



SHIRE OF WYNDHAM | EAST KIMBERLEY

**AGENDA**  
**ORDINARY COUNCIL**  
**MEETING**

10 December 2019

## **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



**CARL ASKEW**

**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.**

## **C O N T E N T S**

<b>1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>4</b>
<b>2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....</b>	<b>4</b>
<b>3. DECLARATION OF INTEREST .....</b>	<b>4</b>
<b>4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>4</b>
<b>5. PUBLIC QUESTION TIME .....</b>	<b>4</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>7. PETITIONS.....</b>	<b>4</b>
<b>8. CONFIRMATION OF MINUTES .....</b>	<b>4</b>
<b>9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....</b>	<b>4</b>
<b>10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>4</b>
<b>11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>	<b>4</b>
<b>12. REPORTS .....</b>	<b>5</b>
<b>12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL .....</b>	<b>5</b>
<b>12.2. CHIEF EXECUTIVE OFFICER.....</b>	<b>5</b>
<b>12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions .</b>	<b>5</b>
<b>12.2.2. Standing Item - Use of the Common Seal .....</b>	<b>7</b>
<b>12.2.3. Council Representation on the AACG .....</b>	<b>9</b>
<b>12.3. PLANNING AND COMMUNITY DEVELOPMENT .....</b>	<b>13</b>
<b>12.3.1. Youth Update .....</b>	<b>13</b>
<b>12.3.2. Amendment to 2018-19 Annual Report.....</b>	<b>20</b>
<b>12.3.3. Land Transfer Process - 29 O'Donnell Street, Wyndham .....</b>	<b>23</b>
<b>12.3.4. Proposed Lease - Wyndham Child Care Centre .....</b>	<b>26</b>
<b>12.4. CORPORATE SERVICES .....</b>	<b>31</b>
<b>12.4.1. Monthly Financial Report November 2019.....</b>	<b>31</b>
<b>12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund.....</b>	<b>33</b>
<b>12.5. INFRASTRUCTURE .....</b>	<b>36</b>
<b>12.5.1. Funeral Directors Licence - Osiris Funerals.....</b>	<b>36</b>
<b>13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>39</b>
<b>14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>39</b>
<b>15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>39</b>
<b>16. MATTERS BEHIND CLOSED DOORS .....</b>	<b>39</b>
<b>17. CLOSURE .....</b>	<b>39</b>

**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
Kununurra Council Chambers COUNCIL CHAMBERS  
TO BE HELD ON Tuesday 10 December 2019 AT 5:00PM 12:00 AM**

---

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

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

**3. DECLARATION OF INTEREST**

- Financial Interest
- Impartiality Interest
- Proximity Interest

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

NIL

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. PETITIONS**

**8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

<p><b>That Council confirms the Minutes of the Ordinary Council Meeting held on 19 November 2019.</b></p>
-----------------------------------------------------------------------------------------------------------

Note: The Minutes of the Ordinary Council Meeting held on 19 November 2019 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

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

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

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

### 12.2. CHIEF EXECUTIVE OFFICER

#### 12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

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

#### PURPOSE

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

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

#### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

#### STATUTORY IMPLICATIONS

NIL

#### POLICY IMPLICATIONS

NIL

## **FINANCIAL IMPLICATIONS**

Not applicable as referenced in individual reports presented to the Council.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

## **RISK IMPLICATIONS**

NIL

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the November 2019 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 - November 2019

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

## 12.2.2. Standing Item - Use of the Common Seal

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 21 September to 6 December 2019.**

### PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 21 September to 6 December 2019.

### NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

### STATUTORY IMPLICATIONS

*Local Government Act 1995*

#### **9.49A. Execution of documents**

- (1) *A document is duly executed by a local government if —*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 3: Economic Prosperity

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

### **RISK IMPLICATIONS**

NIL

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

There were two documents for the time period of 21 September to 6 December 2019 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
19/11/2019	Assignment of Lease over Reserve 51637, Lot 506 on DP 401069, Casuarina Drive Kununurra – Adjoining Kununurra Lakeside Resort
19/11/2019	Right of Entry Agreement – Relating to assignment of Lease over Reserve 51673, adjoining Kununurra Lakeside Resort

### **ATTACHMENTS**

NIL



### 12.2.3. Council Representation on the AACG

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Senior Governance and Risk Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	GR.03.14
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Absolute Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Note the formation of the East Kimberley Air Access Coordination Group, with administration and secretariat provided by the Kimberley Development Commission (KDC), and**
- 2. Endorse the attendance at the Group of the Shire President Cr David Menzel and the CEO.**

