



SHIRE OF DERBY WEST KIMBERLEY

ORDINARY MEETING OF COUNCIL

**HELD AT THE COUNCIL CHAMBERS
CLARENDON STREET, DERBY
THURSDAY 26 MAY, 2016**

MINUTES

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Our Guiding Values

Respectful

By being helpful, friendly and supportive

Integrity

Through honesty, accountability and ethical behaviour

Leadership

By the Shire at the local and regional level and through encouragement of community leaders

Knowledgeable

By being well informed and accurate in what we do

Building Good Relationships

By being communicative, responsive and inclusive

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Derby West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

Notes for Members of the Public

PUBLIC QUESTION TIME

The Shire of Derby West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an Officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local Government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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Notes for Elected Members

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Review:	When Council reviews decisions made by Officers.
Quasi-Judicial:	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits and licences (for example under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Manager Corporate Services prior to the Council Meeting.

DECLERATIONS OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the Local Government Act states;

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B states;

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality) states;

"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

2016 MEETING DATES

At its Ordinary Meeting of Council on 29 October, 2015, Council adopted the following meeting dates for 2016;

January			Council in recess
Thursday	25 February 2016	5.30 pm	Derby
Thursday	31 March 2016	1.00 pm	Fitzroy Crossing
Thursday	28 April 2016	5.30 pm	Derby
Thursday	26 May 2016	5.30 pm	Derby
Thursday	30 June 2016	1.00 pm	Fitzroy Crossing
Thursday	28 July 2016	5.30 pm	Derby
Thursday	25 August 2016	5.30 pm	Derby
Thursday	29 September 2016	1.00 pm	Community or Station (to be advised)
Thursday	27 October 2016	5.30 pm	Derby
Thursday	24 November 2016	1.00 pm	Fitzroy Crossing
Thursday	15 December 2016	5.30 pm	Derby

Council's Compliance and Strategic Review Committee and the Housing and Works Committee meet when required. Details of these meetings are advised as appropriate.

MEETING ATTENDANCE

The following table provides information on attendance at the 2015-2016 Ordinary and Special Council Meetings;

Councillor	30 Jul 2015	27 Aug 2015	24 Sept 2015	19 Oct 2015	29 Oct 2015	26 Nov 2015	17 Dec 2015	11 Feb 2016	25 Feb 2016	31 Mar 2016	28 Apr 2016	26 May 2016	30 Jun 2016
	OCM	OCM	OCM	SCM	OCM	OCM	OCM	SCM	OCM	OCM	OCM	OCM	OCM
E Archer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
I Prouse	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
A Twaddle	✓	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	✓	
J Oscar	✓	✓	LOA	A	✓	✓	A	✓	A	✓	✓	LOA	
A Kogolo	✓	✓	✓	A	A	✓	✓	A	✓	✓	A	A	
P White	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓	A	✓	
C Kloss	Elected Oct 2015			✓	A	✓	✓	✓	A	✓	✓	✓	
P Coggins	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓	✓	✓	
P McCumstie	Elected Oct 2015			✓	✓	✓	✓	✓	✓	✓	✓	✓	
C Travers	✓	✓	✓		Left Council 17 October 2015								

APPLICATION FOR LEAVE OF ABSENCE

In accordance with Section 2.25 of the Local Government Act 1995, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for a member for Ordinary Council Meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where a member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an elected member being disqualified should they be absent without leave for three consecutive meetings.

SHIRE OF DERBY WEST KIMBERLEY

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ORDINARY MEETING OF COUNCIL

MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 5.30pm by the Shire President.

2.0 RECORD OF ATTENDANCE

ELECTED MEMBERS:

Cr E Archer JP OAM	Shire President
Cr P White	Deputy Shire President
Cr P Coggins	Councillor
Cr A Twaddle	Councillor
Cr P McCumstie	Councillor
Cr C Kloss	Councillor
Cr I Prouse	Councillor

STAFF:

Mr S Gash	Chief Executive Officer
Mr M Cuthbert	Executive Manager Corporate Services
Mr N Myers	Shire Planner
Mr W Neate	Executive Manager Technical and Development Services
Mr B Isbister	Executive Manager Community Development

VISITORS:

Gary Martin	Local Government Consultant
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GALLERY:

Teddy Teao	Terry Buckley
Dawn Davey	Peter Jackson
Sasha McArthur	David McCumstie
Chris Travers	Caitlin Levey
Stuart Martin	

APOLOGIES:

Cr A Kogolo
Mr R Sullivan

Councillor
Manager Commercial Services

ON LEAVE OF ABSENCE:

Cr J Oscar

Councillor

ABSENT:

Nil

3.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no questions taken on notice at the previous meeting.

4.0 PUBLIC QUESTION TIME

5.32pm – Public Question Time commenced

4.1 CHRIS TRAVERS – DERBY TOWNSITE

Question 1

The footpath in front of the Chinese Restaurant on Loch Street is in a state of disrepair with plants growing over the path creating a hazard. I believe this is the Shire's responsibility to maintain, if so will it be maintained?

Response

Question taken on notice to allow staff to investigate the area.

Question 2

The area adjacent to the ANZ Bank on Hardman Street has a very poor visual appearance with several dead palm trees. Will the Shire remediate the area?

Response

Question taken on notice to allow staff to investigate the area.

4.2 SASHA MCARTHUR, DIRECTOR BP COLAC - ITEM 12.4.1 – APPLICATION FOR TRADERS PERMIT

Question 1

Where is the food being received, stored and prepared?

Response

All food relating to the operations is to be purchased on an as needed basis with some minor storage of frozen packaged food products at premises approved as part of the food registration issued under the Food Act 2008. This activity has been referred to the Shire Planner who has advised that an application would not typically be required for this type of activity but could easily be approved as a home occupation should an application be submitted. Preparation will be undertaken in the van.

Question 2

Is it being prepared in a commercial kitchen?

Response

Preparation will be undertaken within the van, which is currently registered under the Food Act 2008 and has been inspected by an authorised officer.

Question 3

Should the Trading Permit be granted will the Shire be policing the conditions to trade?

Response

As with all permits issued under the Local Law the Shire undertakes compliance monitoring activities.

It has been recommended that the initial approval of the Traders Permit be limited to 3 months, during which time the trading will be monitored by the Shire's authorised officers. After the 3 month timeframe, the approval will be re-assessed by Council. The initial 3 month permit may be cancelled if the Permit Holder fails to comply with the Permit Conditions or if the trading activities are considered to be causing a detrimental impact to surrounding amenities and/or land users.

As with current practice relating to other Traders Permit holders, compliance monitoring will occur on a random basis.

Question 4

If the van operates out of designated hours who can be contacted, particularly after normal trading hours?

Response

The Shire takes the matter of Traders Permit compliance seriously. Compliance monitoring can and does occur outside of normal business hours when deemed appropriate. General enquiries and complaints regarding potential breaches of conditions can be notified to the Shire during normal business hours. Alternatively if the matter is out of hours and urgent the Executive Manager Technical and Development Services and the Chief Executive Officer are both available to be contacted via mobile phone.

Question 5

Will the food van be providing facilities for rubbish control?

Response

Part of the condition of the Traders Permit requires that the licensee cleans up the designated trading area.

Question 6

Is there ample lighting for security and safety?

Response

Street lighting is installed along Loch Street. The mobile food premises is also fitted with sufficient lighting. Safety issues can be monitored. Conditions of permit can be changed/amended to address any concerns or issues.

Question 7

Why has the Shire recommended trading when the town oval is within 300 meters of the King Sound Resort Hotel and The Boab Inn which provides both takeaway and in house meals?

Response

To date, no written objections have been received from either of the above mentioned businesses. A letter of support was received from the manager of the Boab Inn for one of the proposed locations. The King Sound Resort Hotel only currently offers limited food service.

Question 8

Why has the Shire recommended two nights of trade when there is already ample food establishments open during the hours of 5pm – 9pm 7 days a week?

Response

This factor has been considered and is why the recommendation limits the trading to two nights per week.

Question 9

If granted can designated nights be allocated so nearby permanent businesses make adjustments where necessary ie staff and food levels?

Response

This is an operational decision to be made by businesses. It has also been recommended that the initial approval of the Traders Permit be limited to 3 months, during which time the trading will be monitored by the Shire's authorised officers. After the 3 month timeframe, the approval is to be re-assessed by Council. The initial 3 month trading period may be cancelled if the Permit Holder fails to comply with the Permit Conditions or the trading activities or are considered to be causing a detrimental impact to surrounding amenities and/or land users.

5.38pm – Public Question Time concluded

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

6.1 TEDDY TEAO – ITEM 12.4.1 BIG FEED VAN

Teddy Teao, Big Feed Van, addressed Council on Item 12.4.1 to provide information on the opportunity they are proposing including benefits, helping with the Accord and servicing Mowanjum Community.

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY MEETING OF COUNCIL HELD ON 28 APRIL 2016

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 047/2016

Moved: Cr A Twaddle

Seconded: Cr P Coggins

That the Minutes of the Ordinary Meeting of the Shire of Derby West Kimberley held at the Council Chambers, Derby, on 28 April 2016 be confirmed.

CARRIED 7/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9.0 DECLARATION OF MEMBERS INTERESTS

Section 5.65 and 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the

matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

9.1 DECLARATIONS OF FINANCIAL INTERESTS – LOCAL GOVERNMENT ACT 5.60A

Cr C Kloss declared a Financial Interest in Item 12.2.3

Cr P McCumstie declared a Financial Interest in Item 12.4.1

Cr P Coggins declared a Financial Interest in Item 12.4.4

9.2 DECLARATIONS OF PROXIMITY INTERESTS – LOCAL GOVERNMENT ACT 5.60B

Nil

9.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMIN. REGULATIONS SECTION 34C

Cr C Kloss declared an Impartiality Interest in Item 12.2.3

Cr E Archer declared an Impartiality Interest in Item 12.4.1

Cr C Kloss declared an Impartiality Interest in Item 15.2

10.0 MATTERS FOR WHICH MEETING MIGHT BE CLOSED

(Note: The matters that may be listed here are those considered by a Councillor or Councillors as being in addition to the items already identified by staff as needing to be considered behind closed doors.)

Nil

11.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

12.0 REPORTS

12.1 EXECUTIVE SERVICES

Nil

12.2 CORPORATE SERVICES

12.2.1 ACCOUNTS FOR PAYMENT

Location/Address:	N/A
Name of Applicant/Owner:	Shire of Derby West Kimberley
File Reference:	5110 – Accounts Payable
Author:	Santhosh Nair, Creditors Officer
Disclosure of Any Interest:	Nil
Date of Report:	16 May 2016
Attachments:	Cheque Reconciliation and Schedule of Accounts

SUMMARY:

The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank accounts during the month to be noted by Council and formally recorded.

BACKGROUND:

Each month the accounts for payment made from the Municipal and Trust Funds of the Local Government are presented to Council for endorsement.

STATUTORY ENVIRONMENT:

Regulation 13 – Local Government Financial Management Regulation (1996) Section 13.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

CONSULTATION:

N/A

COMMENT:

In accordance with Regulation 13, schedules of all payments made through Council's bank accounts are to be presented to Council for inspection. The list includes details for each account paid incorporating;

- a) payee's name;
- b) amount of the payment;
- c) date of payment; and
- d) sufficient information to identify the transaction.

Invoices supporting all payments are available for inspection at the Council's Administration Office.

Payments totalling **\$811,168.58** were made as per the attached cheque reconciliation summary and creditors schedule of accounts reports.

Creditor's outstanding as at 30 April 2016 is **\$467,182.79**.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 048/2016**

Moved: Cr P White		Seconded: Cr I Prouse
That Council received the list of payments:		
EFT Payments	EP#39109 – EP#39274	\$660,552.13
Municipal Cheques	54484 – 54495	\$15,501.00
Trust Fund Cheques	6368 – 6370	\$1,777.05
Direct Debits	Payroll	\$73,261.07
Direct Debits	Fees and Charges	\$60,107.33
Total Value for the period ending 30 April 2016 is \$811,168.58		
CARRIED 7/0		

12.2.2 MONTHLY FINANCIAL MANAGEMENT REPORT APRIL 2016

Location/Address:	N/A
Name of Applicant/Owner:	Shire of Derby West Kimberley
File Reference:	5152 – Monthly Financial Reports
Author:	Myra Henry, Senior Finance Officer
Disclosure of Any Interest:	Nil
Date of Report:	11 May 2016
Attachments:	Monthly Financial Report April 2016

SUMMARY:

The purpose of this report is to present the April 2016 Monthly Financial Report to Council. This report incorporates the Statement of Financial Activity as required by the Local Government Act 1999.

