| EFT125949 | 09/03/2016 | VORGEЕ PTY LTD | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 82.50 |
| EFT125950 | 09/03/2016 | WALER AUSTRALIA P/L | CLEANING EQUIPMENT - KUNUNURRA LEISURE CENTRE | 240.91 |
| EFT125951 | 17/03/2016 | 1 TIME COMMUNICATIONS | REPAIRS TO PHONE LINE CABLE - STAFF HOUSING | 954.21 |
| EFT125952 | 17/03/2016 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 414.27 |
| EFT125953 | 17/03/2016 | AIRPORT LIGHTING SPECIALISTS | RUNWAY LAMPS X 2 - EAST KIMBERLEY REGIONAL AIRPORT | 900.68 |
| EFT125954 | 17/03/2016 | ALLGEAR MOTORCYCLES | SUPPLY OF LEAF BLOWERS X 2, PARTS FOR POLE SAW - KUNUNURRA DEPOT | 1,238.15 |
| EFT125955 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 61.80 |
| EFT125956 | 17/03/2016 | ANSTAT | SUBSCRIPTION RENEWAL FOR AUSTRALIA & NEW ZEALAND FOOD STANDARDS | 437.71 |
| EFT125957 | 17/03/2016 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS | 154.80 |
| EFT125958 | 17/03/2016 | AUSTRALIAN TAXATION OFFICE - PAYG | PAYROLL DEDUCTIONS | 79,791.00 |
| EFT125959 | 17/03/2016 | AUTO ONE KUNUNURRA | PARTS - P377 | 20.45 |
| EFT125960 | 17/03/2016 | BROOME TOYOTA | RFQ19 15/16 - SUPPLY AND DELIVERY - P142 AS PER 2015/16 ADOPTED BUDGET | 26,810.78 |
| EFT125961 | 17/03/2016 | BLACKWOODS | PARTS - KNX DEPOT, SAFETY EQUIPMENT - OUTDOOR WORKFORCE | 423.60 |
| EFT125962 | 17/03/2016 | BOB COOPER SNAKE RNR | ENROLMENT FEES - TRAINING - STAFF MEMBER | 350.00 |
| EFT125963 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 103.28 |
| EFT125964 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 150.00 |

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| EFT125965 | 17/03/2016 | BUDGET RENT A CAR | CAR RENTAL FOR STAFF MEMBERS TO ATTEND TRAINING 23/02/2016 | 227.71 |
| EFT125966 | 17/03/2016 | BUSHCAMP SURPLUS STORE | PROTECTIVE CLOTHING - OUTDOOR WORK FORCE | 170.00 |
| EFT125967 | 17/03/2016 | C & S JOLLY ELECTRICS PTY LTD | PROGRAM KUNUNURRA OUTDOOR BASKETBALL LIGHTS TIMER | 121.00 |
| EFT125968 | 17/03/2016 | CABCHARGE | ACCOUNT KEEPING FEES - FEBRUARY 2016 | 6.18 |
| EFT125969 | 17/03/2016 | COCA-COLA AMATIL | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 87.50 |
| EFT125970 | 17/03/2016 | COMMERCIAL CLEANING & MAINT. | CLEANING - STAFF HOUSING PRIOR TO OCCUPATION | 462.00 |
| EFT125971 | 17/03/2016 | CORPIQUE PTY. LIMITED | SUPPLY OF X3 TENNIS NETS AND FREIGHT - KUNUNURRA OUTDOOR COURTS | 1,151.70 |
| EFT125972 | 17/03/2016 | DAVEY TYRE & BATTERY SERVICE | PUNCTURE REPAIRS - P137 | 47.00 |
| EFT125973 | 17/03/2016 | DELAWARE NORTH EL QUESTRO | REFUND DUE TO OVERPAYMENT FOR CARAVAN PARK LICENCE FEES | 600.00 |
| EFT125974 | 17/03/2016 | DELRON CLEANING PTY LTD | CONTRACT CLEANING - KNX ADMIN, KYC, KLC, CHANGE RMS & TOILETS KNX | 14,503.22 |
| EFT125975 | 17/03/2016 | DEPT. OF FIRE & EMERGENCY SERVICES | 2015/16 EMERGENCY SERVICES LEVY - 3RD QUARTER CONTRIBUTION | 103,232.72 |
| EFT125976 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 286.34 |
| EFT125977 | 17/03/2016 | AUTO TOW AND REPAIR | REMOVAL OF ABANDONED VEHICLES TO IMPOUND YARD | 121.00 |
| EFT125978 | 17/03/2016 | E & MJ ROSHER PTY LTD | PARTS - P384 | 571.15 |
| EFT125979 | 17/03/2016 | EAST KIMBERLEY HARDWARE | VARIOUS HARDWARE ITEMS FOR KUNUNURRA GENERAL MAINTENANCE | 451.25 |
| EFT125980 | 17/03/2016 | EAST KIMBERLEY PLUMBING | SERVICE SINK TAPS - KUNUNURRA HISTORICAL SOCIETY | 145.86 |
| EFT125981 | 17/03/2016 | ENIGMA BUSINESS PRODUCTS | HP OFFICE JET PRINTER - WYNDHAM POOL | 918.50 |
| EFT125982 | 17/03/2016 | FIGLEAF POOL PRODUCTS | PARTS FOR CHLORINE GAS LINE - KUNUNURRA AND WYNDHAM POOLS | 1,127.50 |
| EFT125983 | 17/03/2016 | GET STUCK SKID STEER & TRUCK HIRE | BITUMEN CROSSOVERS & ROAD SEALING - WEABER PLAIN RD, FEATHERTOP ST KNX | 990.00 |
| EFT125984 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 1,030.00 |
| EFT125985 | 17/03/2016 | GUERINONI & SON | RFQ05 15/16 - MESSMATE WAY KNX - RAISE TWO GULLY GRATES - PROGRESS PMTS | 8,820.90 |
| EFT125986 | 17/03/2016 | IBAC PLUMBING PTY LTD | PLUMBING WORKS TO CHLORINE LINE & SOLENOID - KNX & WYN POOLS | 680.02 |
| EFT125987 | 17/03/2016 | IXOM OPERATIONS PTY LTD | STORAGE AND HANDLING OF CHLORINE - KUNUNURRA AND WYNDHAM POOLS | 404.44 |
| EFT125988 | 17/03/2016 | J & C ATKINS CONTRACTING PTY LTD | REPAIRS - VARIOUS INCL. POOL FENCE, DOOR LOCK, LOOSE TILES - WYN POOL | 1,375.00 |
| EFT125989 | 17/03/2016 | JAB INDUSTRIES | SUPPLY ROAD BASE FOR SILVERBOX AVENUE & EXCAVATOR HIRE - KNX LANDFILL | 495.00 |
| EFT125990 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 98.96 |
| EFT125991 | 17/03/2016 | KIMBERLEY COMMUNICATIONS | CHECK RADIO SERVICES & SET DECODERS - BASTION AND MT ALBANY - WYNDHAM | 600.00 |
| EFT125992 | 17/03/2016 | KUNUNURRA HOME & GARDEN | VARIOUS HARDWARE SUPPLIES - KUNUNURRA ADMIN & KUNUNURRA POOL | 471.00 |
| EFT125993 | 17/03/2016 | KUNUNURRA LOCK & KEY | KEY CUTTING - KUNUNURRA LANDFILL AND WHITEGUM PARK TOILETS | 256.50 |
| EFT125994 | 17/03/2016 | KUNUNURRA PANEL BEATING WORKS | REPLACEMENT WIND SCREEN - P379 | 440.00 |
| EFT125995 | 17/03/2016 | L3 COMMUNICATIONS AUSTRALIA | REPAIRS - PEDESTAL OPTEX MACHINE - EAST KIMBERLEY REGIONAL AIRPORT | 2,415.60 |
| EFT125996 | 17/03/2016 | LG ASSIST | ADVERTISING - RECRUITMENT | 275.00 |
| EFT125997 | 17/03/2016 | LAWRENCE & HANSON GROUP | SUPPLY OF FAN , LAMPS AND LIGHTS - EKRA, KYC & STAFF HOUSING | 1,205.26 |
| EFT125998 | 17/03/2016 | MAXXIA | PAYROLL DEDUCTIONS | 5,207.79 |