#### **PURPOSE**

For Council to note the formation of the East Kimberley Air Access Coordination Group, with administration and secretariat provided by the Kimberley Development Commission and endorse the attendance of the Shire President Cr David Menzel and the CEO.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Advocator - advocate and support initiatives on behalf of the community and the Kimberley Leader - plan and provide direction through policy and practices

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Further to recent developments in relation to aviation within the East Kimberley and in particular the redevelopment of the East Kimberley Regional Airport, updated Master Plan, priority project to extend the runway and associated infrastructure and the initiative for direct flights to Melbourne, there has been discussion in relation to the formation of an *overarching* Air Access Group for the region with key stakeholders.

The East Kimberley Air Access Coordination Group (AACG) is an initiative formed with the primary objective to improve air access, and sustain existing routes and services within the East Kimberley Region. The groups primary objectives are too:

- a) Identify the risks and liabilities involved in implementing the current Kununurra-Melbourne trial air service.
- b) Manage the risks, liabilities and commercial benefits that flow from the air service trial, referred to in (a) above.
- c) Ensure all necessary supporting activities to support a successful trial, are planned and implemented, up to and during the trial, including funding arrangements beyond.
- d) Ensure that all necessary service demand data that might underpin and support a subsequent business case for the upgrade of the East Kimberley Regional Airport runway is collected, analysed and presented as part of the trial.
- e) Clarify the parameters of a successful continuing service arrangement including but not limited to connecting Kununurra with eastern States centres.

The membership consists of:

- Shire of Wyndham East Kimberley;
- East Kimberley Marketing Group;
- Tourism WA;
- Kimberley Development Commission (Department of Primary Industries and Regional Development); and
- Department of Transport.

The Group is governed by a Terms of Reference (as attached to this report). The Kimberley Development Commission have agreed to act as Secretariat and will be responsible for the organisation of meetings etc. including the agenda and minutes.

It is intended that the AACG will work to deliver the following:

- a) Provide strategic leadership in the development, implementation, operations and sustainability of air access services and strategies.
- b) Provide advice, support and assistance in the implementation of the trial.
- c) Monitor identified and emerging risks and advise on their prevention, mitigation and management.
- d) Recognise barriers and enablers to air services within the East Kimberley region, and assist in developing initiatives to address these.
- e) Identify East Kimberley air services needs.
- f) Monitor the trial's budget and expenditure.

The group will meet as required with minutes circulated to all Members, including Council, for information purposes, or where requiring a decision outside of the scope of the Group.

## **STATUTORY IMPLICATIONS**

### Local Government ACT 1995

#### *5.11. Committee membership, tenure of*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*

- (b) *the person resigns from membership of the committee; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*

*whichever happens first.*

(2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*

- (a) *the term of the person's appointment as a committee member expires;*

*or*

(b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*

- (c) *the committee is disbanded; or*

- (d) *the next ordinary elections day,*

*whichever happens first.*

## **POLICY IMPLICATIONS**

Code of Conduct Council Members, Committee Members and Employees

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 3: Economic Prosperity

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

Strategy 3.1.4: Plan for current and future business and infrastructure land use needs

Goal 3.2: To be business friendly and the Shire of choice for inward investment the Kimberley

Strategy 3.2.1: Market the East Kimberley as the place to live, visit and do business

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.1: Engage and communicate with all sections of the community to better understand the needs and priorities

## **RISK IMPLICATIONS**

**Risk:** Failure to plan and resource a suitable airport facility which meets the long term strategic goals and the region's economic development initiatives.

**Control:** Effective representation through advocacy at a regional, state and national level

**Control:** Review the AACG in accordance with the Terms of Reference Annually to assess the effectiveness of the Group.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The AACG will be chaired by the Shire of Wyndham East Kimberley Council Representative as per the Terms of Reference or by the AACG Deputy Chair in the absence of the AACG Chair. The effectiveness of the group will be reviewed by all parties after 12 months to assess its effectiveness and continuance.