BACKGROUND:

The following reports are for Council's adoption for the period ending 30 April 2016.

- Statement of Financial Activity for the Month
- Notes to and forming part of the Statement of Financial Activity:
 1. Net Current Asset Position
 2. Identification of Material Variances
 3. Schedule of Committed Assets and Restricted Assets
- Statement of Financial Activity by Nature/Type
- Schedule of Investments
- Visual Graph displaying Net Current Asset Position
- Rates Outstanding Report
- Sundry Debtors Outstanding Report
- Statement of Financial Position
- Visual Graphs displaying Operating and Capital Income and Expenditure
- Bank Reconciliation

STATUTORY ENVIRONMENT:

The Local Government (Financial Management) Regulations 1996 Section 34 requires that a Local Government prepare and adopt each month a Statement of Financial Activity reporting on the revenue and expenditure, as set out in the Annual Budget under Regulation 22(1)(d), for that month in the following detail;

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amounts of expenditure to the end of the month; and
- d) material variances between b) and c);
- e) the net current assets at the end of the month to which the statement relates.

Each Statement of Financial Activity is to be accompanied by documents containing;

- a) an explanation of the composition of the Net Current Assets of the month to which the statement relates, less committed assets and restricted assets; and
- b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c) such other supporting information as is considered relevant by the Local Government.

The information in a Statement of Financial Activity may be shown according to Nature and Type classification; or by Program; or by Business Unit. Each financial year, a Local Government is to adopt a percentage, or value, calculated in accordance with the Australian Accounting Standards, to be used in Statements of Financial Activity for reporting material variances.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good Governance and an effective organisation	4.1: Effective Governance and Leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements

CONSULTATION:

Nil

COMMENT:

Nil

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 049/2016

Moved: Cr P McCumstie

Seconded: Cr C Kloss

That the Monthly Financial Management Report incorporating the Statement of Financial Activity for the month of April 2016 be adopted by Council.

CARRIED 7/0

Cr C Kloss declared a Financial and Impartiality Interest in Item 12.2.3

5.43pm Cr Kloss left the room and did not participate in the discussion or vote on the Item

12.2.3 RATES EXEMPTION APPLICATION

Location/Address:	Unit 4, 1 Coolibah Way Derby WA 6728
Name of Applicant/Owner:	Uniting Church Homes, T/A Juniper
File Reference:	A900573
Author:	Nicole Peet, Finance Officer – Rates
Disclosure of Any Interest:	N/A
Date of Report:	27 April 2016
Attachments:	Juniper Rates Exemption Application

SUMMARY:

For Council to consider a request for a rate exemption on Unit 4, 1 Coolibah Way, Derby by Juniper – Uniting Church Community under Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995.

BACKGROUND:

Juniper – Uniting Church Community is a not for profit organisation which currently manages Numbala Nunga and Ngamang Bawoona Residential Care Facilities located on Sutherland Street, Derby. A rate exemption is currently in place for the Residential Care Facilities on Sutherland Street. Juniper has now requested a rate exemption on Unit 4, 1 Coolibah Way, Derby.

The property at Coolibah Way is owned by Uniting Church Homes and is currently being used as the private residence for the Manager of the Numbala Nunga and Ngamang Bawoona Residential Care Facilities.

As part of the exemption request, Council has received a copy of the Certificate of Incorporation, Notification of Endorsement for Charity Tax Concessions issued by the Australian Taxation Office and the audited Annual Financial Report for the years ending 30 June 2014 and 30 June 2015.

STATUTORY ENVIRONMENT:

There are two sections of the Local Government Act 1995 that apply.

Section 6.26 of the Local Government Act 1995 states:

6.26. Rateable land

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

(2) The following land is not rateable land —

- (a) land which is the property of the Crown and —
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and
- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
- (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
- (e) land used exclusively by a religious body as a school for the religious instruction of children; and
- (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and
- (g) land used exclusively for charitable purposes; and
- (h) land vested in trustees for agricultural or horticultural show purposes; and

- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

Section 6.53 of the Local Government Act 1995 states:

6.53. Land becoming or ceasing to be rateable land

Where during a financial year —

- (a) land that was not rateable becomes rateable land; or
- (b) rateable land becomes land that is not liable to rates, the owner of that land –
- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires.

POLICY IMPLICATIONS:

AF20 – Rating Administration Policy - Determining Non Rateable Land.

FINANCIAL IMPLICATIONS:

If Council resolved to provide for a rates exemption, the 2015/2016 rates income of \$2,366.69 would be refunded.

In future years the annual rates of \$2,366.69 indexed by annual rate increases would be forfeited whilst Juniper owned the property.

Rubbish Collection Fees of \$498.00 and the Emergency Services Levy of \$93.91 are not exempt and would still be payable as they are not classified as rates under the Act.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.4: Financial sustainability and accountability for performance	4.4.5: Develop, maintain and monitor rating and property strategies

CONSULTATION:

There has been no specific consultation undertaken in respect to this matter.

COMMENT:

In making an assessment on this request for exemption, Staff have reviewed the Local Government Act 1995 as it relates to Section 6.26 “Rateable Land”. Rateability of land is assessed on the use of the land; therefore it is the land use, not the claimant that is being assessed.

The basis for an exemption is in regard to the activity that is taking place on the land not the status of the applicant. The fact that a not for profit is conducting an activity on the land is not the singular determining factor in the non-rateable status. The legislation states that it is the “land use” that qualifies eligibility on a property and as such an application must be considered on that basis.

In this light, a private residence, zoned residential under a town planning scheme that limits the purpose to which the land can be put to, irrespective of the status of the property owner, would not meet with the criteria of the land use being an exclusive charitable purpose used for a public benefit.

The interpretation that applies to a public benefit means a benefit that applies to the community generally or a sufficient section of the community to amount to the public.

VOTING REQUIREMENT:

Absolute majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 050/2016

Moved: Cr A Twaddle

Seconded: Cr P Coggins

That Council, in accordance with Section 6.26 of the Local Government Act 1995, decline the Juniper – Uniting Church Homes request for a rate exemption on Unit 4, 1 Coolibah Way, Derby and covered by Assessment 900573 as the “land use” is not exclusively for charitable purposes as it is a residence with no direct benefit to the public.

CARRIED 6/0

CARRIED BY AN ABSOLUTE MAJORITY

5.44pm Cr C Kloss returned to the meeting and was advised of the outcome

12.2.4 RATES MODELLING 2016/2017

Location/Address:	N/A
Name of Applicant/Owner:	Shire of Derby West Kimberley
File Reference:	5174 – Rates and Charges
Author:	Martin Cuthbert, Executive Manager Corporate Services
Disclosure of Any Interest:	Nil
Date of Report:	17 May 2016
Attachments:	Rates Modelling Worksheet Statement of Objects and Reasons 2016/2017 Department of Local Government and Communities Rating Policy – Differential Rates (\$6.33)

SUMMARY:

For Council to consider the Statement of Objects and Reasons and proposed Differential Rates and Minimum Payments for the 2016/2017 financial year for the purpose of advertising and seeking public submissions as required by the Local Government Act 1995.

BACKGROUND:

In accordance with Section 6.36 of the Local Government Act 1995, where a Local Government intends to impose Differential Rates, or a Minimum Payment applying to a Differential Rate Category, it is required to give local public notice of its intention to do so. The public notice is to invite submissions to the proposal for a period of not less than twenty one days. The Council is required to consider any submissions received prior to it formally imposing the proposed Differential Rates in the Dollar and associated Minimum Payments, with or without modification.

As it is intended that Differential Rates will be imposed as part of the Council's 2016/2017 Annual Budget, this report seeks the Council's endorsement to provide public notice of the proposed Differential Rates in the Dollar and associated Minimum Payments as recommended in this report.

It is important that Council adopts an adequate rating structure to ensure it continues to maintain and increase its own income sources, so as to finance the services needed by the community.

The recommendations involve the following:-

- Due to a revaluation on all GRV properties, an increase in the GRV Rate in the Dollar by 16% to 12.2378 Cents in the Dollar to increase the total rates raised on GRV properties by 1.8%;
- Increase in the General UV Rate in the Dollar by 1.8% to 21.0368 Cents in the Dollar;
- Increase in the Pastoral UV Rate in the Dollar by 1.8% to 6.3300 Cents in the Dollar;
- Increase the Mining UV Rate in the Dollar by 1.8% to 25.9657 Cents in the Dollar;
- Increase in Minimums by 1.62% from \$925 to \$940;
- Adoption of a 2.0% discount for the early payment of Rates

Pursuant to Section 6.33 of the Local Government Act 1995, a Local Government may determine to impose Differential Rates according to a range of characteristics, including the purpose for which land is zoned, the purpose for which land is held or used, or whether the land is vacant land. As part of its 2015/2016 adopted Budget, Council imposed Differential Rates and associated Minimum Payments in line with the above characteristics.

A synopsis of the adopted rating categories as per the Statement of Objects and Reasons is provided as follows:

Gross Rental Value (GRV)

The Local Government Act 1995 determines that properties of a Non-Rural purpose be rated using the Gross Rental Valuation (GRV) as the basis for the calculation of annual rates. The Valuer General determines the GRV for all properties within the Shire every five years and assigns a GRV. A full revaluation of all GRV properties was conducted during the 2015/2016 financial year and the new valuations are effective from 1 July 2016. Interim valuations are provided monthly to Council by the Valuer General for properties where changes have occurred. Examples of these are subdivisions or strata title of property, amalgamations, building constructions, demolition, additions and/or property rezoning. In such instances Council recalculates the rates for the affected properties and issues interim rates notices.

GRV – Residential

Consists of properties located within the townsite boundaries with a predominant residential use. Is considered by Council to be the base rate by which all other GRV rated properties are assessed.

GRV – Commercial

Properties used for Commercial or Town Centre purposes and non-residential vacant land. All GRV properties within the Shire of Derby West Kimberley are rated using the same Rate in the Dollar. It is noted that rate levies paid by commercial property owners are generally tax deductible.

GRV – Industrial

Properties used for Industrial purposes and non-residential vacant land. All GRV properties within the Shire of Derby West Kimberley are rated using the same Rate in the Dollar. It is noted that rate levies paid by industrial property owners are generally tax deductible.

GRV – Special Rural

Properties used for Special Rural purposes. All GRV properties within the Shire of Derby West Kimberley are rated using the same Rate in the Dollar.

GRV – Other Locations

Properties used for other purposes that do not fall within the other GRV categories. All GRV properties within the Shire of Derby West Kimberley are rated using the same Rate in the Dollar.

Unimproved Value (UV)

Properties that are predominantly of a rural purpose are assigned an Unimproved Value that is supplied and updated by the Valuer General on an annual basis. The Rate in the Dollar set for the UV – Pastoral category forms the basis for calculating all other UV Differential Rates.

UV – Pastoral (The base rate for Unimproved Value)

Consists of properties that are exclusively for pastoral use and is considered to be the base rate by which all other UV rated properties are assessed.

The reason the Council has adopted a lower Rate in the Dollar for properties predominately used for pastoral properties is that the Council is of the view that there have been large valuation increases over the past few years for pastoral properties and the lower rate in the dollar will create a more equitable level of contribution for this property type when comparing to neighbouring Shire's.

UV – Residential

Consists of properties that are used for residential purposes outside of the townsite. This category is rated the same as all other UV categories excepting Mining and Pastoral properties.

UV – Commercial

Consists of properties that are used for commercial purposes outside the townsite. This category is rated the same as all other UV categories excepting Mining and Pastoral properties. It is noted that rates paid by mining operators are generally tax deductible.

UV – Mining

Consists of properties that are used for mining, exploration or prospecting purposes. This category is rated higher than UV-Commercial to reflect the higher road infrastructure maintenance costs to Council as a result of frequent very heavy vehicle use over extensive lengths of shire roads throughout the year. It is noted that rates paid by mining operators are generally tax deductible.