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| EFT125999 | 17/03/2016 | MCLEODS BARRISTERS & SOLICITORS | LEGAL ADVICE - GENERAL PROCEDURE CLAIM | 4,981.54 |
| EFT126000 | 17/03/2016 | ORD RIVER ELECTRICS | CONNECT POOL PUMP MOTOR, REPAIRS TO CIRCUIT & LIGHT- KNX DEPOT & POOL | 8,362.12 |
| EFT126001 | 17/03/2016 | OLLIE'S IRRIGATION & PLUMBING | RETICULATION FITTINGS - KUNUNURRA DEPOT | 186.96 |
| EFT126002 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 196.70 |
| EFT126003 | 17/03/2016 | PRITCHARD BOOKBINDERS | BINDING OF COUNCIL MINUTES | 886.60 |
| EFT126004 | 17/03/2016 | ROAD SIGNS AUSTRALIA | SIGNAGE FOR RURAL ROAD WORKS & LILY CREEK LAGOON BOAT RAMP | 437.81 |
| EFT126005 | 17/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 81.61 |
| EFT126006 | 17/03/2016 | ROYAL LIFE SAVING (WA BRANCH) | ENROLMENT FEES - STAFF TRAINING | 900.00 |
| EFT126007 | 17/03/2016 | SALERNO LAW | LEGAL FEES - DRAFT COMMUNITY LEASES | 3,300.00 |
| EFT126008 | 17/03/2016 | SEARLE HOLDINGS PTY LTD | GIFT FOR DEPARTING STAFF MEMBER AS PER STAFF RECOGNITION DIRECTIVE | 169.95 |
| EFT126009 | 17/03/2016 | SHIRE OF DERBY WEST KIMBERLEY | REIMBURSEMENT FOR FEBRUARY 2016 KIMBERLEY ZONE MEETING | 734.22 |
| EFT126010 | 17/03/2016 | SHIRE OF WYNDHAM EAST KIMBERLEY | PAYROLL DEDUCTIONS | 385.00 |
| EFT126011 | 17/03/2016 | SIMPLY UNIFORMS | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 633.10 |
| EFT126012 | 17/03/2016 | TNT AUSTRALIA PTY LIMITED | FREIGHT - EXPLOSIVES DETECTOR MACHINE - EKRA | 4,034.46 |
| EFT126013 | 17/03/2016 | THE RUSTY SHED CAFE | CATERING - ORDINARY COUNCIL MEETING 23/02/2016 | 303.95 |
| EFT126014 | 17/03/2016 | THINK WATER KUNUNURRA | SPRINKLERS - RETICULATION MAINTENANCE - KUNUNURRA PARKS & GARDENS | 189.55 |
| EFT126015 | 17/03/2016 | TOLL EXPRESS | FREIGHT - PERTH TO KNX KUNUNURRA DEPOT - CLEANING SUPPLIES | 1,133.28 |
| EFT126016 | 17/03/2016 | TROPICAL PEST CONTROL | PEST CONTROL TREATMENT - STAFF HOUSING & KUNUNURRA YOUTH CENTRE | 220.00 |
| EFT126017 | 17/03/2016 | WESTERN AUST. TREASURY CORP. | LOAN REPAYMENT | 8,837.17 |
| EFT126018 | 17/03/2016 | ZURICH AUSTRALIAN INSURANCE | EXCESS FOR INSURANCE CLAIM ON DAMAGED WATER CORP. INFRASTRUCTURE | 300.00 |
| EFT126019 | 23/03/2016 | ADVANCE PRESS (2013) PTY LTD | PREPARATION AND PRINTING - FIGHT THE BITE BROCHURES | 594.00 |
| EFT126020 | 23/03/2016 | ALLGEAR MOTORCYCLES | PARTS AND OIL - P357, P356 | 257.95 |
| EFT126021 | 23/03/2016 | ARGYLE ENGINEERING | REPAIRS TO TOWN OVAL FENCE, FABRICATION OF HANDRAILS AT KNX LANDFILL | 3,065.59 |
| EFT126022 | 23/03/2016 | AUSTRALIAN TRAVELLER | MAGAZINE SUBSCRIPTION RENEWAL - KNX LIBRARY | 65.95 |
| EFT126023 | 23/03/2016 | BERM BACKHOE HIRE | ROADSIDE SLASHING - VARIOUS RDS INCL. WEABER PLAIN, IVANHOE RDS KNX | 15,862.00 |
| EFT126024 | 23/03/2016 | BOC LIMITED | WELDING GASES AND BOTTLE RENTAL - FEBRUARY 2016 | 229.51 |
| EFT126025 | 23/03/2016 | BROOME TOYOTA | RFQ19 15/16 - SUPPLY AND DELIVERY - P143 AS PER 2015/16 ADOPTED BUDGET | 35,233.61 |
| EFT126026 | 23/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 176.04 |
| EFT126027 | 23/03/2016 | BEING THERE SOLUTIONS PTY LTD | VIDEO CONFERENCING CAMERA - KUNUNURRA ADMINISTRATION | 1,045.00 |
| EFT126028 | 23/03/2016 | BLACKWOODS | PROTECTIVE EQUIPMENT - SUNSCREEN & EARPLUGS - OUTDOOR WORKFORCE | 395.50 |
| EFT126029 | 23/03/2016 | BOAB REFRIGERATION & AIRCON. | MOBILE COLD ROOM HIRE FOR 2016 AUSTRALIA DAY CELEBRATIONS | 330.00 |
| EFT126030 | 23/03/2016 | C & S JOLLY ELECTRICS PTY LTD | SUPPLY & INSTALLATION OF POWER TO SHED & FLOOD LIGHTING - KNX LANDFILL | 5,071.00 |
| EFT126031 | 23/03/2016 | C Y O'CONNOR TAFE | REGISTRATION FEE - STAFF MEMBER ATTEND TRAINING | 563.34 |
| EFT126032 | 23/03/2016 | CDM HYDRAULICS PTY LTD | REPAIRS - P492 | 110.00 |

