

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Minutes

12 DECEMBER 2023



DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING
MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 12 DECEMBER 2023 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within these minutes and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record was made of these proceedings to assist in the taking of minutes.

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

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President (via video conference)
Cr M Dear	Councillor
Cr D Hearty	Councillor (via video conference)
Cr B Kyne	Councillor
Cr B Robinson	Councillor
V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
N Ninnette	Acting Director Planning & Community Development
N Bray	Minute Taker

Apology

P Webb Director Infrastructure

Leave of Absence

Cr C McNeil Councillor

3. DECLARATION OF INTEREST

- **Financial Interest** - Nil
- **Impartiality Interest** - Nil
- **Proximity Interest** - Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 28 November 2023

COUNCIL DECISION

Minute Number: 12/12/2023 - 118941

Moved: Cr B Robinson

Seconded: Cr D Hearty

That Council confirms the Minutes of the Ordinary Council Meeting held on 28 November 2023.

Carried: 6/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

Note: The Minutes of the Ordinary Council Meeting held on 28 November 2023 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

29 November 2023 – Meeting East Kimberley Place-Based Partnership - Attended by the CEO, a meeting organized by the Department of Premier and Cabinet to advance place based solutions for “Early Years” development.

29 November 2023 – Meeting Argyle Diamond Mine – East Kimberley Economic Impacts Reference Group - Attended by the CEO, update on Argyle Mine closure progress.

6 December 2023 – Meeting with Department of Communities, Community Services - Meeting with the Kimberley Executive, Renee Gioffre to discuss....., attended by the Shire President via Teams.

7 December 2023 – DFES Volunteer Awards - Attended by the CEO, Shire received an award in recognition of the support the Shire provides to its volunteers.

8 December 2023 – Meeting with Wyndham Work Camp - Attended by the CEO, discussions relating to signing a formal MOU for the supply of labour to assist our outdoor workforce.

8 December 2023 - Alta-1 Graduation and Awards Night - Attended by the Shire President and CEO.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1 EOI01-2324 Celebrity Tree Park - All Abilities Playground

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Minutes and Recommendations from the Kimberley Zone and Kimberley Regional Group Meetings of 23 November 2023

DATE:	12 December 2023
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator, Facilitator and Leader
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Receives and endorses the resolutions of the Kimberley Zone and the Kimberley Regional Group as attached in the meeting minutes of 23 November 2023 for the Kimberley Zone and the Kimberley Regional Group as provided at Attachments 1 and 2 to this report; and**
- 2. Endorses the Shire President Cr David Menzel as the Chair of the Kimberley Regional Group; and**
- 3. Endorses the Shire President Cr David Menzel and the Deputy Shire President Cr Tony Chafer as the Shire delegates to the Kimberley Zone.**

COUNCIL DECISION

Minute Number: 12/12/2023 - 118942

Moved: Cr D Menzel

Seconded: Cr M Dear

That Council:

- 1. Receives and endorses the resolutions of the Kimberley Zone and the Kimberley Regional Group as attached in the meeting minutes of 23 November 2023 for the Kimberley Zone and the Kimberley Regional Group as provided at Attachments 1 and 2 to this report; and**
- 2. Endorses the Shire President Cr David Menzel as the Chair of the Kimberley Regional Group; and**
- 3. Endorses the Shire President Cr David Menzel and the Deputy Shire President Cr Tony Chafer as the Shire delegates to the Kimberley Zone.**

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

This report, presents for Council's endorsement, the Minutes from the last meeting of the Kimberley Zone and Kimberley Regional Group (KRG).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Zone is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated.

The Shire of Wyndham East Kimberley is the Secretariat for both groups and all meetings are held jointly.

The Minutes of the Kimberley Zone are at Attachment 1 and the Minutes of the KRG are at Attachment 2. A copy of the State Council Agenda is at Attachment 3.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The work of the KRG and Kimberley Zone strongly reinforces the strategy of the Shire as that relates to improvements to local and regional programs and policy and for the initiation of major projects that promote economic investment and which maximise community benefit.

The KRG and Kimberley Zone also promote strong collaboration around common issues and strengthen the Shire's ability to advocate around matters of interest to the community.

The primary role of the Kimberley Zone is to consider the motions put up to the State Council.

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A Financial Report was tabled at the meeting and is included in the Minutes of the KRG meeting (Attachment 2) at pages 15 and 17.