UV – Islands

Cockatoo Island is the only assessment in the UV Islands category that falls within the Shire of Derby West Kimberley. The Island is utilised for mining due to its iron ore deposits. This category is rated the same as all other UV categories excepting Mining and Pastoral properties.

UV – Other Locations

Within this rate code there is an assessment that has specific properties. This company is being charged rates on usable land only and this significantly reduces the rates charged on the property. This category is rated the same as all other UV categories excepting Mining and Pastoral properties.

UV – Concessions

There are three assessments that sit within this rate group. All three assessments are given a Concession Rate by the Council. The Council provides a Concessional Rate that is equal to the Minimum Rate for UV properties for that financial year. The Minimum Rate is proposed to increase from \$925 to \$940 for 2016/2017.

Minimum Rates

The setting of Minimum Rates within rating categories is an important method of ensuring that all properties contribute an equitable rate amount. A Minimum Rate of \$940 is being proposed for all rate categories.

The minimum levels are uniform for all properties, and are set by taking into account the level of service to be supplied to each area.

Council currently does not impose Specified Area Rates.

For the 2016/2017 financial year there has been a decrease in the GRV value of Residential and Industrial properties. Residential values decreased on average by 16% and Industrial on average by 7%. Commercial remained the same which will result in Commercial rates increasing on average by 16% due to the revaluation and a further 1.8% through Council's rate increase. The total decrease to GRV property values has been \$5,384,822. There has been an additional 43 properties added in the 2015/2016 financial year. The decrease in GRV has come from real decreases in property values due to the current economic decline. There have been 42 properties that have gone from being charged rates based on their property value to the proposed Minimum Rate.

It is proposed to continue to use Differential Rates for both mining and pastoral leases. The main reason to use a higher Rate in the Dollar for properties predominately used for mining purposes is that it will create a more equitable level of contribution for the level of services provided. The main reason to use a lower Rate in the Dollar for properties predominately used for pastoral purposes is that due to large increases in property valuations in previous years the lower Rate in the Dollar will create a more equitable level of contribution for this property type when comparing to neighbouring Shire's. The Differential Rates for 2016/2017 for Mining and Pastoral properties will be increased by 1.8%.

A discount is recommended at the level of 2.0% for the 2016/2017 year.

It is considered important that Council continue to review and adjust its rates and other sources of income at higher levels than that of inflation. WALGA have produced a report noting that the adoption of the general CPI rate is not a good indication of inflation for Local Governments as a large portion of cost increases in Local Government is concerned with infrastructure and transport costs which are considerably higher than the standard CPI for a family. Rates increases are crucial to fund the replacement and maintenance of assets as identified within the Plan for the Future of the District, Long Term Financial Plan and Corporate Business Plan.

In 2012/2013 the Council adopted a Long Term Financial Plan which outlined the Rating Strategy required to ensure the long term sustainability of the Shire and implement the Corporate Business Plan. The % increase in the Long Term Financial

Plan and Corporate Business Plan was for an increase of 9.2% per year from 2013-2014 to 2016-2017. Since the 2012-2013 financial year there has been significant changes to Council operations and also increases in operating expenditure and capital expenditure have not been as high as expected. Therefore the projected 9.2% increase for 2016-2017 is not required and a Rate in the Dollar increase of 1.8% is more appropriate.

There are increasing expectations from the community that the Council will act in a wide variety of fields providing additional services and in the majority of cases this involves additional costs. Therefore Council needs to increase its rates over and above the level of inflation in order to maintain assets and services for the future.

GRV Properties – Proposed Rates

The Rates Model includes a new GRV Rate in the Dollar of 12.2378 Cents in the Dollar for residential properties, and other GRV properties, including those classified/coded as Commercial or Industrial properties.

A complete revaluation of all GRV properties was completed during 2015/2016 for implementation in the 2016/2017 financial year. This revaluation has resulted in a significant decrease in the value of properties in Derby. The next revaluation of GRV properties will be completed in 2020/2021. The condition of the property market in Derby at that time will be a contributing factor to the valuation process as it was in 2010/2011 and 2015/2016.

UV Properties – Proposed Rate (other than Mining and Pastoral)

The Rate in the Dollar for UV properties, except those coded as being predominately used for Mining and Pastoral, is proposed at 21.0368 Cents in the Dollar for these properties, which is a 1.8% increase over the previous year's level.

Mining Properties – Proposed Differential Rate

It is considered important that mining properties adequately contribute to Council's rate income as they are heavy users of Council's road system, and contribute to its deterioration at a far higher level than other ratepayers. Because of this it is not unusual for Councils throughout Australia to adopt higher rates for mining properties and other heavy users of road systems, than that which applies to other properties.

The expected total revenue raised for Mining Properties will be less than last year due to a reduction in the number of mining leases of 21 tenements resulting in a \$633,045 decrease in values.

Pastoral Properties – Proposed Differential Rate

It is proposed that the Rate in the Dollar for pastoral properties be set at 6.3300 Cents in the Dollar which is a 1.8% increase from last year's Rate in the Dollar. This Differential Rate was reduced heavily during 2010 in recognition of high property valuations that were received in prior years.

Many Councils use Differential Rates on a multitude of different use properties. For the information of Councillors the Shire of Broome has 16 different classifications for rates while the Shire of Wyndham East Kimberley has 5 different rates classifications. It is proposed that the Shire of Derby West Kimberley have 4 classifications for the 2016/2017 year.

Minimum Rate

It is proposed that these also be increased by 1.8% from \$925 to \$940 for the 2016/2017 financial year. This level is not considered high compared to the extensive level of services provided by the Shire of Derby West Kimberley as well as comparing it to other Councils throughout the State.

Discount System/Scheme

Council introduced a discount system in the 2002/2003 financial year.

There are positive benefits to ratepayers who can pay early and remains cost neutral to those who cannot.

Earlier payments can help Council's cash flow and possibly debt recovery however there is often a loss (of forgone income) to the Council of utilising such a scheme.

Given the level of costs of replacing major capital assets that need to be addressed, forgoing a large amount of income is not considered the most appropriate action. The foregone income for 2011/2012 was \$51,265, in 2012/2013 the amount was \$58,888, in 2013/2014 was \$71,406, in 2014/2015 was \$69,240 and in 2015/2016 was \$69,902.

The Council will have an outstanding rates ratio of 10% at the end of the 2015/2016 financial year. The implementation of a greater discount for early payment would be unlikely to improve this figure.

When considering utilising such a discount scheme, Council should take into account the practical application of such schemes as well as ensuring they are in accordance with the Local Government Act. The proposal for the 2016/2017 year is the same as that which applies in a number of other Councils in WA, that being the discount only

applies where the rates and all arrears are paid in full by the due date which is 35 days from the date of the service of the rate notice.

No discount applies where the instalment payment option is used, nor does the discount apply to rubbish service charges. As mentioned, this is the same as that which applies in many other Councils.

The amount of the discount will be shown on each rate notice.

It is proposed that a discount of 2.0% apply.

The attached spreadsheet displays the current year rates and the proposed rates for next financial year.

STATUTORY ENVIRONMENT:

Sections 6.25 to 6.82 of the Act refer to Rates and Service Charges. However, this report more specifically refers to the following sections of the Act;

6.28. Basis of Rates

(1) *The Minister is to —*

- (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
- (b) *publish a notice of the determination in the Government Gazette.*

(2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*

- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
- (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

(3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*

(4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*

- (5) *Where during a financial year —*
- (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
 - (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
 - (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

6.33. Differential General Rates

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

land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

(5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 Section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.35. Minimum Payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —

(a) 50% of the total number of separately rated properties in the district; or

(b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of —

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

- (c) *to each differential rating category where a differential general rate is imposed.*

6.36. Local Government to Give Notice of Certain Rates

(1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*

(2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*

(3) *A notice referred to in subsection (1) —*

(a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*

(b) *is to contain —*

(i) *details of each rate or minimum payment the local government intends to impose; and*

(ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*

(iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*

(c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

(4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

(5) *Where a local government —*

(a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*

- (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

POLICY IMPLICATIONS:

AF20 – Rating Administration Policy

In accordance with the Department of Local Government and Communities “Rating Policy – Differential Rates”, for the Minister to grant approval under Section 6.33(3) Council must satisfy the Minister that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

The following indicates how these values are satisfied by the proposed Differential Rates:

Objectivity:

- The land on which Differential General Rates is proposed has been rated according to Zoning and Land Use. No land is proposed for Differential General Rates based on being vacant land.
- There has been no change to the boundaries of the District in the past five years.
- One Differential General Rate has been proposed which is more than twice the lowest Differential – this being the Mining Differential Rating Category compared to the Pastoral Differential Rating Category.

Fairness and Equity:

- Council has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. In particular, to improve efficiency and reduce expenditure Council has:
 - Commenced the process to negotiate a new Enterprise Agreement;
 - Reviewed the need for and remuneration of each position as vacancies arise;
 - Reduced the number of houses leased for staff housing;
 - Deferred capital expenditure where possible;

- Installed energy efficient fixtures and equipment;
- Implemented Vendor Marketplace (eQuotes) for procurement below the tender threshold; and
- Disposed of under-utilised light fleet and plant;
- The Objects of imposing Differential Rates and Reasons for each Rate are set out in the attached document that will be publically available.
- These Objects and Reasons clearly explain why each Differential General Rate is proposed to be imposed.
- The Objects and Reasons clearly explain why it is proposed to set the Differential General Rate at that particular rate.
- Where any category of ratepayer is significantly contributing to revenue through fees, charges and other payments, these same costs have not been used as the justification for the difference in differential general rate.
- There is more than 30 ratepayers who will be subject to the proposed Differential Rates Categories.
- All submissions from ratepayers will be presented to Council for consideration at a later meeting and the minutes of this meeting, including the responses to ratepayer submissions, will be provided to the Department and the Minister.

Consistency:

- All properties with the same land use characteristics have been rated in the same way.
- The proposed Differential Rates align with the principles of the rating strategy in the Corporate Business Plan and Long Term Financial Plan, however they differ in application as the proposed increase to Rates in the Dollar (predominantly 1.8%) is significantly lower than the 9.2% increase forecast for 2016/17 in the Long Term Financial Plan. This reduction is a response to the changing economic conditions in the district and implementation of efficiency measures within the organisation.
- Consideration has been given to rates proposed in neighbouring or similar Local Government districts.

Transparency and Administrative Efficiency:

- A document has been prepared clearly describing the Object of and Reason for each Differential General Rate. This will be made publically available.
- Public notice will be exhibited on a notice board at Council’s offices and at each library within the District. This public notice will also be published in local newspapers.
- The public notice will detail each differential general rate to be imposed, advise ratepayers where to obtain a copy of the objects and reasons, invite submissions from ratepayers on the proposed differential general rates and advise the closing date for submissions.
- After the closing date for submissions, each submission received will be presented to Council for consideration prior to resolving to make application to the Minister for approval of the proposed differential general rates.

FINANCIAL IMPLICATIONS:

The 2016/2017 Draft Annual Budget is being developed in line with the rating determinations contained in this report.

Variation from these proposals will change the affordability projections of the items proposed in Council's Plan for the Future and Corporate Business Plan. Any decrease could then mean that the projects included may not occur as proposed.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Financial sustainability and accountability for performance	4.4.5: Develop, maintain and monitor rating and property strategies

CONSULTATION:

Before Council can establish a Differential Rating Model, the proposed Differential Rates together with the Statement of Objects and Reasons for Differential Rates and Minimum Payments and reasons for each Rate must be advertised for a minimum period of 21 days. This period of advertising allows ratepayers to consider the

Proposed Rates and make any submissions prior to Council considering the adoption of Differential Rates as part of the Budget approval process. The advertising process does not prevent Council from amending the Rate Model at Budget adoption.

COMMENT:

The Local Government Act 1995 provides for Councils to levy rates to fund the estimated Annual Budget deficiency for the forthcoming financial year.

The estimated Budget deficit for the 2016/2017 financial year has not yet been finalised, as the detailed Budget estimates covering various expense and revenue items are currently being prepared. At present, the amount required from Rates to fund the outcomes of the Draft Budget is in excess of the rate increase proposed of 1.8%. Staff are currently revising the Draft Budget and service levels and are looking at all avenues to reduce the gap, including alternative revenue sources.