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| EFT126033 | 23/03/2016 | CENTURION TRANSPORT | FREIGHT - PERTH TO KNX DEPOT - ASPHALT, SHELVING | 1,095.95 |
| EFT126034 | 23/03/2016 | COATES HIRE OPERATIONS PTY LTD | GENERATOR HIRE - FEBRUARY 16 - WYNDHAM LANDFILL | 1,237.50 |
| EFT126035 | 23/03/2016 | COCA-COLA AMATIL | PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE | 117.25 |
| EFT126036 | 23/03/2016 | CR BEAU ROBINSON | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126037 | 23/03/2016 | CR DARREN SPACKMAN | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126038 | 23/03/2016 | CR KEITH WRIGHT | DEPUTY SHIRE PRESIDENT'S ALLOW. & MEETING FEES 01/01/2016-31/03/2016 | 5,870.75 |
| EFT126039 | 23/03/2016 | CR SOPHIE ANN COOKE | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126040 | 23/03/2016 | CR. ALMA PETHERICK | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126041 | 23/03/2016 | CR BEATRICE JANE PARKER | SHIRE PRESIDENT'S ALLOWANCE & MEETING FEES 01/01/2016 -31/03/2016 | 11,720.75 |
| EFT126042 | 23/03/2016 | CR EMILY BOLTO | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126043 | 23/03/2016 | CR NAOMI PERRY | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126044 | 23/03/2016 | CR SIMONE RUSHBY | MEMBER MEETING FEES 01/01/2016-31/03/2016 | 3,920.75 |
| EFT126045 | 23/03/2016 | DAVEY TYRE & BATTERY SERVICE | PUNCTURE REPAIR - P130 | 35.00 |
| EFT126046 | 23/03/2016 | AUTO TOW AND REPAIR | REPAIRS AND SERVICE - P142 & P387 | 1,247.08 |
| EFT126047 | 23/03/2016 | E & MJ ROSHER PTY LTD | PARTS - P384 | 48.15 |
| EFT126048 | 23/03/2016 | EAST KIMBERLEY HARDWARE | WD40 SPRAY, DUCT TAPE & TIE DOWN STRAPS - KNX DEPOT | 59.60 |
| EFT126049 | 23/03/2016 | EMILY WARMINGTON OCC. THERAP. | INITIAL ASSESSMENT AND REPORT- WORKERS COMPENSATION CLAIM | 210.00 |
| EFT126050 | 23/03/2016 | ENGINEERED WATER SOLUTIONS P/L | T01 15/16 - LILY CREEK LAGOON BOAT RAMP UPGRADE - COUNCIL MINUTE 11134 | 259,600.00 |
| EFT126051 | 23/03/2016 | EXPRESS VIRTUAL MEETINGS | TELECONFERENCE CHARGES - FEBRUARY 16 | 155.30 |
| EFT126052 | 23/03/2016 | FIGLEAF POOL PRODUCTS | PARTS FOR CHLORINE GAS LINE - WYNDHAM SWIMMING POOL | 731.50 |
| EFT126053 | 23/03/2016 | FRONTIER POST & NEWS | POSTAGE AND NEWSPAPER PURCHASES - WYNDHAM ADMINISTRATION | 69.85 |
| EFT126054 | 23/03/2016 | GLIDEPATH AUSTRALIA PTY LTD | SUPPLY CHECK IN CONVEYOR DRUM MOTOR - EAST KIMBERLEY REGIONAL AIRPORT | 1,181.58 |
| EFT126055 | 23/03/2016 | IBAC PLUMBING PTY LTD | PLUMBING WORKS - KUNUNURRA LEISURE CENTRE | 245.19 |
| EFT126056 | 23/03/2016 | JORRITSMA H & CO | PLUMBING SUPPLIES - EAST KIMBERLEY REGIONAL AIRPORT | 23.00 |
| EFT126057 | 23/03/2016 | KEEPAD INTERACTIVE | PURCHASE OF HD PROJECTOR FOR KUNUNURRA COUNCIL CHAMBERS | 4,068.90 |
| EFT126058 | 23/03/2016 | KIMBERLEY COMMUNICATIONS | REMOVAL OF RADIO - P379 | 120.00 |
| EFT126059 | 23/03/2016 | KIMBERLEY KOOL REFRIGERATION | REPAIR AIRCONDITIONERS - WYNDHAM ADMINISTRATION AND EKRA | 1,210.00 |
| EFT126060 | 23/03/2016 | KUNUNURRA HOME & GARDEN | TOOL KIT FOR WYNDHAM SWIMMING POOL | 321.15 |
| EFT126061 | 23/03/2016 | KUNUNURRA LOCK & KEY | KEY CUTTING SCREEN DOOR LOCKS - KUNUNURRA LEISURE CENTRE | 152.50 |
| EFT126062 | 23/03/2016 | KUNUNURRA MAINTENANCE SERVICE | SUPPLY AND INSTALLATION OF CRIMS SAFE SECURITY SCREENS X2 - KLC | 1,960.00 |
| EFT126063 | 23/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 83.40 |
| EFT126064 | 23/03/2016 | MCLEODS BARRISTERS & SOLICITORS | LEGAL ADVICE - ORDCO STORM WATER DRAINAGE & MINOR CASE CLAIM | 5,183.42 |
| EFT126065 | 23/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 82.00 |
| EFT126066 | 23/03/2016 | MOONLIGHT BAY SUITES | ACCOMMODATION & MEALS - STAFF MEMBERS ATTEND KIMBERLEY ZONE MEETING | 815.00 |

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| EFT126067 | 23/03/2016 | ORD RIVER ELECTRICS | ADJUSTING VOLTAGE - WYN POOL SHUT DOWN SYSTEM, REPAIRS TO LIGHT- EKRA | 387.65 |
| EFT126068 | 23/03/2016 | OLLIE'S IRRIGATION | RETICULATION FITTINGS - STAFF HOUSING & WYNDHAM GENERAL MAINTENANCE | 982.30 |
| EFT126069 | 23/03/2016 | ORD AGRICULTURAL EQUIPMENT | PARTS - P492 | 117.95 |
| EFT126070 | 23/03/2016 | ORD VALLEY CHIROPRACTIC | WORKERS COMPENSATION - CONSULTATION | 205.00 |
| EFT126071 | 23/03/2016 | PAINT INDUSTRIES PTY LTD | RUNWAY PAINT - EAST KIMBERLEY REGIONAL AIRPORT | 472.28 |
| EFT126072 | 23/03/2016 | ROADLINE CONTRACTING | PROVISION OF TRAFFIC CONTROL DIAGRAMS | 1,870.00 |
| EFT126073 | 23/03/2016 | ROYAL LIFE SAVING (WA BRANCH) | REGISTRATION FEES - WATCH AROUND WATER PROGRAM - KNX LEISURE CENTRE | 150.00 |
| EFT126074 | 23/03/2016 | SPORTSPEOPLE | ADVERTISING - RECRUITMENT | 176.00 |
| EFT126075 | 23/03/2016 | ST JOHN AMBULANCE AUSTRALIA | FIRST AID SUPPLIES - KUNUNURRA LEISURE CENTRE | 45.38 |
| EFT126076 | 23/03/2016 | SUNNY SIGN COMPANY PTY LTD | SIGNAGE - CROSSING FALLS ROAD, WEABER PLAIN ROAD KUNUNURRA | 2,078.84 |
| EFT126077 | 23/03/2016 | TELFORD INDUSTRIES | POOL CHEMICALS - KUNUNURRA SWIMMING POOL | 2,733.39 |
| EFT126078 | 23/03/2016 | TNT AUSTRALIA PTY LIMITED | FREIGHT- HEALTH SAMPLES | 582.98 |
| EFT126079 | 23/03/2016 | THE JOB SHOP | RECRUITMENT PLACEMENT FEE FOR STAFF MEMBER | 187.00 |
| EFT126080 | 23/03/2016 | THE RUSTY SHED CAFE | CATERING - WYNDHAM COMMUNITY RESOURCE CENTRE ACTIVITIES 3/03/2016 | 88.00 |
| EFT126081 | 23/03/2016 | TOLL EXPRESS | FREIGHT- PERTH TO KUNUNURRA LEISURE CENTRE - POOL CHEMICALS | 835.30 |
| EFT126082 | 23/03/2016 | TOP END (AUST) PTY LTD | PARTS - P388, P116 | 946.89 |
| EFT126083 | 23/03/2016 | TOX FREE AUSTRALIA PTY LTD | T04 13/14 REFUSE & LITTER COLLECTION, STREET SWEEPING - KNX & WYN - FEB 16 | 68,897.50 |
| EFT126084 | 23/03/2016 | TYREPLUS KUNUNURRA | SUPPLY OF BATTERY FOR VACUUM - KUNUNURRA SWIMMING POOL | 240.00 |
| EFT126085 | 23/03/2016 | UNITED PETROLEUM DISTRIBUTORS | FUEL COSTS - EAST KIMBERLEY REGIONAL AIRPORT - FEBRUARY 16 | 1,458.45 |
| EFT126086 | 23/03/2016 | VANDERFIELD NORTHWEST PTY LTD | PARTS AND REPAIRS - P128 & P491 | 298.76 |
| EFT126087 | 31/03/2016 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 414.27 |
| EFT126088 | 31/03/2016 | ALL ABOUT CANVAS | SUPPLY OF BANNER - BANNERS IN THE TERRACE COMPETITION 2016 | 118.80 |
| EFT126089 | 31/03/2016 | AUSTRALIA POST | BULK REFLEX PAPER AND POSTAGE - KUNUNURRA ADMIN FEBRUARY 2016 | 3,012.11 |
| EFT126090 | 31/03/2016 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS | 154.80 |
| EFT126091 | 31/03/2016 | AUSTRALIAN TAXATION OFFICE - PAYG | PAYROLL DEDUCTIONS | 86,079.00 |
| EFT126092 | 31/03/2016 | BUDGET RENT A CAR | CAR RENTAL - STAFF MEMBERS ATTEND TRAINING 29/02/2016-12/03/2016 | 559.02 |
| EFT126093 | 31/03/2016 | C & S JOLLY ELECTRICS PTY LTD | INSPECTION AND REPAIRS TO CHLORINE SYSTEM - WYNDHAM POOL | 4,016.29 |
| EFT126094 | 31/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 161.74 |
| EFT126095 | 31/03/2016 | CARPET, VINYL & TILE CENTRE | REPLACEMENT OF TILES - ABLUTIONS - KUNUNURRA LEISURE CENTRE | 418.00 |
| EFT126096 | 31/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 145.22 |
| EFT126097 | 31/03/2016 | EAST KIMBERLEY HARDWARE | VARIOUS HARDWARE MATERIALS - STAFF HOUSING, PARTS - P377 | 163.80 |
| EFT126098 | 31/03/2016 | EAST KIMBERLEY PLUMBING | INVESTIGATE WATER LEAK - EAST KIMBERLEY REGIONAL AIRPORT | 1,210.00 |
| EFT126099 | 31/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 143.47 |
| EFT126100 | 31/03/2016 | HEALTH INSURANCE FUND OF AUST | PAYROLL DEDUCTIONS | 65.90 |