COMMUNITY ENGAGEMENT

Nil

COMMENTS

Of note in the KRG minutes is the confirmation of Office Bearers. The Chair and the Deputy Chair are Cr David Menzel and Cr Geoff Haerewa respectively. The meeting resolved that an RFQ would be conducted by the secretariat to retain a suitable consultant to undertake a review of the method of distribution of Commonwealth Financial Assistance Grants and to develop a KRG Community Safety and Crime Prevention Investment Package. The meeting also endorsed a benchmarking process for the KRG. The meeting also approved a new simplified governance structure and a housing advocacy strategy.

For the Kimberley Zone of note is that the Kimberley Zone delegates were confirmed. These being:

- Shire of Broome: Cr Chris Mitchell and Cr Desiree Male
- Shire of Halls Creek: Cr. Malcolm Edwards and Cr Patricia McKay
- Shire of Derby West Kimberley: Cr Peter McCumstie and Cr Geoff Haerewa
- Shire of Wyndham East Kimberley: Cr David Menzel (Chair) and Cr Tony Chafer

The meeting also approved Cr Chris Mitchell as the Zone's delegate to the State Council. With respect to the contents of the matters to be considered at the State Council meeting, the most noteworthy was the WALGA State Budget submission, the details of which are contained in Attachment 3.

The meeting dates for 2024 have been set. The next meeting of the KRG, which will be held jointly with the WALGA Zone, is planned for 16 February 2023.

ATTACHMENTS

Attachment 1 - Minutes Kimberley Zone 23 November 2023

Attachment 2 - Minutes Kimberley Regional Group 23 November 2023

Attachment 3 - State Council Agenda

12.1.2. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 4 December 2023

DATE:	12 December 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - Planning and providing direction through policy and practices Regulator - Undertaking responsibility for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

Cr B Robinson moved that Committee Recommendations 1-7 be considered en-bloc. The motion was seconded by Cr T Chafer.

Decision: 6/0

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “Meeting Dates for the Audit (Finance and Risk) Committee for 2024” endorses:

- The Audit (Finance and Risk) Committee meetings for 2024 are held in accordance with the following dates, times and place:**

Date	Time	Place
Monday, 11 March 2024	5:00 pm	Council Chambers, Kununurra
Monday, 10 June 2024	5:00 pm	Council Chambers, Kununurra
Monday, 9 September 2024	5:00 pm	Council Chambers, Kununurra
Monday, 2 December 2024	5:00 pm	Council Chambers, Kununurra

- That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.**

COUNCIL DECISION

Minute Number: 12/12/2023 - 118943

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.1 *“Meeting Dates for the Audit (Finance and Risk) Committee for 2024”* endorses:

1. The Audit (Finance and Risk) Committee meetings for 2024 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 11 March 2024	5:00 pm	Council Chambers, Kununurra
Monday, 10 June 2024	5:00 pm	Council Chambers, Kununurra
Monday, 9 September 2024	5:00 pm	Council Chambers, Kununurra
Monday, 2 December 2024	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

Carried / Lost: 0 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Audit (Finance and Risk) Committee Terms Of Reference”* adopts the revised Audit (Finance and Risk) Committee Terms of Reference.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118944

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.2 *“Audit (Finance and Risk) Committee Terms Of Reference”* adopts the revised Audit (Finance and Risk) Committee Terms of Reference.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “Standing Item - Rates Debtors” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118945

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.3 “Standing Item - Rates Debtors” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “Standing Item - Sundry Debtors” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118946

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.4 “Standing Item - Sundry Debtors” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Standing Item - Insurance Claims*” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118947

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.5 “*Standing Item - Insurance Claims*” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*Standing Item - Leases*” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 4 December 2023 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118948

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.6 “*Standing Item - Leases*” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 4 December 2023 Audit (Finance and Risk) Committee Meeting.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COMMITTEE RECOMMENDATION 7

That Council, with reference to Item 7.7 “Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118949

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council, with reference to Item 7.7 “Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls” as detailed in the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 4 December 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 4 December 2023.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 4 December 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	12 December 2023
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118950

Moved: Cr B Robinson

Seconded: Cr D Hearty

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

FINANCIAL IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the November 2023 Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register - December 2023

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Annual Report 2022/23

DATE	12 December 2023
AUTHOR	Senior Projects Officer
RESPONSIBLE OFFICER	Nick Kearns, Director Planning and Community Development
FILE NO	CM.13.9
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

The CEO advised the meeting that the while the Administration was ready for the Audit Exit Meeting, it had not taken place. Consequently, there is no signed audit report to include in the Annual Report, therefore, this item could not be dealt with. In order to meet the legislative requirements a Special Council Meeting will need to be called to approve the Annual Report before 31 December.