Whilst rate modelling has been undertaken using a 1.8% increase, it is important to note that properties valued at Unimproved Value (UV) are subject to an annual valuation, whereas Gross Rental Valuations (GRV) are conducted every five years. Accordingly, the rate increases on individual properties within the UV land use groups may vary from the general 1.8% increase; albeit the collective value of rates levied within each land use group will generally increase by this percentage.

It is also worthy of noting that Section 6.33 (Differential Rates) and Section 6.35 (Minimum Payment) of the Local Government Act 1995 require that certain ratios be complied with in respect of, amongst others, Differential Rating comparatives, General Minimum Payments and the number of properties subject to Minimum Payments. These matters are also required to be considered as part of the rates modelling process.

In accordance with Section 6.36 of the Act (Local Government to give notice of certain Rates), public notice is required to be given where a Local Government intends to impose Differential Rates, or a Minimum Payment applying to a Differential Rate Category. The public notice is to invite submissions to the proposal for a period of not less than twenty one (21) days. The Council is required to consider any submissions received prior to it formally imposing the proposed Differential Rates in the Dollar and associated Minimum Payments, with or without modification. As in previous years, and unless circumstances require otherwise, it is proposed that

any submissions received will be presented to the Council at which time it formally considers its 2016/2017 Annual Budget.

Whilst not required to do so, it is proposed that in addition to the Differential Rates in the Dollar and associated Minimum Payments, that the Council also gives public notice of the General Rates in the Dollar and associated Minimum Payments. This is simply to provide ratepayers with additional comparative data.

The proposed Differential Rates in the Dollar and associated Minimum Payments are analogous with related Council determinations, and as such, are recommended for endorsement for public notice purposes. Notwithstanding this however, the Council may determine to amend the advertised Rates in the Dollar and/or associated Minimum Payments at which time it formally adopts its Budget, without the need for further public notice. Should this occur, the reasons for not adopting the advertised Rates in the Dollar and/or associated Minimum Payments are required to be disclosed in the Annual Budget and also as part of the Rates Notice; pursuant to Regulations 23(b) and 56(4)(b) of the Local Government (Financial Management) Regulations.

In the past Council has adopted rates that are more than twice the minimum Differential Rate and must therefore seek Ministerial approval, as required by the provisions of the Local Government Act 1995. The Department of Local Government and Communities has been scrutinising Local Government's Differential Rating Strategies in more detail in recent years and may request modifications to be made, if they are not satisfied that the Rating Strategy is fair and equitable.

VOTING REQUIREMENT:

Simple majority.

This is all that is required, as the matter is merely an "In Principle" issue at this time, as the formal adoption of Rates is part of the Budget resolutions.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 051/2016****Moved: Cr P White****Seconded: Cr C Kloss****That Council:**

- 1. Supports the proposals included in the rating model as outlined in this report be adopted “in principle” as Council’s proposed Rating Structure for the 2016/2017 financial year, which includes the following proposed Rates:-**
 - 1.1 A GRV Rate of 12.2378 Cents in the Dollar;**
 - 1.2 A UV Rate of 21.0368 Cents in the Dollar for all UV rated properties, except those used or coded as used for mining and pastoral purposes;**
 - 1.3 A UV Differential Rate of 25.9657 Cents in the Dollar for all those properties predominantly used for mining purposes, or where held as a lease for mining purposes;**
 - 1.4 A UV Differential Rate of 6.3300 Cents in the Dollar for all those properties predominantly used for pastoral purposes;**
 - 1.5 A Minimum Rate of \$940.00 for all properties, both GRV Valuations and UV Valuations.**
- 2. That a provision be included in the Budget for the offering of a 2.0% discount on the Early Payment of Rates for the 2016/2017 year.**
- 3. Advertise for public comment, the Differential Rates and the Minimum Payments stated in 1 above, as per the requirements of Section 6.36 of the Local Government Act 1995.**
- 4. Apply to the Minister for Local Government for approval to impose Differential General Rates which are more than twice the lowest Differential Rate, for the 2016/2017 financial year, as per Section 6.33(3) of the Local Government Act 1995.**

CARRIED 7/0

12.3 TECHNICAL SERVICES

12.3.1 DELEGATION OF AUTHORITY – AWARDING OF TENDER T03/2016 DERBY TOWNSITE RESEALING WORKS

Location/Address:	N/A
Name of Applicant/Owner:	N/A
File Reference:	0481
Author:	Wayne Neate – Executive Manager Technical and Development Services
Disclosure of Any Interest:	Nil
Date of Report:	18 May 2016
Attachments:	Nil

SUMMARY:

Due to the requirement to complete these works in the 2015/2016 financial year this report recommends that Council delegate authority to the Housing and Works Committee to award tender T03/2016 for Derby Townsite Resealing Works.

BACKGROUND:

Tender T03/2016 is currently being advertised with the closing at 2:00pm on Tuesday 24 May 2016. The grant funds allocated for these works need to be spent this financial year. The awarding of the tender at the June Ordinary Council Meeting would not allow the works to be completed within the required timeframes and rather than call a Special Meeting of Council to award the tender, it is recommended that Council delegate's authority to the Housing and Works Committee to accept tender T03-2016.

The Housing and Works Committee will award projects in line with the maximum spend limit as previously approved at the Special Meeting of Council in February.

As per Council Minute No 004/2016

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - MINUTE NO. 004/2016:

Moved: Cr P White

Seconded: Cr I Prouse

That Council approve the adding of projects listed 1 through to 18 on the attachment labelled "additional projects for 2015/2016 budget" and approve expenditure on these projects to a maximum of \$1,972,389 for Roads to Recovery Funds and \$460,361 for the Roads portion of the Federal Assistance Grant.

CARRIED: 8/0

STATUTORY ENVIRONMENT:*Section 5.8 Establishment of committees*

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

Section 5.16. Delegation of some powers and duties to certain committees

(1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.*

*** Absolute majority required.**

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

Section 5.18 Register of Delegations to Committees

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

Section 5.17. Limits on delegation of powers and duties to certain committees

(1) A local government can delegate —

(a) to a committee comprising council members only, any of the council's powers or duties under this Act; except —

(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and

(ii) any other power or duty that is prescribed; and

(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —

(i) the local government's property; or

(ii) an event in which the local government is involved.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

These works are a budget item and restricted funding that requires expenditure in the 2015/16 financial year.

STRATEGIC IMPLICATIONS:

Nil

CONSULTATION:

Nil

COMMENT:

Nil

VOTING REQUIREMENT:

Absolute majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 052/2016

Moved: Cr P White

Seconded: Cr I Prouse

That Council by Absolute Majority delegates power to the Housing and Works Committee to award Tender T03-2016 – Derby Townsite Resealing Works to amounts as stipulated in Minute No. 004/2016.

CARRIED 7/0

CARRIED BY AN ABSOLUTE MAJORITY

12.3.2 REQUEST BY THE DEPARTMENT OF HOUSING AND WORKS TO WAIVE FEES IN REGARDS TO THE INSTALLATION OF BATTERY POWERED SMOKE ALARMS.

Location/Address:	Shire of Derby West Kimberley
Name of Applicant/Owner:	Department of Housing and Works
File Reference:	5040, I42167
Author:	Wayne Neate – Executive Manager of Technical and Development Services
Disclosure of Any Interest:	Nil
Date of Report:	18 May 2016
Attachments:	Letter from Department of Housing and Works

SUMMARY:

The Housing Authority (HA) has written to Council requesting the waiving of fees in relation to the installation of smoke alarms in residential dwellings. The recommendation will be to agree to the waiving of fees however, only on the basis that HA agree to compensate Council for the remedial roadworks to McDonald Way as part of the fee waiver.

BACKGROUND:

The background to this request is provided in the letter from HA (Annexure 1) with the main reason for the change being cost cutting measures and trying to reign in expenditure on replacing hard wired smoke alarms. As advised by officers from the HA, the expenditure on replacing smoke alarms is in the vicinity of one million dollars across the State and this application in conjunction with applications to other Local Governments is aimed at reducing those costs.

Council have previously been apprised of the situation whereby the road way in McDonald Way Fitzroy Crossing required reconstruction as a result of water damage that was directly attributable to documented leakage emanating from a Department of Housing owned property. Council staff have been pursuing this matter with Department of Housing with no success to date and Council has had to assume the cost of these works.

STATUTORY ENVIRONMENT:

Building Act 2011

Building Regulations 2012

Regulation 61 Local Government approval of battery powered smoke alarms.

Local Government Act 1995

Part 6 Division 4

6.12 Power to defer, grant discounts, waive or write off debts

Part 6 Division 5

6.16 Imposition of Fees and Charges

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As per Councils adopted fees and charges for 2015/2016 the fee for an application for the installation of a battery powered smoke alarm into a residential premises is \$174.40. The HA has requested that this fee be paid per community rather than per dwelling which equates to;

- 33 communities @ \$174.40 = \$5,755.20
- 759 dwellings @ \$174.40 = \$132,369.60

Difference in the amounts is \$126,614.40.

Under the relevant legislation, it is a requirement to examine the plans where the proposed battery powered smoke alarm is to be fitted and to carry out an inspection of the dwelling to ensure compliance.

Current Expenditure for McDonald Way, Fitzroy Crossing which is to be claimed from DHW is \$41,841.00.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
4: Good Governance and an effective organisation	4.1: Effective Governance and Leadership	4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements

CONSULTATION:

Discussions have been held with the DHW officer responsible and other Local Governments that the request has been made.

COMMENT:

The reasoning behind HA's request is based purely on an economic decision to try and minimise costs. Both the hard wired and proposed 10 year lithium battery smoke alarms are priced within a few dollars of each other, the saving is that a hard wired smoke alarm requires an electrician where a battery powered smoke alarm can be installed by anybody therefore potentially providing a huge cost saving. This change is proposed for both town based and remote communities.

The Departments reasoning on changing those smoke alarms located in town based communities is that most of those dwellings are on "pay card" systems and when the money runs out in these systems the hard wired smoke alarms will continue to emit a 'beep' until the power comes back on, which can lead to the units being removed. In remote communities it is based on the power issue as well but more around the reliability of power supply in those communities.

Discussions have been held with other Local Governments regarding this issue and the response given to HA varies considerably with some Local Governments adopting stances on pay per community, others pay per dwelling and various permutations in between.

The issue of McDonald Way, Fitzroy Crossing has been raised with HA who has been advised of Council's past and ongoing problem of compensation and that the fee waiver will come with a cooperative clause around compensation regarding the roadworks carried out as the result of a water leak on a DHW property.

The installation of battery powered (especially the model nominated) should not compromise the safety of residences and therefore in the interest of cooperation the proposal should be accepted.

VOTING REQUIREMENT:

Absolute majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 053/2016

Moved: Cr I Prouse

Seconded: Cr P White

That Council advise the Housing Authority that it approves a fee waiver on the application for battery powered smoke alarms based on number of communities and not on the number of dwellings and that as part of this fee waiver the Housing Authority compensate Council for the work carried out in McDonald Way, Fitzroy Crossing to the value of \$41,841.00.

CARRIED 7/0

CARRIED BY AN ABSOLUTE MAJORITY

12.4 DEVELOPMENT SERVICES

Cr P McCumstie declared a Financial Interest in Item 12.4.1

Cr E Archer declared an Impartiality Interest in Item 12.4.1

5.47pm Cr McCumstie left the room and did not participate in the discussion or vote on the Item

12.4.1 APPLICATION FOR TRADERS PERMIT – BIG FEED VAN

Location/Address:	Six specified locations within the Derby town site
Name of Applicant/Owner:	Dawn Davey
File Reference:	A105960
Author:	Caitlin Levey, Environmental Health Officer
Disclosure of Any Interest:	Nil
Date of Report:	16 May 2016
Attachments:	Big Feed Van Menu, Letter of Support from the Boab Inn, Seven Objection Letters

SUMMARY:

The purpose of this agenda item is for Council to consider an application by Ms Dawn Davey, owner of the registered mobile food premises Big Feed Van, to operate the mobile food business selling various take-away meals, snacks and pre-packaged food from six specified locations within the Derby town site.

It is recommended that Council approve the application subject to conditions.