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|-------------------------------------|------------|----------------------------------|---|---------------------|
| EFT126101 | 31/03/2016 | J. CAV ELECTRICAL | ELECTRICAL SAFETY INSPECTION, PARTS & REPAIRS - STAFF HOUSING | 403.68 |
| EFT126102 | 31/03/2016 | KIMBERLEY KOOL REFRIGERATION | REPAIRS AIRCONDITIONER - KUNUNURRA LEISURE CENTRE | 264.00 |
| EFT126103 | 31/03/2016 | KIMBERLEY MOTORS | GEAR OIL, DEGREASER, TYRE PLUGS, CABLES TIES - WYNDHAM DEPOT | 361.00 |
| EFT126104 | 31/03/2016 | KIMBERLEY TRAINING INSTITUTE | ENROLMENT FEES - STAFF MEMBER AS PER EMPLOYMENT CONTRACT | 405.60 |
| EFT126105 | 31/03/2016 | KUNUNURRA BETTA ELECTRICAL & GAS | EQUIPMENT FOR YOUNG WOMEN'S GROUP - WYNDHAM YOUTH PROGRAM | 342.90 |
| EFT126106 | 31/03/2016 | KUNUNURRA COURIERS | DRINKING WATER SUPPLIES - KUNUNURRA ADMIN - FEBRUARY 16 | 21.00 |
| EFT126107 | 31/03/2016 | KUNUNURRA HOME & GARDEN | PESTICIDES FOR EKRA, STEEL DOOR CABINETS - WYNDHAM DEPOT SHED | 401.40 |
| EFT126108 | 31/03/2016 | MAXXIA | PAYROLL DEDUCTIONS | 6,449.27 |
| EFT126109 | 31/03/2016 | MCMULLEN NOLAN GROUP PTY LTD | CONSTRUCTION PEGGING - CARLTON HILL RD, SECURITY FENCE DUSTY RANKIN DV. | 5,775.00 |
| EFT126110 | 31/03/2016 | PIVOTEL | SATELLITE PHONE COSTS - MARCH 16 | 65.00 |
| EFT126111 | 31/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 115.37 |
| EFT126112 | 31/03/2016 | ROYAL LIFE SAVING (WA BRANCH) | AWARD FEES - STAFF MEMBER AS PER EMPLOYMENT CONTRACT | 17.60 |
| EFT126113 | 31/03/2016 | SGS ENVIRONMENTAL SERVICES | TESTING OF WATER SAMPLES - KUNUNURRA LANDFILL | 3,410.00 |
| EFT126114 | 31/03/2016 | SEA VIEW ORTHOTIC SERVICE | LITTER CONTROL LIFTING AIDS | 875.60 |
| EFT126115 | 31/03/2016 | SHIRE OF WYNDHAM EAST KIMBERLEY | PAYROLL DEDUCTIONS | 385.00 |
| EFT126116 | 31/03/2016 | ST JOHN AMBULANCE WA | FIRST AID KIT SERVICING - WYNDHAM YOUTH CENTRE | 225.66 |
| EFT126117 | 31/03/2016 | SUNNY SIGN COMPANY PTY LTD | SIGNAGE - MOSQUITO FOGGING | 44.00 |
| EFT126118 | 31/03/2016 | TELFORD INDUSTRIES | POOL CHEMICALS - WYNDHAM SWIMMING POOL | 2,189.99 |
| EFT126119 | 31/03/2016 | TST ELECTRICAL | SUPPLY & INSTALLATION OF NEW PANEL IN SWITCH BOARD - WYN RETIC SYSTEM | 4,586.00 |
| EFT126120 | 31/03/2016 | THINK WATER KUNUNURRA | REPAIRS TO RETIC. FITTING - KUNUNURRA RETIC. MAINTENANCE | 192.33 |
| EFT126121 | 31/03/2016 | VISIMAX | ANIMAL CONTROL ITEMS INCL. SNAKE TONGS, SNAKE CAPTURE BAG, NOTE BOOKS | 1,323.60 |
| EFT126122 | 31/03/2016 | VANDERFIELD NORTHWEST PTY LTD | PARTS - P491 | 25.94 |
| EFT126123 | 31/03/2016 | STAFF MEMBER | REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT | 150.28 |
| TOTAL MUNICIPAL EFT PAYMENTS | | | | 1,089,978.17 |

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|---------|------------|--------------------------------|---|-----------|
| 51273 | 02/03/2016 | BOMELOH PTY LTD | RATES REFUND ASSESSMENT A1186 - REDUCTION IN BIN SERVICE | 207.37 |
| 51274 | 02/03/2016 | CASH - PETTY CASH KNX AIRPORT | PETTY CASH REIMBURSEMENT - EAST KIMBERLEY REGIONAL AIRPORT | 93.80 |
| 51275 | 02/03/2016 | DEPARTMENT OF TRANSPORT | REGISTRATION - P137 | 282.75 |
| 51276 | 02/03/2016 | HORIZON POWER | ELEC. INCL. MESSMATE WAY PARK, KNX RETIC., KLC POOL 10/11/15-03/02/16 | 47,858.60 |
| 51277 | 02/03/2016 | TELSTRA | INTERNET AND LANDLINE COSTS - JANUARY 2016 | 6,199.88 |
| 51278 | 03/03/2016 | HEALTH INSURANCE FUND OF AUST. | PAYROLL DEDUCTIONS | 65.90 |
| 51279 | 09/03/2016 | HORIZON POWER | ELEC - STREET LIGHTING , KNX ADMIN, NICHOLSON PARK PUMP 17/12/15-18/02/16 | 33,560.88 |
| 51280 | 09/03/2016 | WATER CORPORATION | WATER SERV. CHARGES - STAFF HOUSING 01/01/2016-29/02/2016 | 199.70 |

| | | | | |
|--|------------|--------------------------------|--|-------------------|
| 51281-51285 | | CANCELLED | CANCELLED | - |
| 51286 | 17/03/2016 | HEALTH INSURANCE FUND OF AUST. | PAYROLL DEDUCTIONS | 65.90 |
| 51287 | 17/03/2016 | HORIZON POWER | ELEC. INCL. KNX ADMIN, STREET LIGHTING, 01/02/2016-29/02/2016 | 26,989.24 |
| 51288 | 17/03/2016 | WATER CORPORATION | WATER USE & SERV. CHARGES - EWIN CENTRE, STAFF HOUSING 7/1/16-3/3/16 | 1,811.66 |
| 51289 | 23/03/2016 | DEPARTMENT OF TRANSPORT | REGISTRATION - VARIOUS PLATES INCL. P347, P487, P331, P322 & P354 | 5,650.45 |
| 51290 | 23/03/2016 | HORIZON POWER | ELEC. - MESSMATE WAY PUMP, RETICULATION, IVANHOE PUMP 5/1/16 - 01/3/16 | 1,286.54 |
| 51291 | 23/03/2016 | TELSTRA | LANDLINE AND MOBILE PHONE COSTS - FEBRUARY 2016 | 9,043.34 |
| 51292 | 23/03/2016 | WATER CORPORATION | WATER USE & SERV. CHARGES - STAFF HOUSING 7/1/16-9/3/16 | 781.82 |
| 51293 | 31/03/2016 | DEPARTMENT OF TRANSPORT | REGISTRATION - P477, P478 | 204.90 |
| 51294 | 31/03/2016 | HORIZON POWER | ELEC. - IVANHOE VBFB, AIRSERVICES HUB, KNX ADMIN 15/01/2016-14/03/2016 | 9,023.03 |
| 51295 | 31/03/2016 | WATER CORPORATION | WATER USE & SERV. CHARGES - KNX ADMIN, KNX AIRPORT 19/01/16-15/03/16 | 9,022.25 |
| TOTAL MUNICIPAL CHEQUE PAYMENTS | | | | 152,348.01 |