That Council:

- 1. Accepts the 2022/2023 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.**
- 2. Convenes the Annual General Meeting of Electors to be held on Thursday 1 February 2024 at the Kununurra Council Chambers (commencing at 5pm).**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.**
- 4. Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting and to include those questions in the meeting agenda.**
- 5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.**

COUNCIL DECISION

Minute Number: 12/12/2023 - 118951

Moved: Cr B Robinson

Seconded: Cr D Menzel

That Council:

- 1. Note that Office of the Auditor General did not meet the agreed timeline to enable the report to be considered at the 12 December 2023 Ordinary Council Meeting.**
- 2. Withdraw the motion and defer the decision to a Social Council Meeting.**
- 3. Request the Administration to set a date for the Special Council meeting following Audit Exit Meeting.**

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

For Council to accept the Annual Report for 2022/23 and to set the date for the Annual General Meeting of Electors.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2022/2023 Annual Report has been prepared in line with the *Local Government Act 1995* and includes the Audited Annual Financial Report, which has been certified by the Office of the Auditor General.

STATUTORY IMPLICATIONS

The *Local Government Act 1995 section 5.54(1)* requires the Shire to accept the Annual Report for a financial year no later than 31 December after the end of that financial year. The Shire is required to then hold a meeting of electors (Annual General Meeting of Electors) no later than 56 days after acceptance of the Annual Report (*section 5.27(2)*). If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The *Local Government (Audit) Regulations* are relevant to the report of the auditor which is included in the Annual Report.

The *Local Government Amendment (Auditing) Act 2017* gives the Auditor General the mandate to audit the Shire's Annual Financial Statements and Associated Notes. The Annual Financial Statements and associated notes contained within the Annual Report has been audited by the Auditor General.

POLICY IMPLICATIONS

POL-2002 Strategic Rating

POL-2017 Significant Accounting

POL-3000 Community Engagement

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.1: Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

Strategy 10.1: The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Report annually to Council and community on the activities undertaken.

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Control: Report annually to Council and community on the activities undertaken.

FINANCIAL IMPLICATIONS

A full financial report for the 2022/23 financial year incorporating the Annual Financial Statements and the Auditor General's Independent Auditor's Report is included as a component of the Annual Report.

COMMUNITY ENGAGEMENT

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

- Statutory local public notices in the local paper and notice boards
- A copy of the Report will be made available at Shire facilities and also electronically on the Shire website
- Public meeting (General Meeting of Electors) where community can ask questions and propose motions

COMMENTS

The Annual Report provides a summary of achievement against stated Council actions as well as comprehensive review of its financial performance and is recommended to be accepted by Council. It has also been prepared in line with relevant legislative requirements and the report of the auditor meets the requirements of the *Local Government (Audit) Regulations*.

Council is required to convene the Annual General Meeting of Electors no later than 56 days after the reports acceptance, being no later than 6 February 2024. To allow for statutory notice periods the meeting must be held after 19 December 2024. With 30 January marking the end of the school holidays it is recommended that Council convene the Annual General Meeting of Electors on Thursday 1 February 2024.

ATTACHMENTS

Attachment 1 - Annual Report 2022-23

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report

DATE	12 December 2023
AUTHOR	Manager Finance
RESPONSIBLE OFFICER	Felicity Heading, Director Corporate Services
FILE NO	FM.09.36
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ended 30 November 2023.

COUNCIL DECISION

Minute Number: 12/12/2023 - 118952

Moved: Cr M Dear

Seconded: Cr B Robinson

That Council receives the Monthly Financial Report for the period ended 30 November 2023.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 30 November 2023.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 27 June 2023 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/06/2023 - 118865

That Council, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$50,000 at financial statement level.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision 8/0

The above materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996, Regulation 34.

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

(1A) In this regulation —

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

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

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

(b) budget estimates to the end of the relevant month; and

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

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

(e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

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

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

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

(3) The information in a statement of financial activity must be shown according to nature classification.

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

(a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and

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

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

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

35. Financial position statement required each month

(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the **previous month**) and —

(a) the financial position of the local government as at the last day of the previous financial year; or

(b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

(2) A statement of financial position must be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and

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

[Regulation 35 inserted: SL 2023/106 r. 20.]

POLICY IMPLICATIONS

The Significant Accounting Policies incorporated within the 2023/24 annual budget have been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *POL-3000 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required in relation to this item.

COMMENTS

Changes to the *Local Government (Financial Management) Regulations 1996* effective for the 2023/24 financial year mean the reporting requirements for the Monthly Financial Reports have changed with additional information required to be reported including a Statement of Financial Position (Balance Sheet) and an explanation of Net Current Assets.

Moore Australia has prepared the attached Monthly Financial Report in accordance with the amended regulations.