BACKGROUND:

Dawn Davey purchased the mobile food premises with registration ITQP116 from the previous owner, Ms Phyllis Jackson (proprietor of the former food business Lusciously Delicious).

Outstanding plumbing works on the mobile premises have since been completed and the premises is now considered to meet the requirements of the Australia New Zealand Food Safety Standards and is currently registered under the Food Act 2008 with the Shire of Derby West Kimberley as a Medium Risk Mobile Food Business trading as Big Feed Van.

On 20 April 2016, a trading proposal for the Big Feed Van was received from Ms Davey. The trading proposal put forth by Ms Davey was to sell various types of take-away snacks, at the following locations and times:

Location	Days	Hours
Derby Boab Inn (road reserve next to bottle shop)	Thursday - Saturday	10pm – 1am
Old Basketball Courts (Stanley Street side)	Tuesday - Saturday	7pm – 10pm
Town Oval	Monday - Sunday	10am – 10pm
Derby Recreation Centre (netball and basketball training/game nights)	Monday - Sunday	5pm – 10pm
Corner of Heytesbury/Kunamarra Streets	Wednesday - Saturday	6pm – 1am
Rowan Street Reserve between Barnett Way and McGovern Streets	Wednesday – Saturday	6pm – 1am

A letter from the Manager of the Boab Inn, Clinton Elward, was received as part of the proposal. The letter dated 11 April 2016, outlined the Boab Inn's support for the Big Feed Van to trade from the road reserve next to the bottle shop between the hours of 10pm – 1am.

STATUTORY ENVIRONMENT:

- *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
- *Food Act 2008*
- Australian New Zealand Food Standards Code
- Town Planning Scheme Number 5

POLICY IMPLICATIONS:

Council Policy H2 Traders and Stallholders Permits assist Council in determining suitability of applications in relation to Council's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

FINANCIAL IMPLICATIONS:

An annual fee of \$1,545 per financial year is applied per annual Traders Permits.

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
1: Community wellbeing	1.2: Public Health and environmental health protection	1.2.3: Undertake food safety and public health promotion

CONSULTATION:

During the assessment of the trading proposal received by the Environmental Health section, the Shire's Planner, Manager of Engineering Service and, Acting Manager of Development Services were engaged.

The Applicant, Ms Davey, and her business partner, Mr Teddy Teoa, were also consulted on various occasions throughout the application process.

As per the Shire's Traders and Stallholders Policy, a formal letter with notice of the Big Feed Van's trading proposal was sent to relevant permanent food businesses and stakeholders. Any written comments to the proposal were invited within a two week timeframe. By the close of the consultation period seven letters were received that raised common themes of concerns relating to antisocial behaviour due to proposed locations and hours of trade, detrimental impact on existing fixed businesses, detrimental impact on the amenity of neighbouring residences and waste management concerns. Copies of the letters of objection and have been attached.

COMMENT:

The proposal to trade from a number of the nominated locations around the town site raises a number of concerns from an amenity and safety perspective which are discussed below;

Location	Officer Comment	Recommendation
Rowan Street Reserve between Barnett Way and McGovern Streets	Area is located within an area zoned Residential under TPS No.5. Table 2 identifies the several uses permitted by the scheme in the various Zones. Commercial uses such as shops and fast food outlets which are closely aligned with the proposed use and are deemed as 'X' uses within the	Location not supported

	<p>residential zone which means that the use is not permitted.</p> <p>The proposal to operate from this location introduces a commercial activity that is in conflict with the provisions of TPS No.5 and is contrary to the zone objectives and policies for land zoned residential.</p> <p>The proposed location and hours of operation has the potential to cause nuisance and adverse effect upon the residential amenity of the area by virtue of the activity associated with the operation of the business.</p>	
Corner of Heytesbury/ Kunamarra Streets	As above	Location not supported
Old Basketball Courts (Stanley Street side)	Surrounding land is zoned reserved recreation under TPS5. Other surrounding land is zoned residential. The proposed location and hours of operation has the potential to cause nuisance and adverse effect upon the residential amenity of the area by virtue of the activity associated with the operation of the business.	Location not supported
Derby Boab Inn (road reserve next to bottle shop)	<p>Surrounding land uses include the Boab Inn and residential uses to the west.</p> <p>The land immediately to the west of the Boab Inn is a Shire managed reserve that has a 1.8 metre high fence erected across the lot frontage facing Loch Street which allows only for a relatively narrow area between the fence and the carriageway of Loch Street on which to park the trailer.</p> <p>There are a limited number of embayed parking bays along Loch Street in front of the Boab Inn that may be accessed, however, there is conflict between the proposed hours of operation with the operating hours of the hotel and there is potential conflict</p>	Location not supported

	<p>between the two land uses and the competing demand for parking. Loch Street is the major transport route to the Derby Port and is considered to create an unacceptable risk profile between traffic and persons accessing the food van either by vehicle or foot. Further, the proposed operating hours would have the potential to create an unreasonable impact on the amenity of the adjoining residential property to the west by encouraging greater level of activity beyond the normal closing hours of the hotel.</p>	
<p>Town Oval</p>	<p>The town oval provides an area which satisfies the requirements of the <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i>. The parking area at the front the facility provides suitable space for the mobile food premises to park and operate. Customers accessing the location by car or foot could do so safely.</p> <p>Community and sporting events are frequently held at the Derby Town Oval. Many of the sporting clubs/organisations also operate a canteen or kiosk at the event for the purpose of fundraising. The proposed operating hours of the Big Feed Van could impinge on fundraising opportunities for the organisations or clubs and clash with events held at the facility. Further, the proposed operating hours would have the potential to create an unreasonable impact on the amenity of the adjoining residential property.</p>	<p>Location supported with the following conditions:</p> <ul style="list-style-type: none"> • Trading is not permitted during pre-booked events or sporting games being held at the Town oval (unless permission is granted from event manager of sporting club). • Trading is restricted to 2 days per week from the hours of 5pm – 9pm to have minimal financial impact on the existing permanent retail base.
<p>Derby Recreation Centre (netball and basketball training/game nights)</p>	<p>Community and sporting events are frequently held at the Derby Recreation Centre. Many of the sporting clubs/organisations also operate a canteen or kiosk at the event for the purpose of fundraising. The proposed operating hours</p>	<p>Location not supported for general trading. Approval to trade would be required from event organisers and relevant sporting clubs who are running the events.</p>

	of the Big Feed Van could impinge on fundraising opportunities for the organisations or clubs and also conflict with the operating hours of the Sportsmans Club.	
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It is also recommended that the initial approval of the Traders Permit be limited to three months, during which time the trading will be monitored by the Shire's authorised officers. After the three month timeframe, the approval is to be re-assessed by Council. The initial three month trading may be cancelled if the Permit Holder fails to comply with the Permit Conditions or the trading activities or are considered to be causing a detrimental impact to surrounding amenities and/or land users.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 054/2016****Moved: Cr P Coggins****Seconded: Cr C Kloss****That Council**

- 1. Pursuant to Division 1, Part 6.5, Section 1 of the Local Law, it is recommended that Council approve the application for a Traders Permit with conditions.**
- 2. Pursuant to Division 1, Part 6.6, Section 1 of the Local Law, approval of an application can be subject to conditions imposed by Council regarding but not limited to the location and hours of trading, goods and services to be traded and the period for which the permit is valid. It is recommended that Council consider applying the following conditions:-**
 - a. Trading will be restricted to the car park of the Town Oval for 2 evenings per week between the hours of 5pm – 9pm.**
 - b. Trading will not be permitted at the car park of the Town Oval during community or sporting events being held at the Town Oval which the Big Feed Van is not associated with.**
 - c. The initial period for which approval of a Traders Permit is granted is 3 months. The approval to extend the approval is to be re-assessed by Council.**
 - d. If the trading activities of the Big Feed Van are considered to be causing a nuisance or having a detrimental impact on the surrounding amenities, the Council may rescind the approval of a Traders Permit.**

CARRIED 6/0

5.50pm Cr McCumstie returned to the meeting and was advised of the outcome

12.4.2 CONSERVATION WORKS – LIVERINGA HOMESTEAD GROUP: HOMESTEAD ROOF

Location/Address:	Liveringa Homestead Liveringa Station
Name of Applicant/Owner:	John Taylor - Architect
File Reference:	A500180
Author:	Noel Myers – Shire Planner
Disclosure of Any Interest:	Nil
Date of Report:	29 April 2016
Attachments:	Liveringa Homestead Conservation Works and Letter of Advice from State Heritage Office

SUMMARY:

The purpose of this report is for Council to approve conservation works to the roof of the Homestead within the Liveringa Homestead Group on Liveringa Station.

BACKGROUND:

The subject building forms part of the old Homestead group of buildings located on Liveringa Station. The place is a permanent entry of the Heritage Council of Western Australia's Register of Heritage Places (Place No. 00694)

A Conservation Plan for the Liveringa Homestead Group was prepared in 2003 and serves to inform and guide conservation works that are to be undertaken in order to retain the authenticity and integrity of the buildings. The Plan identifies the various works required and the priority in which they should be undertaken.

To date, conservation works completed at Liveringa have included reconstruction works to the Kitchen Dry Store building (2003), conservation work to the walls and roofing of the Shearers Quarters (2004) and wall and roofing works to the Storage Building (2010). All of the aforementioned works had been undertaken in accordance with the Conservation Plan and with the endorsement of the Heritage Council.

Prior to the implementation of Interim Development Order No.8, there had been no planning mechanism that required an application for Development Approval to be obtained from the Council and as such this is the first time an application proposing any works on any of the heritage listed buildings at Liveringa has been brought to Council for their endorsement.

STATUTORY ENVIRONMENT:

- Interim Development Order No.8 – in respect to Council’s ability to issue Development Approvals.
- Heritage of Western Australia Act 1990 – Liveringa Homestead group is a permanent listing on the State Heritage List which requires that approval from State Heritage is obtained prior to any works being undertaken.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
2: A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth	2.1: Appropriate development that enhances the unique character and heritage of the Shire’s township	2.1.4: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

CONSULTATION:

The scope of works has been referred to the State Heritage Office by the supervising Architect and advices supporting the works have been provided.

COMMENT:

The scope of works comprises the following:

- Roof – replacement of the roof cladding using galvanised corrugated iron to match the existing sheets. All timber rafters, beams and purlins are to remain;
- Ceiling – replacement of battened Masonite ceiling with white colourbond finish ripple iron to the three central rooms of the homestead. It is reported that it is likely that the original early twentieth century ceilings were white painted metal and a colourbond

finish in this instance is considered to have better maintenance qualities.

The Liveringa Homestead group has considerable aesthetic, historic and social significance in the Kimberley and also for the broader Western Australian community. The conservation project, as proposed, is intended to arrest deterioration and ensure the longevity of the fabric of the Homestead into the future. The works are consistent with the Conservation Plan for the Homestead Group, have been endorsed by the State Heritage Office, and are an important stage in conserving the significance of the place.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 055/2016

Moved: Cr P White

Seconded: Cr C Kloss

That Council, pursuant to Interim Development Order No.8, approves the Development Application for Conservation Works as detailed within the application and plans dated 28 April 2016 to the building described as the Homestead Building within the Liveringa Homestead Group – Liveringa Station.

CARRIED 7/0

12.4.3 PROPOSED EXCISION OF PORTION RESERVE 36669 FOR AMALGAMATION INTO ADJOINING RESERVE 9656

Location/Address:	Reserve 36669 Sandford Rd, Fitzroy Crossing
Name of Applicant/Owner:	Department of Lands
File Reference:	A300219/900753
Author:	Noel Myers – Shire Planner
Disclosure of Any Interest:	Nil
Date of Report:	17 May 2016
Attachment:	Proposed Excision Plans – Reserve 36669

SUMMARY:

For Council to consider surrendering a portion of the Lease granted to the Fitzroy Valley Rodeo Club to facilitate the excision and amalgamation of Lot 400 into Reserve 9656.

BACKGROUND:

- Council have previously been appraised of the situation whereby Lot 400 had been erroneously excised by the Department of Lands (DoL) from the Aboriginal Lands Trust Reserve 9656 and amalgamated into Shire managed Recreation Reserve 36669.
- The Shire has subsequently entered into a Lease Agreement with the Fitzroy Valley Rodeo Club which is located on Reserve 36669.