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|------------------------------------|------------|---------------------------------|---|-----------------|
| 864 | 09/03/2016 | JAMES GALLAGHER | BOND REFUND - HIRE & KEY BOND PETER REID MEMORIAL HALL HIRE | 1,050.00 |
| 865 | 09/03/2016 | ORD RIVER TEE BALL ASSOCIATION | BOND REFUND - KNX TOWN OVAL HIRE | 250.00 |
| 867 | 16/03/2016 | BUILDING & CONST. INDUSTRY FUND | BCITF COLLECTIONS FOR FEBRUARY 2016 | 783.61 |
| 868 | 16/03/2016 | SHIRE OF WYNDHAM EAST KIMBERLEY | BCITF COMMISSION FOR FEBRUARY 2016 | 41.25 |
| 869 | 16/03/2016 | SHIRE OF WYNDHAM EAST KIMBERLEY | BSL COMMISSION FOR FEBRUARY 2016 | 40.00 |
| 870 | 16/03/2016 | WA DEPT.OF COMMERCE | BSL COLLECTIONS FOR FEBRUARY 2016 | 1,545.68 |
| 871 | 31/03/2016 | PM&C COLLECTOR OF PUBLIC MONIES | BOND REFUND - WHITEGUM PARK HIRE | 250.00 |
| TOTAL TRUST CHEQUE PAYMENTS | | | | 3,960.54 |

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|---------|------------|--------------------|-----------------------------|----------|
| 501124 | 01/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 01/03/15 | 593.35 |
| 501125 | 03/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 03/03/16 | 110.50 |
| 501126 | 04/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 04/03/16 | 283.85 |
| 501127 | 08/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 08/03/16 | 335.75 |
| 501128 | 09/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 09/03/16 | 4,505.50 |
| 501129 | 10/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 10/03/16 | 3,270.90 |
| 501130 | 11/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 11/03/16 | 600.60 |
| 501131 | 14/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 14/03/16 | 647.70 |
| 501132 | 15/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 15/03/16 | 1,018.30 |
| 501133 | 16/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 16/03/16 | 523.95 |

| | | | | |
|--|------------|--------------------|-----------------------------|------------------|
| 501134 | 17/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 17/03/16 | 766.20 |
| 501135 | 18/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 18/03/16 | 493.80 |
| 501136 | 21/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 21/03/16 | 451.05 |
| 501137 | 22/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 22/03/16 | 368.55 |
| 501138 | 23/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 23/03/16 | 419.85 |
| 501139 | 24/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 24/03/16 | 180.80 |
| 501140 | 29/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 29/03/16 | 5,877.20 |
| 501141 | 30/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 30/03/16 | 87.70 |
| 501142 | 31/03/2016 | TRUST DPI CLEARING | TRANSPORT CLEARING 31/03/16 | 173.80 |
| TOTAL DIRECT DEBIT TRANSPORT PAYMENTS | | | | 20,709.35 |

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|-------------------------------|-------------|-------------|--------------------|-------------------|
| | 02/03/2016 | PAYROLL | PAYROLL | 225,250.81 |
| | 04/03/2016 | PAYROLL | PAYROLL | 9,596.76 |
| | 08/03/2016 | PAYROLL | PAYROLL | 349.50 |
| | 15/03/2016 | PAYROLL | PAYROLL | 3,915.33 |
| | 16/03/2016 | PAYROLL | PAYROLL | 222,996.68 |
| | 22/03/2016 | PAYROLL | PAYROLL | 2,115.27 |
| | 30/03/2016 | PAYROLL | PAYROLL | 240,350.05 |
| TOTAL PAYROLL PAYMENTS | | | | 704,574.40 |

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|------------------------------------|-------------|--------------------------|---------------------------------------|-------------------|
| | 01/03/2016 | NATIONAL AUSTRALIA BANK | BPAY FEES | 326.31 |
| | 01/03/2016 | BANKWEST | MERCHANT FEE | 104.55 |
| | 01/03/2016 | BANKWEST | EFTPOS FEES | 2,098.51 |
| | 01/03/2016 | BANKWEST | BANK FEES | 149.95 |
| | 03/03/2016 | CLICKSUPER | EMPLOYEE SUPERANNUATION CONTRIBUTIONS | 46,746.61 |
| | 17/03/2016 | CLICKSUPER | EMPLOYEE SUPERANNUATION CONTRIBUTIONS | 46,147.66 |
| | 21/03/2016 | WRIGHT EXPRESS AUSTRALIA | PUMA FUEL CARDS FEBRUARY 2016 | 742.76 |
| | 21/03/2016 | BANKWEST | PERIODICAL PAYMENT TO MASTERCARD | 6,746.48 |
| | 31/03/2016 | BANKWEST | OVERDRAFT FACILITY FEE | 500.00 |
| | 31/03/2016 | BANKWEST | BANK FEES | 4.50 |
| TOTAL DIRECT DEBIT PAYMENTS | | | | 103,567.33 |