ATTACHMENTS

Attachment 1 - Monthly Financial Report November 2023

12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	12 December 2023
AUTHOR:	Accountant - Assets, Creditors and Tax
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the lists of accounts paid from the Municipal and Trust funds for November 2023 being:

Municipal EFT 146977 - 147158 (02/11/23 - 30/11/23)	\$ 9,733,164.56
Payroll (01/11/23 - 29/11/23)	\$ 752,774.79
Direct Bank Debits (01/11/23 - 20/11/23)	\$ 17,878.23
Total	\$ 10,503,817.58

COUNCIL DECISION

Minute Number: 12/12/2023 - 118953

Moved: Cr B Robinson

Seconded: Cr B Kyne

That Council receives the lists of accounts paid from the Municipal and Trust funds for November 2023 being:

Municipal EFT 146977 - 147158 (02/11/23 - 30/11/23)	\$ 9,733,164.56
Payroll (01/11/23 - 29/11/23)	\$ 752,774.79
Direct Bank Debits (01/11/23 - 20/11/23)	\$ 17,878.23
Total	\$ 10,503,817.58

Carried / Lost: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

PURPOSE

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet the requirements of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register, which was adopted by Council on 27 September 2022, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996 - Regulation 5. CEO's duties as to financial management (in part)

(1) Efficient systems and procedures are to be established by the CEO of a local government —
(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

Regulation 11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
- (b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(3) Payments made by a local government —

(a) subject to subregulation (4), are not to be made in cash;
and

(b) are to be made in a manner which allows identification of —

- (i) the method of payment; and
- (ii) the authority for the payment; and
- (iii) the identity of the person who authorised the payment.

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

(1) A payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
- (b) otherwise, if the payment is authorised in advance by resolution of the council.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

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

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
- (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;
- and
- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

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

(2) A list prepared under subregulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

[Regulation 13A inserted: SL 2023/106 r. 6.]

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2022-2023 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy *POL-2004 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made, as well as to comply with legislative requirements.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment, and sufficient information to identify the transaction. The list is to be presented to Council at the next Ordinary Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached List of Accounts Paid includes these payments.

ATTACHMENTS

Attachment 1 - List of Accounts Paid November 2023

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute Number: 12/12/2023 - 118954

Moved: Cr D Menzel

Seconded: Cr B Robinson

That Council move-in camera at 5:17 pm to discuss items in 16. Matters Behind Closed Doors.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr C McNeil, Cr B Robinson

Against: Nil

16.1. EOI01-2324 CELEBRITY TREE PARK - ALL ABILITIES PLAYGROUND

DATE	12 December 2023
AUTHOR	Contract Manager Special Projects
RESPONSIBLE OFFICER	Nick Kearns, Director Planning and Community Development
ASSESSMENT NUMBER	A5622
FILE NO	PR.04.10
DISCLOSURE OF INTERESTS	Nil
COUNCIL'S ROLE IN THE MATTER	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Absolute Majority

This item was considered behind closed doors as per the *Local Government Act 1995: Section 5.23 (2)(e)*

5.23. *Meetings generally open to public*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

OFFICER RECOMMENDATION

That Council:

- 1. Accepts;**
 - a. Nature Play Solutions Pty Ltd; and**
 - b. WFBD Pty Ltd T/A Water Features by Design.**

as acceptable tenderers for Expression of Interest EOI 01-23/24 Request for Proposals: Celebrity Tree Park All Abilities Playground – Design and Construct.

- 2. Grants approval for the Chief Executive Officer to undertake a restricted tender process with the acceptable tenderers and make future recommendation to Council for award of a design and construction contract.**

COUNCIL DECISION

Minute Number: 12/12/2023 - 118955

Moved: Cr D Hearty

Seconded: Cr B Kyne

That Council:

- 1. Accepts;**
 - a. Nature Play Solutions Pty Ltd; and**
 - b. WFBD Pty Ltd T/A Water Features by Design.**

as acceptable tenderers for Expression of Interest EOI 01-23/24 Request for Proposals: Celebrity Tree Park All Abilities Playground – Design and Construct.

Grants approval for the Chief Executive Officer to undertake a restricted tender process with the acceptable tenderers and make future recommendation to Council for award of a design and construction contract.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr B Kyne, Cr B Robinson

Against: Nil

COUNCIL DECISION

Minute Number: 12/12/2023 - 118956

Moved: Cr D Menzel

Seconded: Cr D Dear

That Council move-out of camera at 5:25 pm.

Carried: 6 / 0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr C McNeil, Cr B Robinson

Against: Nil

PURPOSE

To consider expressions of interest received for EOI 01 - 23/24 and to shortlist acceptable tenderers for a restricted design and construction tender.

17. CLOSURE

The meeting was declared closed at 5:27 pm