The circumstances surrounding the excision of Lot 400 was first reported to Council under **Item 11.4.4 Minute 79/2013** and subsequently at the Ordinary Meeting of Council held on 25 February 2016 – **Item 12.4.2 Minute 016/2016**. The decision of the Council at that meeting was:

That Council advise the Department of Lands that it supports the portion of land being Lot 400 on Deposited Plan 77614 being excised from Reserve No.36669 and being joined with Reserve No.9656 on the condition that:

i) That prior to the transfer of the land being initiated, the Department of Lands confirms to the satisfaction of the Chief Executive Officer that the boundary of proposed Lot 400 on Deposited Plan 77614 does not encroach or impinge upon the Lease granted from the Shire of Derby West Kimberley to the favour of the Fitzroy Valley Rodeo Club;

ii) That the Shire be indemnified from all cost and liability in respect to the excision and transfer of the land back into Reserve No.9656.

Following receipt of Council’s decision, DoL have undertaken further survey work and have identified that the proposed excision of Lot 400 from Reserve 36669 will affect the lease granted in favour of the Rodeo Club, however, have identified that the encroachment is of a minor nature which is shown on the attached graphic (Annexure 1).

STATUTORY ENVIRONMENT:

Land Administration Act

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Whilst the specific action does not directly correlate to any action within the Council’s Strategic Community Plan (2012-2021), it is consistent with the intent of the Shire to work with native title groups.

GOAL	OUTCOME	STRATEGY
4: Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.1: Effective governance and leadership	4.1.6: Negotiate with all Native Title Groups to consult and establish appropriate Indigenous Land Use Agreement’s and Memorandums Of Understanding

CONSULTATION:

The Shire’s Fitzroy Crossing Area Manager is in the process of liaising with members of the Fitzroy Valley Rodeo Club to explain the circumstances and rationale for the proposed action.

It is highlighted that the Fitzroy Crossing Area Manager is also a member of the Rodeo Club and for transparency she has referred the matter to the Club President and other Committee members and the response will be provided on behalf the Rodeo Club by the President.

At the date of this report, a response had not been received from the Rodeo Club as the graphic showing the extent of the encroachment had just become available. It is proposed that the Shire's response would not be released until such time that the Rodeo Club had considered the request and provided their comment.

COMMENT:

As is identified on the graphic provided by DoL, the area of the Lease that would be affected by the excision is of a minor nature only affecting a strip of land on the most western boundary of the lease area which is free of any existing major infrastructure, however, does appear to pick up a small section of the perimeter fencing.

As previously stated, the Shire's Fitzroy Crossing Area Manager is currently liaising with members of the Rodeo Club to inform them of the situation and to confirm that the action would not compromise any master planning they may have developed.

Notwithstanding the minor nature of the encroachment, it is appropriate that DoL provide the Shire and the Rodeo Club with an acknowledgement that the excision will not require the Rodeo Club to remove the portion of the perimeter fence that would be located on Lot 400 post the excision and that the Club will be able to maintain the fence without any constraint or burden into the future.

SUMMARY:

Having regard to the matters outlined above, it is recommended that the Council may agree to the surrender of the portion of the Lease granted to the Fitzroy Valley Rodeo Club in order to facilitate the excision and amalgamation of Lot 400 into Reserve 9656 so as to rectify the erroneous action that had led to the land being excised from Reserve 9656 on the basis that the Shire and the Rodeo Club is provided with the comfort that they will not be required to remove any existing boundary fencing or be impeded in maintaining the fence in the future.

VOTING REQUIREMENT:

Simple majority. Absolute where indicated

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 056/2016****Moved: Cr A Twaddle****Seconded: Cr I Prouse****That Council,**

- 1. Advise the Department of Lands that it agrees to surrender portion of the Unregistered Lease granted to Fitzroy Valley Rodeo Club as shown on Concept Plan 213 to facilitate the excision and amalgamation of Lot 400 into Reserve 9656 as shown on deposited Plan 77614 on the condition that:
 - i) The Department of Lands provides the Shire with an updated Survey Plan that demonstrates the revised boundary location and area of the Lease granted to the Fitzroy Valley Rodeo Club;**
 - ii) That the Shire be indemnified from all cost and liability in respect to the excision and transfer of the land back into Reserve No.9656.**
 - iii) That the Department of Lands confirm that the Shire and the Rodeo Club will not be required to remove any existing perimeter fencing that would encroach onto Lot 400 post the excision and that the Rodeo Club be free to maintain the fence without any constraint or burden.****
- 2. By ABSOLUTE MAJORITY delegates authority to the Chief Executive Officer to forward the Shire's response to the Department of Lands post receipt of the response being received from the Fitzroy Valley Rodeo Club and on the basis that the Rodeo Club are supportive of the submission being as detailed within the Officers Recommendation above.**

CARRIED 7/0**CARRIED BY AN ABSOLUTE MAJORITY**

Cr P Coggins declared a Financial Interest in Item 12.4.4

5.52pm Cr Coggins left the room and did not participate in the discussion or vote on the Item

12.4.4 AMENDED PLANS - KINGFISHER ISLAND

Location/Address:	Kingfisher Island
Name of Applicant/Owner:	RFF Australia on behalf of Dynasty Pty Ltd
File Reference:	A600230
Author:	Noel Myers – Shire Planner
Disclosure of Any Interest:	Nil
Date of Report:	10 May 2016
Attachments:	Kingfisher Island Amended Plans

SUMMARY:

Amended plans have been submitted proposing minor changes to the five Fishing Camp Shelters previously approved by Council as part of the proposed tourism development on Kingfisher Island along with plans for a new roofed deck structure and compounds for solar and generator power systems.

BACKGROUND:

Council have previously issued Development Approval for Stage One of a Short Stay Tourist Accommodation comprising Five (5) Fishing Camp Shelters, ablution building and raised footpaths on a portion of Kingfisher Island.

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 12.4.2

MINUTE No. 105/2015:

Moved Cr A Twaddle

Seconded: Cr I Prouse

That Council approves the application for a Short Stay Tourist Accommodation (Stage One comprising Five Shelters and Ancillary Facilities plus elevated walkways) on Lease No. I150295 Kingfisher Island, legally described as Lot 16 on Deposited Plan 26300 being the land within Certificate of Title LR3069-150, subject to the following conditions;

- 1. The Planning Consent is valid for two years from the date of Council's decision. This approval shall expire if the development works have not been substantially commenced within this two-year period or within any extended period for which the Council has granted consent;**

2. **A Building Permit under the provisions of the Building Act 2011 must be submitted to and approved by Council prior to the commencement of any on-site works whatsoever. Development under a Building Permit must be substantially commenced within 12 months and completed within two years;**
3. **Prior to the issue of a Building Permit and commencement of the use, the proponent is to prepare and provide to the satisfaction of the Chief Executive Officer the following Management Plans:**
 - **An Access Management Plan;**
 - **Native Flora and Fauna and Fire Management Plan;**
 - **Rubbish Management Plan;**
 - **Turtle Management Plan;**
 - **Emergency Management Plan.**

All Management Plans are to be developed in consultation with the Shire Planner and with input provided from nominated external agencies and organisations as directed by and agreed to between the Shire Planner and the proponent.
4. **The development is to be undertaken in accordance with the requirements of the Caravan and Camping Grounds Act 1995 and Caravan and Camping Grounds Regulations 1997;**
5. **Details of effluent disposal for ablutions and ancillary facilities are to be provided with the application for the Building Permit and will need to be in accordance with the relevant Health Legislation and Regulations.**

CARRIED 5/0

In the period post Council's determination, the applicant has prepared draft Management Plans as required by Condition 3 and these Plans are currently being assessed by staff and in consultation with relevant State Government Agencies.

STATUTORY ENVIRONMENT:

Interim Development Order No.8 (IDO No.8) – IDO No.8 has been approved by the Minister for Planning as interim measure during the period in which a new whole of District Local Planning Scheme is being prepared. The IDO enables Council to call in proposals and require that an applicant obtain Development Approval prior to commencing development or land uses.

IDO NO.8 does not outline any specific provisions pertaining to the proposed development or the subject site, however, it does list a number of matters to be considered by Council in determining an application for approval.

Lease Document No. I150295L

A valid lease has been issued by the Department for Lands over the area which is expressly for Holiday and Tourist Accommodation. The Lease outlines a number of conditions which pertain to development on the subject site.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
2: A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth	2.1: Appropriate development that enhances the unique character and heritage of the Shire’s township	2.1.4: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement
3: A strong and diverse local economy	3.3: A vibrant and strong tourism industry	3.3.1: Support and promote local and regional tourism

CONSULTATION:

Given that the works are of a minor nature, consistent with the purpose of the lease and are wholly contained within the approved lease area it is not considered necessary to undertake any additional external consultation.

COMMENT:

The plans submitted for approval represent a relatively minor variation to the plans previously approved by Council. The scope of changes includes the following:

- Upgraded accommodation – accommodation units to now be provided in a chalet style with individual ensuites and private decks to deliver a higher form of accommodation;

- Ancillary buildings – plans amended to show locations and proposals for solar power and back up generator compounds and the stand alone ablution block;
- New covered communal deck area.

The overall changes and additions to the plans approved by Council as Stage One works are consistent with the overall Master Plan for the development that will be developed over time and do not introduce any matters that are outside the scope of the enabling Lease issued from the Department of Lands.

The various management plans required under Condition 3 of Council's previous approval have been received and are currently being assessed by staff and have been referred to the Department of Parks and Wildlife for comment. It is noted that the Condition of Council's past approval is that these Plans need to be approved prior to the issue of any Building Permit or commencement of the use.

SUMMARY:

The scope of works proposed under this application are consistent with the original approval granted by Council and are consistent with the purpose of the Lease. It is therefore recommended that the Council approves this application.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 057/2016

Moved: Cr P White

Seconded: Cr A Twaddle

That Council, in accordance with the provisions of Interim Development Order No.8, APPROVES the application for amendments to the built form of the five proposed accommodation chalets and approves the construction of the new solar power and generator compounds and the free standing roofed deck structure submitted by RFF Australia at the Kingfisher Island Short Term Tourist Accommodation Camp on Lease No. I150295 Kingfisher Island, legally described as Lot 16 on Deposited Plan 26300 being the land within Certificate of Title LR3069-150, as shown on the Plans dated 5 May 2016 subject to the following conditions:

- 1. The Development Approval as it applies to the new structures (Solar and Generator Compounds and Free Standing Roofed Deck) is valid for two years from the date of Council's decision. This approval shall expire if the development works have not been substantially commenced within this two-year period or within any extended period for which the Council has granted consent;**
- 2. A Building Permit under the provisions of the Building Act 2011 must be submitted to and approved by Council prior to the commencement of any on-site works whatsoever. Development under a Building Permit must be substantially commenced within 12 months and completed within two years;**
- 3. All other conditions as stipulated under Development Approval No.09/15 and dated 13 October 2015 shall apply to this approval.**

CARRIED 6/0

5.54pm Cr Coggins returned to the meeting and was advised of the outcome

**12.4.5 TEMPORARY WORKERS CAMP, RETROSPECTIVE APPROVAL
– DARLGUNAYA COMMUNITY. FITZROY CROSSING**

Location/Address:	Lot 505 Russ Rd, Darlgunaya Community Fitzroy Crossing
Name of Applicant/Owner:	Ricon Contractors/Darlgunaya Aboriginal Corp
File Reference:	A300605
Author:	Noel Myers – Shire Planner
Disclosure of Any Interest:	Nil
Date of Report:	4 May 2016
Attachments:	Temporary Workers Camp Application for Planning Consent and Construction Plans

SUMMARY:

Ricon Contractors are seeking retrospective approval for a Temporary Construction Camp that has been established at the Darlgunaya Community to accommodate their workforce engaged in the construction of the new Renal Hostel in Fitzroy Crossing.

BACKGROUND:

The new Fitzroy Crossing Renal Hostel is being built by the Housing Authority and WA Country Health Services to provide residential accommodation to Renal Patients accessing renal dialysis services at the Fitzroy Crossing Renal Unit.