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 21/03/16**

| CHQ/EFT | DATE | NAME | DESCRIPTION | AMOUNT |
|----------------|-------------|-----------------------------------|---|---------------|
| | 28/01/2016 | AIG AUSTRALIA LIMITED | FLIGHT INSURANCE - 7-9/2/16 KNX-BME-KNX - STAFF MEMBERS ATTEND TRAINING | 19.90 |
| | 29/01/2016 | QANTAS AIRWAYS LTD | FLIGHTS KNX-BME-KNX 25/2-26/2/16 - STAFF MEMBER ATTEND YOUTH WORKSHOP | 591.55 |
| | 01/02/2016 | FUSION BROADBAND PL | BROADBAND - WYNDHAM ADMINISTRATION OFFICE | 187.00 |
| | 03/02/2016 | HELOMOLTO | MOBILE PHONE | 528.00 |
| | 05/02/2016 | MEGABUY TECHNOLOGY PTY LTD | INTERNET ROUTER | 339.59 |
| | 05/02/2016 | AIRNORTH | FLIGHTS KNX-BME-KNX 25/2-26/2/16 - STAFF MEMBER ATTEND ZONE MEETING | 654.50 |
| | 08/02/2016 | AIRNORTH | FLIGHTS KNX-BME-KNX 25/2-26/2/16 - ELECTED MEMBER ATTEND ZONE MEETING | 492.88 |
| | 08/02/2016 | AIRNORTH | FLIGHTS KNX-BME-KNX 25/2-26/2/16 - ELECTED MEMBER ATTEND ZONE MEETING | 513.08 |
| | 09/02/2016 | QBE INSURANCE | FLIGHT INS. - 11/2-23/3/16 - STAFF MEMBER AS PER EMPLOYMENT CONTRACT | 12.00 |
| | 10/02/2016 | ALTRONICS PL | REPLACEMENT BATTERIES FOR UPS | 294.45 |
| | 10/02/2016 | QBE INSURANCE | FLIGHT INS. 13/2/16 - STAFF MEMBER AS PER EMPLOYMENT CONTRACT | 12.00 |
| | 10/02/2016 | COVER MORE INSURANCE | FLIGHT INS. 13/2/16 - AS PER EMPLOYMENT CONTRACT | 13.95 |
| | 10/02/2016 | QANTAS AIRWAYS LTD | FLIGHTS PER-KNX-PER 11/2, 23/3/16 STAFF MEMBER AS PER EMPLOY.CONTRACT | 1,245.07 |
| | 11/02/2016 | HARRIS TECHNOLOGY PTY LTD | MONITOR AND PERIPHERALS | 963.86 |
| | 11/02/2016 | VIRGIN AIRLINES | FLIGHT PER-KNX 19/2/16 - AS PER EMPLOYMENT CONTRACT | 386.70 |
| | 11/02/2016 | QANTAS AIRWAYS LTD | FLIGHT PER-KNX 13/3/16 - STAFF MEMBER AS PER EMPLOYMENT CONTRACT | 822.87 |
| | 12/02/2016 | PRINTZONE | INK FOR REMOTE SITE HP PRINTERS | 847.00 |
| | 14/02/2016 | MESSAGE MEDIA | SMS SERVER MONITORING | 6.93 |
| | 16/02/2016 | DUN AND BRADSTREET (AUST) PTY LTD | FINANCIAL RISK REPORT T01 15/16 | 170.00 |
| | 21/02/2016 | WAREHOUSE 1 PTY LTD | REPLACEMENT MONITORS X 2 - KUNUNURRA ADMINISTRATION OFFICE | 1,098.00 |
| | 21/02/2016 | EASY PEST SUPPLIES | ELECTRIC FLY KILLER FOR CAFE AREA - EAST KIMBERLEY REGIONAL AIRPORT | 599.00 |
| | 22/02/2016 | GO DADDY | RENEWAL OF SECURE WEBSITE CERTIFICATES | 764.98 |
| | 22/02/2016 | BANKWEST | TRANSFER FROM MUNICIPAL ACCOUNT TO CREDIT CARD ACCOUNT | (5,000.00) |
| | 24/02/2016 | SLIMLINE WAREHOUSE | LECTERN FOR KUNUNURRA COUNCIL CHAMBERS | 479.66 |
| | 24/02/2016 | BANKWEST | TRANSFER FROM MUNICIPAL ACCOUNT TO CREDIT CARD ACCOUNT | (1,000.00) |
| | 24/02/2016 | ECHO 1 PTY LTD | REPLACEMENT PRINT HEAD FOR PLOTTER - KUNUNURRA ADMIN. | 908.06 |
| | 24/02/2016 | BJK PHOTOGRAPHY GALLERY | GIFT TO BE PRESENTED TO SHANGHAI ZHONGFU BY SWEK COUNCILLORS | 600.00 |
| | 26/02/2016 | SOUND GEAR AUSTRALIA | MICROPHONE MOUNT FOR LECTERN - KUNUNURRA COUNCIL CHAMBERS | 37.95 |
| | 26/02/2016 | OZ LAMPS | REPLACEMENT PROJECTOR BULB - COUNCIL CHAMBERS KUNUNURRA | 157.50 |

13.05. INFASTRUCTURE

13.05.1. Road Development Policy

| | |
|---------------------------------|-------------------------------------|
| DATE: | 26 April 2016 |
| AUTHOR: | David Klye, Director Infrastructure |
| RESPONSIBLE OFFICER: | David Klye, Director Infrastructure |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council rescind policy E5 Road Construction Specifications and adopt policy CP-OPS 3655 - Road Development as attached.

COUNCIL DECISION

Minute No: 11334

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council rescind policy E5 Road Construction Specifications and adopt policy CP-OPS 3655 - Road Development as attached.

Carried 8/0

PURPOSE

For Council to consider a review of its policy, E5 Road Construction Specification.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At its 28 July 2004 meeting Council adopted a policy titled E5 Road Construction Specification. A copy of the E5 Road Construction Specifications is attached to this report as Attachment 1.

COUNCIL DECISION

MINUTE NO 6795

Moved Cr K Wright / J Nelson

That Council:

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

CARRIED UNANIMOUSLY (7-0)

At its 24 November 2015 meeting Council resolved the following;

COUNCIL DECISION

Minute No. 11184

Moved: Cr K Wright

Seconded: Cr N Perry

That Council defer item 13.3.1 Road Construction Specification Policy to a briefing session.

Carried 8/1

For: Cr J Parker, Cr K Wright, Cr D Spackman, Cr S Cooke, Cr S Rushby, Cr N Perry, Cr A Petherick, Cr E Bolto

Against: Cr B Robinson

At its 23 February 2016 meeting Council resolved the following;

COUNCIL DECISION

Minute No. 11258

Moved: Cr K Wright

Seconded: Cr S Rushby

That Council:

- A) Defer a decision on the reviewed policy E5 Road Construction Specifications, renamed to CP-OPS 3655 - Road Construction as attached to a Councillor workshop and,**
- B) Invite a Main Roads WA expert on road hierarchy to present at the workshop.**

Carried 7/2

**For: Cr J Parker, Cr K Wright, Cr A Petherick, Cr S Rushby,
Cr N Perry, Cr S Cooke, Cr D Spackman
Against: Cr B Robinson, Cr E Bolto**

The item was presented to Councillors for review at a briefing session on Tuesday 8 March 2016.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal establishes Council's policy position in relation to acceptable minimum standards of road development and planning within the Shire.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 2.3: Assets are appropriate for their intended purpose and factor in whole of life costing and maintenance

Strategy 2.3.1 : Manage and maintain assets in a strategic and cost effective manner

Strategy 2.3.2 : Plan, design and budget for sustainable infrastructure

RISK IMPLICATIONS

Risk:

Inability to deliver levels of service expected by the community

Controls:

- Current budget and service levels
- Develop agreed standards of service and communicate with the community

COMMUNITY ENGAGEMENT

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

No community engagement is required.

COMMENTS

A copy of the proposed revised policy is attached as Attachment 2 - CP-OPS 3655 - Road Development. The proposal differs to the previous version of the policy adopted in 2004 by providing overall guidance on the types of road the Shire requires according to road type and by referring to comprehensive technical specifications for road and drainage design and construction. The proposed Policy contains minimal technical specifications regarding road construction as policy should focus on strategic matters and not contain technical and operational detail and specifications.

- The Main Roads Western Australia standards and technical supplements and guides to the design and construction of roads and bridges and associated environmental aspects including the **Main Roads Western Australia Supplement to Austroads Guide to Road Design** has been included in the specifications associated with the proposed policy since its presentation to Council in November 2015.
- Following further consultation with Councillors at a briefing in March 2016 and a specific request for the inclusion of road hierarchy, the **hierarchy Urban Residential Connectors** has been added to the proposed policy since its presentation to Council in February 2016.

The proposed policy provides for improved township amenity, driver visibility and safety, on street parking and access for service vehicles including street sweeping and garbage collection.

ATTACHMENTS

Attachment 1 - E5 Road Construction Specification
Attachment 2 - CP-OPS 3655 - Road Development



Shire of Wyndham East Kimberley
Council Policy Manual
E5

| | |
|------------------------------|---|
| POLICY No: | E5 |
| DIVISION: | Engineering |
| SUBJECT: | Road Construction Specifications |
| REPORTING OFFICER: | Executive Manager Engineering and Development Services |
| ENABLING LEGISLATION: | Local Government Act 1995 Section 5.52.3 |

OBJECTIVE:

To provide an appropriate safe and maintainable road network throughout the Shire.

POLICY:

Road Widths and Standards

Residential and Commercial

- Less than 100 vehicles per day - 6 metres seal between kerbs
- More than 100 vehicles per day - 7.5 metre seal between kerbs.
- Distributor Roads - 9 metre seal between kerbs.

Industrial

- 9 metre seal between kerbs.

Rural

- Less than 50 vehicles per day - 8 metre gravel formation, 6 metre running surface (2 x 3 trafficable lanes 2 x 1 metre shoulders)
- 50 to 150 vehicles per day - 9 metres gravel formation, 6 metre seal.
- over 150 vehicles per day - 10.5 metre gravel formation, 7.5 metre seal.

Rural Residential

- 9 metre gravel formation 6 metre seal

Drainage Standards

Townsites

- Residential - underground pipe drainage to be capable of accommodating a one in five year storm/flood.
- Commercial/Industrial - underground pipe drainage to be capable of accommodating a one in ten year storm/flood.