Ricon have been awarded the contract to construct the hostel and had negotiated with the Darlgunaya Community to establish the camp on the site where the Department of Housing had previously established a temporary work camp, (since removed), to accommodate contractors engaged in the delivery of a housing programme across the Fitzroy Valley.

STATUTORY ENVIRONMENT:

- Interim Development Order No.8 – in respect to the ability to call in development applications for assessment and determination;
- Fitzroy Futures Town Plan – a non-statutory land use plan that has been adopted to inform and guide land use proposals within the gazetted Fitzroy Crossing town site and including the surrounding town based Aboriginal Community Living areas;

- Darlgunaya Layout Plan – prepared in conjunction with the FFTP to guide and inform land use proposals within the community living area;
- Fitzroy River Flood Management Strategy – Prepared and managed by the DoW and provides guidance on developments proposed within the 1:100 year ARI floodplain
- Heritage of Western Australia Act 1990 – the Fitzroy Police Group is a permanent entry on the State Heritage List which requires that developments adjacent be referred for comment/advice.

POLICY IMPLICATIONS:

Developments within Fitzroy Crossing are assessed having regard to the FFTP which incorporates Layout Plans and also the Fitzroy River Floodplain Management Strategy FRFMS.

The proponents are seeking to vary the recommended mitigation strategies set out under FRFMS which nominates minimum floor levels for habitable dwellings within the floodplain. The request is specific to this development for reasons discussed in latter sections of this report and does not set a precedent or requirement to vary the implementation of the FRFMS.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

GOAL	OUTCOME	STRATEGY
2: A balance between the natural and built environment – sustainable environments that meets the needs of the community and supports growth	2.1: Appropriate development that enhances the unique character and heritage of the Shire’s township	2.1.4: Ensure quality, consistent and responsive development and building assessment approval processes and enforcement

CONSULTATION:

As part of the Risk analysis, the proposal and in particular the requested variation to the FRFMS has been referred to Council’s solicitors for advice and comment.

Recommendations from that advice received have been reflected within the officer recommendation.

COMMENT:

As detailed above, the proposal at hand is the retrospective approval for a workers camp that Ricon have already established on the subject lot to provide accommodation for their employees engaged in the construction of the new renal hostel.

In support of their application, Ricon have acknowledged that the camp was established prior to obtaining approval due to their oversight of the established planning process.

In form the camp will provide accommodation for 20 persons housed in a combination of four bedroom and two bedroom transportable accommodation blocks with ancillary ablution and kitchen blocks being provided. Notwithstanding that the buildings are of a transportable form, the buildings are required to be properly affixed to the ground in accordance with the requirements of the Building Code of Australia. The kitchen and ablutions blocks are to be connected to the existing in-ground effluent systems that remain insitu from the previous workers camp that had existed on the lot.

Ricon acknowledge that the camp is located within the floodplain of the Fitzroy River and accordingly they have prepared an evacuation and camp management plan to manage that risk to people should a flooding event arise.

As the camp is a temporary use directly tied to the contract to construct the renal hostel, Ricon advise the camp will only be required for the period April to September 2016 which falls outside the recognised wet season and therefore significantly reduces the risk of the development being affected by flooding.

Built Form:

As previously described, all the buildings are transportable and therefore do not display any particular architectural form or have any relationship to the surrounding buildings which include the State Heritage Listed Police Group which includes the old Post Office building. The proposal has been referred to the State Heritage Office for their information, however, given the temporary nature of the buildings and use of the land the State Heritage Office have simply noted the existence of the proposal

rather than providing any advice or recommendations concerning the impact on the heritage values of the area.

Surrounding Land Uses:

The surrounding properties include the remnant heritage listed buildings that formed the old Police group of buildings and the old Post Office as well as a number of other residential dwellings. The area is primarily residential in nature and forms part of the larger Darlgunaya Community. The assembly of the buildings and the residential nature of the use is compatible with the surrounding land uses and does not introduce any conflict between land uses. The application has been signed by the Darlgunaya Aboriginal Corporation that indicates it is accepting of the development being established on the land.

Risk Management Implications:

Given the development proposes a variation to the standard recommendations of the FRFMS for developments within the floodplain of the Fitzroy River, a risk assessment has been undertaken to identify the nature of the risk exposure, the likelihood of the risk occurring and what mitigation strategies are proposed to manage the risk. The exercise has included obtaining a legal opinion from Council's solicitors as to the acceptability of the risk and the appropriateness of the mitigation strategies proposed that would be reflected within the officer recommendation. That opinion remains subject to legal privilege and is provided under separate cover to Councillors.

In brief, the major risk arises from flooding of the Fitzroy River and the risk that flooding poses to people and buildings.

In determining the acceptability of that risk, the following matters are of relevance to this particular application:

- The requirement for the camp coincides with the period that falls outside the recognised wet season and therefore the likelihood of a major flooding event occurring whilst the camp is in place is low;
- The nature of major flooding events are well known to the local community and typically major flooding events only occur when rainfall occurs over extended periods and falls within defined and discrete catchment areas, thus there is advanced warnings that an event may occur which enables evacuation plans to be acted upon;

- The applicant and operator of the camp is to have an evacuation plan and induction process for all residents in place as a condition of any development approval granted;
- Any approval granted would be conditioned that the camp is to be decommissioned and removed upon the completion of the renal hostel which is scheduled to be completed by September 2016 which would typically occur before the onset of the wet season;
- The applicant would also be required, as part of any approval, to indemnify the Council against any loss or damage that occurred from the development not being undertaken in accordance with the general standards as set by the FRFMS.

SUMMARY:

Whilst it is unfortunate that the development has proceeded in advance of the applicant obtaining the necessary approvals from the Shire, the form and use of the development is a matter that Council could support, subject to the conditions detailed in the officer recommendation which are considered to adequately mitigate the risk to the Shire associated with the proposed variation to the FRFMS. Having regard to the comments detailed in the report, it is recommended that Council resolve to grant Retrospective Approval.

VOTING REQUIREMENT:

Simple majority. Absolute where indicated.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 058/2016****Moved: Cr P Coggins****Seconded: Cr A Twaddle**

That Council, in accordance with the provisions of Interim Development Order No.8, APPROVES the application submitted by Ricon Contractors for the Retrospective Approval of a Temporary Workers Construction Camp located at Lot 505 Russ Road, Fitzroy Crossing as shown on plans date stamped 28 April 2016, subject to the following conditions:

1. Limitation on Use

1.1 Approval Period

The approval for Temporary Workers Accommodation Camp will expire as at 30 September 2016 or to coincide with the practical completion of the Fitzroy Crossing Renal Hostel to which the applicant is contracted to construct or whichever comes first, after which all the accommodation units and ancillary buildings associated with the use of the Camp are to be removed from the site. Should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Shire prior to continuation of the use;

1.2 Restriction of Occupancy

Only those persons in the direct employment of or contractors employed by Ricon Constructions engaged in the construction of the Fitzroy Crossing Renal Hostel are permitted to reside within the accommodation units or on the site;

1.3 Management Plan

The Accommodation Camp shall operate in accordance with the Management Plan submitted with this application dated 21 July 2015. The Evacuation Plan within the Management Plan is to be brought to the attention of all incoming residents who are to be inducted and briefed of the sites status as being within the 1:100 Year Floodplain;

1.4. Legal Agreement

No accommodation of persons is to commence unless the applicant has first entered into a deed with the Shire prepared by the Shire's solicitors at the applicant's costs whereby the applicant covenants and agrees to release the Shire and to indemnify the Shire from or against any liability that might otherwise attach to the Shire by reason of any loss or damage to any building, fixtures, moveable buildings, any person's chattels or personal property whatsoever, and also in respect to any environmental contamination; and in respect of any claim, demand or action made or brought against the Shire in respect to any of the aforementioned by any person by reason of any flooding or inundation of the subject land or any damage, hazard or erosion by water to the land.

2. That Council by ABSOLUTE MAJORITY delegates authority to the Chief Executive Officer and the Shire President to endorse the legal agreement drawn by Council's Solicitors in satisfaction of Condition 1-1.4 above and to affix the Common Seal of the Shire of Derby West Kimberley to that document.

ADVICE NOTES:

- 1. With reference to Condition 1.4, all costs associated with this condition shall be borne by the applicant/owners of the land;**
- 2. This approval does not constitute building approval and the applicant will need to submit an Application for Building Approval Certificate.**

CARRIED 7/0

CARRIED BY AN ABSOLUTE MAJORITY

12.5 COMMUNITY DEVELOPMENT AND RECREATION SERVICES

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE APPROVED BY PRESIDING PERSON OR BY DECISION OF MEETING

The Presiding Officer advised the meeting that the Executive Manager Community Development has sought to introduce an urgent item of business. The reason for the urgency is to enable funds to be included in the Draft 2016/2017 Budget.

COUNCIL DECISION:

MINUTE NO. 059/2016

Moved: Cr C Kloss

Seconded: Cr A Twaddle

That Council accept as New Business of an Urgent Nature Items 15.1 and 15.2 for consideration.

CARRIED 7/0

15.1 COMMUNITY FUNDING SCHEME 2016/2017 COMMUNITY GRANT ALLOCATIONS FOR PROJECTS REQUIRING FUNDING \$500 – \$10,000

Location/Address:	N/A
Name of Applicant/Owner:	Various
File Reference:	5135 – Donations and Support Requests – Community Grants
Author:	Bradley Isbister – Executive Manager Community Development
Interest Disclosure:	Nil
Date of Report:	23 May 2016
Attachments:	Community Grant Priority Listing

SUMMARY:

This item seeks Council endorsement of the prioritised list of Community Grant applications (Attachment 1) for the 2016/2017 financial year.

BACKGROUND:

Each year, Council considers an annual round of funding applications from not-for-profit community groups and provides grants valued between \$500 and \$10,000. This year, nine eligible applications were received. A recommended priority order has been provided for Council consideration based on the strategic aims of Council and the priorities listed in the Community Funding Scheme Policy (AF34).

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

AF34 Community Funding Scheme provides for three types of grants:

- Quick Grants for amounts under \$500 which are available at any time of the year, dependent on available funding.
- Community Grants Scheme for amounts between \$500 and \$10,000.
- Development Grants for large scale projects seeking upwards of \$10,000 or recurrent funding.

1. Eligibility**1.1 To be eligible for a grant an application must be:**

- An amateur sporting group or association
- Incorporated not-for-profit organisation
- Non-Incorporated organisations seeking grant support through an incorporated, not-for-profit organisation (auspicing)
- A cultural group/organisation
- Voluntary services
- Other incorporated associations that are based within the Shire of Derby West Kimberley.

4. Funding Criteria

- 4.1 Events, projects and services that provide a positive social return to the community in the areas of art and culture, education, sport and recreation, youth, seniors, health and welfare, tourism and 'not for profit' business development.
- 4.2 That services are accessible and affordable for the community.
- 4.3 That community cultural activities and services are encouraged to assist in building identity within the Shire.

- 4.4 That the grant money is distributed across a wide range of projects and services to ensure diversity of activities across the Shire and region.
- 4.5 Funds may be provided to community groups and organisations as an in-kind contribution towards venue hire for community events and services.
- 4.6 Projects and services which can demonstrate the involvement of volunteers.
- 4.7 Funds may be allocated for equipment purchase where there is evidence that such equipment is vital to the ongoing viability or the quality of the service/program offered.
- 4.8 Equity – The community should have a fair share of resources and equal opportunity, regardless of socio-economic status, gender, race, age, marital status, religion, political affiliation, social networks or ability.
- 4.9 To ensure disadvantaged groups enjoy equal access and special programs targeting their needs as requested.
- 4.10 Community Development – the performance of the Community Funding Scheme will be informed by Community Development principles and strategic planning.
- 4.11 Recipients must recognise and promote the Shire of Derby West Kimberley’s financial contribution to the event, project or services.
- 4.12 For Community and Development Grants, a detailed business plan may be requested by Council in certain circumstances.
- 4.13 Applicants for Development Grants are required to demonstrate that they have investigated funding opportunities from other funding providers.
- 4.14 In circumstances when grants are auspiced by an incorporated organisation on behalf of a non-incorporated body, the responsibility for ensuring compliance with grant conditions rests with the auspicing body.

In 2011 Council entered into a Memorandum of Understanding (MOU) with Energy Development Limited (EDL) to place funds into a Council Reserve Account. As per the MOU these funds are to be used to nurture community wellbeing in the West Kimberley through support to not-for-profit community groups or activities. Projects need to be consistent with the following principles –

- 1) Support social cohesion, inclusiveness, equal opportunity and the wellbeing of the community.
- 2) Support long-term community development.
- 3) Be genuinely community-driven initiatives.

- 4) Address community needs in the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Camballin and Looma located in the Shires of Broome, Derby West Kimberley, and Halls Creek.

FINANCIAL IMPLICATIONS:

The Reserve account created under the MOU with EDL that is titled *Energy Development Limited West Kimberley Community Donation Account* allows for a maximum draw down limit of \$80,000 per year. The proposed list of supported projects draws on the EDL contribution as well as Council funds.

The recommendation creates a priority listing of programmes and projects for Council consideration. They have been recommended on their merit and ability to achieve outcomes that are consistent with Council's priorities for community funding.

The SDWK Road Safety Project will receive \$5,000 from the Community Grant Fund to produce safety materials. A further \$5,000 will come from Council's operational budget for materials.

For the 2016/2017 financial year the total recommended amount of funding to be allocated is:

- \$28,339 – Community Grants (\$500 – \$10,000)
- \$15,000 – Quick Grants (under \$500 to provide fee waivers, other services and cash support). NB \$5,000 of which is specifically allocated for Fitzroy Crossing applications.

These funds will be drawn from the EDL account.

STRATEGIC IMPLICATIONS:

By using Council's stated priorities as listed in Policy AF34 'Community Funding Scheme', we are aligning our Community Grants to Council's strategic direction.

GOAL	OUTCOME	STRATEGY
1: Community wellbeing : A diverse, caring and safe community providing opportunities for all its people	<p>1.4: An inclusive and participative community</p> <p>1.5: Sport, recreation and leisure opportunities that support community health and well-being</p>	<p>1.4.2: Actively promote and assist community groups and clubs</p> <p>1.5.2: Promote sporting, recreation and leisure facilities and programs</p>

	<p>1.8: Access to learning, cultural and arts opportunities that support community growth and diversity</p>	<p>1.8.4: Promote and support community and cultural events</p>
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CONSULTATION:

The 2016/2017 round of Community Grants were promoted through local newspaper advertisements, notice boards, email broadcast, the Shire website, reminders in the Shire’s regular news column and community radio announcements.

Community Development Officers and the Aquatic and Recreation Manager fielded queries and gave general advice and support to applicants during the application process.

Council’s Community Grants Working Group, along with the Chief Executive Officer, Executive Manager Community Development, and Aquatic and Recreation Manager assessed the applications and produced the priority listing.

COMMENT:

The 2016/2017 Community Grant applicants represent a broad mix of community groups and volunteer organisations, some of which have received funding from Council in the past.

Applicants include:

- Boab Festival at Derby
- Boab Network
- Derby Playgroup Inc.
- Derby Dance Group
- Derby Sporting Shooters
- Fitzroy Valley Rodeo Club
- SDWK Road Safety Group
- Oongkalkada Incorporated

As per the attached table some of the organisations funding allocations are subject to the organisations meeting additional conditions such as signing a lease and providing additional quotes.

Feedback will be provided, in particular, to unsuccessful applicants on where to seek additional or more appropriate funding such as the Department of Local Government and Communities, Royalties for Regions, Community Chest Funding, Healthway and Lotterywest.

The Quick Grant allocation is \$15,000 with \$5,000 specifically allocated for Fitzroy Crossing applications. Council is requested to consider the priority listing (attachment 1) recommended by the Community Grants Working Group and to either endorse the list or provide an alternative priority listing that better meets the strategic needs of Council.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:

MINUTE NO. 060/2016

Moved: Cr P McCumstie

Seconded: Cr P White

That Council:

- 1) Endorses the attached priority listing (attachment 1) for allocation of Community Grants for projects requiring \$500 – \$10,000 in the 2016/2017 financial year.**
- 2) Subject to budget approval, allocate a total of \$28,339 for endorsed projects in the 2016/2017 financial year.**
- 3) Subject to budget approval, allocate \$15,000 for Quick Grants to provide fee waivers, other services and cash support in the 2016/2017 financial year.**
- 4) Transfer \$43,339 from Reserve Account Energy Development Limited West Kimberley Community Donation Account for the purposes of supporting the Community Grant projects endorsed in attachment 1.**
- 5) Subject to budget approval, allocate \$5,000 of operational funds towards the Shire of Derby West Kimberley Road Safety Working Group (Roadwise project).**

CARRIED 7/0

Cr C Kloss declared an Impartiality Interest in Item 15.2

**15.2 COMMUNITY FUNDING SCHEME 2016/2017
DEVELOPMENT GRANT ALLOCATIONS FOR PROJECTS
REQUIRING FUNDING \$10,000 OR RECURRENT FUNDING**

Location/Address:	N/A
Name of Applicant/Owner:	Various
File Reference:	5136 – Donation and Support Requests – Development Grants
Author:	Bradley Isbister – Executive Manager Community Development
Interest Disclosure:	Nil
Date of Report:	23 May 2016
Attachments:	Development Grant Priority Listing

SUMMARY:

This item seeks Council endorsement of the prioritised list of Development Grant applications (Attachment 1) for the 2016/2017 financial year.

BACKGROUND:

The Community Funding Scheme includes a Development Grant category of funding for large scale projects or services that require substantial or recurrent financial support.

This is the eighth year that grants over \$10,000 and recurrent funding have been formally awarded.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

AF34 Community Funding Scheme provides for three types of grants:

- Quick Grants for amounts under \$500 which are available at any time of the year, dependent on available funding.
- Community Grants Scheme for amounts between \$500 and \$10,000.

- Development Grants for large scale projects seeking upwards of \$10,000 or recurrent funding.

1. Eligibility

- **1.1 *To be eligible for a grant an application must be:*** An amateur sporting group or association
- Incorporated not-for-profit organisation
- Non-Incorporated organisations seeking grant support through an incorporated, not-for-profit organisation (auspicing)
- A cultural group/organisation
- Voluntary services
- Other incorporated associations that are based within the Shire of Derby West Kimberley.

4. Funding Criteria

- 4.1** Events, projects and services that provide a positive social return to the community in the areas of art and culture, education, sport and recreation, youth, seniors, health and welfare, tourism and 'not for profit' business development.
- 4.2** That services are accessible and affordable for the community.
- 4.3** That community cultural activities and services are encouraged to assist in building identity within the Shire.
- 4.4** That the grant money is distributed across a wide range of projects and services to ensure diversity of activities across the Shire and region.
- 4.5** Funds may be provided to community groups and organisations as an in-kind contribution towards venue hire for community events and services.
- 4.6** Projects and services which can demonstrate the involvement of volunteers.
- 4.7** Funds may be allocated for equipment purchase where there is evidence that such equipment is vital to the ongoing viability or the quality of the service/program offered.
- 4.8** Equity – The community should have a fair share of resources and equal opportunity, regardless of socio-economic status, gender, race, age, marital status, religion, political affiliation, social networks or ability.

- 4.9** To ensure disadvantaged groups enjoy equal access and special programs targeting their needs as requested.
- 4.10** Community Development – the performance of the Community Funding Scheme will be informed by Community Development principles and strategic planning.
- 4.11** Recipients must recognise and promote the Shire of Derby West Kimberley’s financial contribution to the event, project or services.
- 4.12** For Community and Development Grants, a detailed business plan may be requested by Council in certain circumstances.
- 4.13** Applicants for Development Grants are required to demonstrate that they have investigated funding opportunities from other funding providers.
- 4.14** In circumstances when grants are auspiced by an incorporated organisation on behalf of a non-incorporated body, the responsibility for ensuring compliance with grant conditions rests with the auspicating body.

In 2011 Council entered into a Memorandum of Understanding (MOU) with Energy Development Limited (EDL) to place funds into a Council Reserve Account. As per the MOU these funds are to be used to nurture community wellbeing in the West Kimberly through support to not-for-profit community groups or activities. Projects need to be consistent with the following principles –

- 5) Support social cohesion, inclusiveness, equal opportunity and the wellbeing of the community.
- 6) Support long-term community development.
- 7) Be genuinely community-driven initiatives.
- 8) Address community needs in the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Camballin and Looma located in the Shires of Broome, Derby West Kimberley, and Halls Creek.

FINANCIAL IMPLICATIONS:

The Reserve account created under the MOU with EDL that is titled *Energy Development Limited West Kimberley Community Donation Account* allows for a maximum draw down limit of \$80,000 per year. The proposed list of supported projects draws on the EDL contribution as well as Council funds.

Attachment one (1) of this report contains a priority listing of services and projects for Council consideration. Formal requests for funding were received and each project assessed by the Community Grants Working Group.

Derby Visitor Centre will receive a recurrent grant of \$40,000, for the second year, from the Council operational budget, of which \$10,000 will be conditional funding towards strategic marketing that collaboratively promotes Derby and Fitzroy Crossing. The Derby Sportsman’s Club have applied for a recurrent grant of \$50,000 to assist with golf course maintenance. Council has allocated an amount from its operational budget in previous years, and it is recommended that Council continue funding through its operational budget. 2016/17 will be the second year of this arrangement.

The Fitzroy Valley Wildlife Rehabilitation, Animal Health, Welfare and Education Project is in its second year of a Development Grant receiving \$5,000 from the Grant account.

STRATEGIC IMPLICATIONS:

By using Council’s stated priorities as listed in Policy AF34 ‘Community Funding Scheme’, we are aligning our Community Grants to Council’s strategic direction.

GOAL	OUTCOME	STRATEGY
1: Community wellbeing: A diverse, caring and safe community providing opportunities for all its people	<p>1.4: An inclusive and participative community</p> <p>1.5: Sport, recreation and leisure opportunities that support community health and well-being</p> <p>1.8: Access to learning, cultural and arts opportunities that support community growth and diversity</p>	<p>1.4.2: Actively promote and assist community groups and clubs</p> <p>1.5.2: Promote sporting, recreation and leisure facilities and programs</p> <p>1.8.4: Promote and support community and cultural events</p>

CONSULTATION:

The 2016/2017 round of Development Grants were promoted through local newspaper advertisements, email broadcasts, the Shire website, reminders in the Shire’s regular news column and community radio announcements.

Community Development Officers and the Aquatic and Recreation Managers fielded queries and gave general advice and support to applicants during the application process.

Council's Community Grants Working Group along with the Chief Executive Officer, Executive Manager Community Development, and Aquatic and Recreation Manager assessed the applications and produced the priority listing.

COMMENT:

Only one Development Grant was received that was from Derby Landcare Group seeking recurrent funding. A number of community groups did enquire but wanted to apply for very large amounts of money. Officers referred them to alternative funding agencies that would better suit their applications such as Kimberley Development Commission Community Chest funding. As this year's pool of funds were limited applicants were encouraged to apply for seed funding under the Community Grant funding round rather than the Development Grant section, helping to explain why only one application was received.

VOTING REQUIREMENT:

Simple majority.

COUNCIL DECISION AND OFFICER RECOMMENDATION:**MINUTE NO. 61/2016****Moved: Cr A Twaddle****Seconded: Cr P McCumstie****That Council:**

- 1) Endorses the attached priority listing (attachment 1) for allocation of Development Grants for projects over \$10,000 and recurrent funding in the 2016/2017 financial year.**
- 2) Subject to budget approval, allocate a total of \$10,000 for the provision of the Development Grants in the 2016/2017 financial year;**
 - Subject to budget approval, allocate \$40,000 of Council operational funds towards Derby Visitor Centre.**
 - Subject to budget approval, allocate \$50,000 from Council operational funds towards Derby Sportsman's Club.**
- 3) Transfer \$10,000 from reserve account, Energy Development Limited West Kimberley Community Donation Account, for the purposes of supporting the Development Grant projects endorsed in attachment 1.**

CARRIED 7/0

16.0 MATTERS BEHIND CLOSED DOORS

Nil

17.0 CLOSURE OF MEETING

The Presiding Member closed the meeting at 6.01pm

<p>These minutes were confirmed at a meeting on</p> <p>.....</p> <p>Signed:</p> <p>Presiding Person at the meeting at which these minutes were confirmed.</p> <p>Date:</p>
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