Kerbing Standards

- Central Business District - barrier kerbing for all new and replacement kerbing.
- All Other Areas - Semi-mountable kerbing for all new and replacement kerbing.
- All kerbing on side of road required for drainage to be constructed in kerb and channel formation, all other kerbing must be keyed into the road surface.

Footpath Standards

- Main Thoroughfares - dual use concrete paths 2.4 metres wide are to be installed on major urban thoroughfares. Paths to be constructed at back of kerblines but must not interfere or obstruct access to service utilities.
- All Other Thoroughfares - Concrete paths are to be installed, 2.1 metres wide on all other roads. Path to be constructed at back of kerb if appropriate, but must not interfere or obstruct access to service utilities.
- Service Conduit - All concrete paths to have service conduit line installed under path for water, etc. where required.

ADOPTED: 20 July 2004

REVIEWED:

AMENDED:



| | | |
|--|--|----------------------------|
| POLICY NO | CP/OPS 3655 | |
| POLICY | Road Development | |
| RESPONSIBLE DIRECTORATE | Infrastructure | |
| RESPONSIBLE OFFICER | Director Infrastructure | |
| COUNCIL ADOPTION | Date: 20/07/2004 | Resolution No: 6795 |
| REVIEWED/MODIFIED | Date: /2016 | Resolution No: Insert Here |
| | Date: | Resolution No: |
| REVIEW DUE | Date: March 2018 | |
| LEGISLATION | Local Government Act 1995, Section 3.1 Local Government (Uniform Local Provisions) Regulations 1996 Sections 15(1) and 15(2) | |
| RELATED POLICIES | CP/FIN-3216 Asset Management | |
| RELATED ORGANISATIONAL DIRECTIVES | Technical Specification TS/OPS – 4647 Road and Drainage Construction | |

PURPOSE:

The primary objectives are to:

- (a) Provide a safe, efficient and effective road system for the Shire;
- (b) Facilitate the upgrading of existing roads to standardised widths, alignments and standards of construction;
- (c) Provide sufficient road reserve width to accommodate all required public utilities required now and into the future as part of a Road Construction; and
- (d) Provide a rational and consistent basis for the construction of roads and any financial contributions required for such construction.

DEFINITIONS:

“**Road**” means the road reserve, inclusive of pavement, shoulders, drains, bridges, Footpaths and verges.

“**Shire**” means the Shire of Wyndham East Kimberley

The meaning of all the other terms not specifically defined in this policy shall be the Same as the definitions contained in the Local Government Act 1995.

POLICY STATEMENTS:

Urban road design shall accord with the Western Australian Planning Commission (WAPC) Livable Neighbourhoods operational policy that was developed specifically to guide planning for subdivision of Greenfield and large urban infill sites. The WAPC Livable Neighbourhoods operational policy was developed in Perth and is acknowledged as Perth-centric. For this reason some modification of the policy has been made to suit the Shire of Wyndham East

Kimberley. The following minimums shall apply to the construction or reconstruction of roads associated with new developments in addition to the WAPC Livable Neighbourhoods operational policy;

Urban Residential Connectors

These are defined in the Liveable Neighbourhoods Guide as *Neighbourhood Connectors*.

- Neighbourhood Connector pavements shall be sealed with a minimum width of 11.6 metres between kerbs within a minimum 21.6 metre wide road reserve.
- The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres. ("T" turning heads are not acceptable)
- Concrete Shared path on at least one side of the road shall connect to existing footpaths.

Urban Residential Access Streets

These are defined in the Liveable Neighbourhoods Guide as *Access Streets and Laneway/Service Lane*.

- *Urban Access Streets and Laneway/Service Lane* pavements shall be sealed with a minimum width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- The diameter between kerbs for a cul-de-sac shall be a minimum of 18.0 metres. ("T" turning heads are not acceptable)
- Concrete footpath on at least one side of the road shall connect to existing footpaths.

Industrial, Commercial and Thoroughfares

- Pavements shall be subject to a minimum seal width of 7.2 metres between kerbs within a minimum 20 metre wide road reserve.
- Concrete footpaths on at least one side of the road to connect to existing footpaths.

Rural Residential

- Pavements shall be subject to a minimum seal width of 7.2 metres with 1.0 metre shoulders within a minimum 20 metre wide road reserve.
- Unsealed gravel footpath to one side of the road to connect to existing footpaths where possible.

Gravel Roads

- 9.2 metre gravel formation with a minimum 7.2 metre wide running surface and 1.0 m shoulders within a minimum 20 metre wide road reserve.

Road Upgrading

The Shire may request contributions from developers to upgrade existing roads as a condition of approval of adjoining applications for:

- (a) Subdivisions, when any additional lots are created; and
- (b) Development, other than single dwellings and outbuildings.

If the proposed subdivision or development is located on an unsealed road, Council may determine that the developer shall contribute towards road construction or upgrade to connect the development to the nearest sealed road the upgrade may include including services and drainage.

Construction Standards

All construction works shall be carried out in accordance with the approved engineering Drawings and specifications to the complete satisfaction of the CEO and in accordance with current, accepted engineering practice. Refer to the Shire's Technical Specification 4647 TS-OPS 3655 Road and Drainage Construction.

EXPLANATORY NOTES:

The Road Construction Specification Policy is intended to give firm direction for construction standards.

APPLICATION/S:

This policy applies to all Shire managed property within the Shire of Wyndham East Kimberley.

RISK:

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

Control: Implementation, review policies and procedures in accordance with review schedule.

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

Control: Implementation, review policies and procedures in accordance with review schedule..

13.05.2. Sale of Coldmix Asphalt to Water Corporation

| | |
|---------------------------------|-------------------------------------|
| DATE: | 26 April 2016 |
| AUTHOR: | David Klye, Director Infrastructure |
| RESPONSIBLE OFFICER: | David Klye, Director Infrastructure |
| FILE NO: | PS.05.3 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That in accordance with the spirit of inter-agency cooperation, Council approve the disposal by the Shire of approximately 4 tonnes of cold mix asphalt to the Water Corporation for \$1,900.00 ex GST which is the current replacement cost to the Shire of the cold mix asphalt.

Cr D Spackman proposed a minor amendment to the motion: that the cold mix is to be weighed and the cost to do so be borne by the Water Corporation

COUNCIL DECISION

Minute No: 11335

Moved: Cr S Cooke

Seconded: Cr D Spackman

That in accordance with the spirit of inter-agency cooperation, Council approve the disposal by the Shire of approximately 4 tonnes of cold mix asphalt to the Water Corporation for \$475 per tonne (pro rata) ex GST which is the current replacement cost to the Shire of the cold mix asphalt. That the cold mix is to be weighed and the cost to do so be borne the Water Corporation.

Carried 8/0

REASON FOR VARYING OFFICER'S RECOMMENDATION

To ensure accuracy in the weight measurement and subsequently the cost.

PURPOSE

To seek Council approval for the disposal of 4 tonnes of cold mix asphalt to the Water Corporation.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received a request from the water Corporation for the supply of approximately 4 tonnes of cold mix asphalt.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* Section 3.1 Applies.

POLICY IMPLICATIONS

There are no policy implications associated with the recommendation of this report.

FINANCIAL IMPLICATIONS

The recommendation proposes the disposal of a commonly available material (in lesser quantity) that the Shire can replace for the cost of disposal. There is no bottom line financial impact on the Shire.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 2.3: Assets 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

RISK IMPLICATIONS

There are no risk implications to the Shire as a result of this report.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire has received a request from the water Corporation for the supply of approximately 4 tonnes of cold mix asphalt. The Shire has approximately 25 tonnes of cold mix asphalt for use in the maintenance of Shire roads and carparks. 25 tonnes of cold mix asphalt is enough for two to three years' patching work. The amount of cold mix on hand at any time varies and there is no particular requirement at this time for all of the Shire's reserve of cold mix. The cold mix asphalt will cost the Shire \$475.00 ex GST tonne to replace.

The Shire has a good working relationship with the Water Corporation with willing cooperation offered from both sides where possible. Given that the Shire has no immediate need for all of its current stock of cold mix asphalt and that the Water Corporation apparently does have an immediate need for a smaller amount, it is considered reasonable to provide the requested 4 tonnes of cold mix asphalt to the Water Corporation at replacement price.

It is recommended that in accordance with the spirit of inter-agency cooperation, Council approve the disposal by the Shire of approximately 4 tonnes of cold mix asphalt to the Water Corporation for \$1,900.00 ex GST which is the replacement cost to the Shire of the cold mix asphalt.

ATTACHMENTS

There are no attachment associated with this item.

C Askew, Chief Executive Officer, declared an impartiality interest as he is required to action the delegations.

5:45pm Shire President adjourned the meeting for 5 minutes to allow Councillors to read a proposed alternative motion and attachment put forward by Cr S Rushby prior to the meeting.

Meeting reconvened at 5:51pm

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.01.1. Review of Delegations

From Cr Beau Robinson

That Council:

- 1. Request the CEO to review Delegation 7 Expressions of Interest and Tenders and ensure that it includes a delegation to the CEO to accept tenders when the consideration involved does not exceed \$500,000 excluding GST provided that appropriate provision is made in the Council's Budget; and**
- 2. Ensure that the revised Delegation is presented to the Council at the May Ordinary Council Meeting.**

During the debate on item 14.01.1 Review of Delegations a number of Councillors sought clarification or made statements in support of or against the motion. Cr Rushby took offence at a statement by the Shire President that Councillors were "grandstanding" and the Shire President clarified that her statement was general in nature directed at the Council as a whole and not towards any one Councillor, including Cr Rushby.

In considering both the substantive motion proposed by Cr Robinson and the alternative motion by Cr Rushby, the Shire President determined to consider the motion in the agenda by Cr Robinson first.

Cr Rushby then moved a procedural motion in accordance with Standing Orders 9.1 (f) "*that the ruling of the person presiding be disagreed with*", requesting that her alternative motion be dealt with first.

COUNCIL DECISION

Minute No: 11336

Moved: Cr S Rushby

Seconded: Cr D Spackman

That the ruling of the Shire President to deal with the motion by Cr Robinson prior to the alternative motion by Cr Rushby be disagreed with.

Lost 3/5

For: Cr S Rushby, Cr D Spackman, Cr A Petherick

Against: Cr J Parker, Cr E Bolto, Cr S Cooke, Cr B Robinson, Cr N Perry

Cr Perry requested that the review of Delegation 7 be presented to the May Briefing Session, before being considered by Council at the May Ordinary Council Meeting.

Further debate occurred on the substantive motion by Cr Robinson during which Cr Spackman, speaking against the motion, made comment that "project budgets can double and this happens all the time". The CEO, in accordance with Standing Orders 12.4 (b) *Points of Order* and 12.2 *Demand for Withdrawal* made a request for withdrawal of the comments by Cr Spackman, to which Cr Spackman made his apology and withdrew his statement. Cr Robinson requested that the comments from Cr Spackman be recorded in the minutes.

COUNCIL DECISION

Minute No: 11337

Moved: Cr N Perry

Seconded: Cr E Bolto

In accordance with Standing Orders Part 9. 9.1 (d) "that the question now be put"

Carried 5/3

For: Cr J Parker, Cr S Cooke, Cr E Bolto, Cr B Robinson, Cr N Perry

Against: Cr S Rushby, Cr D Spackman, Cr A Petherick

COUNCIL DECISION

Minute No: 11338

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council:

- 1. Request the CEO to review Delegation 7 Expressions of Interest and Tenders and ensure that it includes a delegation to the CEO to accept tenders when the consideration involved does not exceed \$500,000 excluding GST provided that appropriate provision is made in the Council's Budget; and**
- 2. Ensure that the revised Delegation is presented to the Council at the May Briefing Session and May Ordinary Council Meeting.**

Carried 5/3

For: Cr J Parker, Cr N Perry, Cr B Robinson, Cr S Cooke, Cr E Bolto

Against: Cr S Rushby, Cr D Spackman, Cr A Petherick

REASON FOR MOTION

In accordance with the *Local Government Act 1995* the role of Council is to oversee the allocation of the Shire's finances and to determine policies that strategically direct the Shire. The legislation prevents the Council and Councillors from being involved in operational matters. On the basis that the Council has adopted the budget and provided the strategic direction, there is no requirement for the Council to be involved in the awarding of Tenders as this is operational in nature. The delegation to the CEO will ensure that the Shire can operate more efficiently by reducing the number of Council agenda items that are required to be drafted by staff members; reduce the amount of time taken to award and therefore commence works; and minimise any potential financial liability for the Shire when the Council does not make a decision in a timely manner.

OFFICER COMMENT

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 (carried out once the delegations to the CEO are adopted).

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. If Council has already endorsed, through its annual budget process, funds for specific projects or programs which, as part of the procurement process requires a tender, there is no operational reason why the above proposal should not be supported by Council and as such it has the support of the Administration.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

17. MATTERS BEHIND CLOSED DOORS

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| <p><u>COUNCIL DECISION</u></p> <p>Minute No: 11339</p> <p>Moved: Cr B Robinson Seconded: Cr S Cooke</p> <p>That Council move behind closed doors with the relevant Officers to remain.</p> <p style="text-align: right;">Carried 8/0</p> |
|--|

Council moved behind closed doors at 6:25pm

17.1. TENDER 06 15/16 COMMERCIAL CLEANING SERVICES FOR THE SHIRE OF WYNDHAM EAST KIMBERLEY

| | |
|---------------------------------|---|
| DATE: | 26 April 2016 |
| AUTHOR: | Jill Jilley, Community Development Property Officer |
| RESPONSIBLE OFFICER: | Louise Gee, Director Community Development |
| FILE NO: | CM.16.190 |
| DISCLOSURE OF INTERESTS: | Nil |

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

To provide Council with details of the Confidential Tenders received for Tender RFT 06 2015-16 Commercial Cleaning Services for the Shire of Wyndham East Kimberley and to document the results of the tender assessment and provide recommendations regarding the award of the Tender.

COUNCIL DECISION

Minute No: 11340

Moved: Cr S Cooke

Seconded: Cr J Parker

In accordance with Standing Orders Part 9. 9.1 (d) "that the question now be put"

Carried 5/3

For: Cr J Parker, Cr S Cooke, Cr E Bolto, Cr B Robinson, Cr N Perry

Against: Cr S Rushby, Cr D Spackman, Cr A Petherick

COUNCIL DECISION

Minute No: 11341

Moved: Cr N Perry

Seconded: Cr E Bolto

That Council endorses the Officer's recommendation in the confidential report.

Lost 4/5

For: Cr S Cooke, Cr N Perry, Cr E Bolto, Cr B Robinson

Against: Cr J Parker, Cr S Rushby, Cr D Spackman, Cr A Petherick

Casting vote against.

REASON FOR VARYING OFFICER'S COMMENT

Council requests further information.

Cr S Cooke, Cr A Petherick, Cr S Rushby declare financial interest and leave the Chambers at 6:52pm. Mr D Kyle declares an impartiality interest and remains in the Chambers.

6:52pm Cr D Spackman left the Chambers.

6:56pm Cr D Spackman provides his declaration to the Shire President declaring a financial interest.

Quorum lost at 6:52pm – the Shire President adjourns the meeting until a date and time to be determined.

17.2. TENDER ASSESSMENT - T05 1516 VARIOUS GRADING WORKS

| | |
|---------------------------------|---|
| DATE: | 26 April 2016 |
| AUTHOR: | Mark Davidson, Manager Engineering Services |
| RESPONSIBLE OFFICER: | David Klye, Director Infrastructure |
| FILE NO: | CM.16.171 |
| DISCLOSURE OF INTERESTS: | David Klye, Impartiality |

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Simple Majority

PURPOSE

To provide Council with a summary of the tenders received for T05 15 /16 - Various Grading Works, Kalumburu Road, Port Warrender, Mt Elizabeth and Ellenbrae Roads, the results of the tender assessment and a recommendation regarding the award of the tender.

18. CLOSURE

The Shire President invited the members of the public back into the Council Chambers at 7:04pm and advised them that as a consequence of a lack of quorum the meeting could not proceed.