## **ATTACHMENTS**

Attachment 1 - AACG Terms of Reference

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Youth Update

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Acting Manager Community Development
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	CP.09.7
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receive the Youth Update report.**

#### **PURPOSE**

To provide Council with an update on youth matters.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

In early 2018, the Council convened a meeting of representatives of the East Kimberley District Leadership Group (EKDLG) as well as Western Australia Police (WA Police) and the Aboriginal Social Reference Group to discuss the underlying causes and current strategies to support vulnerable youth and address related crime. This arose from a series of incidents of late night break-ins and vandalism occurring within the Kununurra town centre in 2017 attributed to 'street present' children and young people. The meeting covered a range of topics including underlying causes of youth related crime such as family violence; child neglect; substance abuse; mental health; foetal alcohol spectrum disorder (FASD); poor living conditions including overcrowding; and the over-representation of Aboriginal youth in care and in the justice system. The Department of Communities, at that time, reported that while there were a significant number of services working with young people and families to address youth related crime and other social issues, these efforts required improved

coordinated and communicated. Organisations delivering youth services also acknowledged the mismatch between client needs and service delivery models; limited or duplicative investment of resources and funding; limited evaluation and information sharing; and missed opportunities for meaningful intervention.

Addressing the service system failures associated with youth has, since that time, become a key focus of the EKDLG. To this end, the group initiated a collective impact project which led to the establishment of the Kununurra Empowering Youth (KEY), to develop and implement a coordinated school holiday program. A priority working group was also established, being the Children and Young People Priority Working Group, which meets monthly and deals specifically with youth related issues and is chaired by WA Police. This group also supported Kununurra Waringarri Aboriginal Corporation's (KWAC) Integrated Youth Partnership Model, involving the engagement of a Youth Partnership Facilitator (YPF), which this organisation now jointly funds and supports.

The following is a summary of the Shire's involvement in directly supporting youth initiatives in Kununurra and Wyndham.

#### Integrated Youth Partnership Model (KWAC)

The Shire has been working closely with KWAC since early 2018, along with key stakeholders (Police, Youth Justice, East Kimberley Chamber of Commerce and Industry and MG Corporation) and funding bodies to support the development of the new Integrated Youth Partnership Model to directly address and reduce street present children and young people in Kununurra. To this end, the YPF is working closely with the Department of Justice and WA Police to develop plans for individual youth at risk, both during school hours and after. The YPF links these plans to other programs targeting at risk youth and families, including One Family at a Time (OFAT) and liaises regularly with Department of Communities - Child Protection. KWAC and the YPF are also liaising with Binarri-binyja Yarrowoo Aboriginal Corporation (BBY) with respect to data sharing and the KEY (Kununurra Empowering Youth) School Holiday program with BBY providing assistance with data capture.

With the intention of decreasing street presence, the YPF coordinates on a weekly basis a multi-agency meeting regarding 'at risk' / 'street present' youth, as well as youth returning from Banksia Hill. For the youth that are not attending school and who are disengaged with the education system, two programs are run. The Wednesday Bush Trips and Study time – 7-9 indigenous boys aged between 10-17 years are currently participating and the Friday Girls trips – 4-5 indigenous girls aged between 14-17 years currently participating. Case Management includes multi agencies such as Jasmine Lane, Aboriginal Student Hostel, Juvenile Justice, WA Police and Department of Communities. The YPF also assists community members asking for the best contacts for support and assistance. KWAC youth staff also have a referral capacity.

The KEY program is continuing with some success and its coordination has now transferred to the YPF. The main focus of KEY is to develop or ensure that there are school holiday programs; that there are activities after school; that there are activities during school hours for those who are disengaged from the education system, and to provide case management.

The December school holiday period has historically been a difficult time for youth service providers to deliver diversionary programs. Capacity is an issue in both Kununurra and Wyndham as most agencies have staff that wish to take an extended leave and spend the Christmas period with family. However, the KEY group has drafted a comprehensive program from December 18 through to January 5. It is likely that there will be additional programs beyond January 5 however this was not available at the time of writing this report. A copy of the current KEY program is attached.

A youth committee chaired by a young Aboriginal man has also been developed. This committee meets on a regular basis and presents their ideas and feedback to the KWAC board for support and implementation. The YPF also shares this information at the regular KEY meetings which Shire Officers attend also.

A major concern at the moment is the lack of 'off-campus alternative education programs' in Kununurra and a lack of safe housing for youth at night, and both these are being investigated by KWAC in conjunction with the EKDLG priority working group.

#### Wyndham Youth Aboriginal Corporation (WYAC)

WYAC are running a number of targeted (youth at risk) programs as well as case management. They have recently received a grant to develop an intensive case management program for indigenous 8-18 years, which will support the program work being undertaken at a new location and complementing activities run out of the Ted Birch Centre and have engaged a coordinator to set up the program. In addition, they have also recently engaged a sport and recreation coordinator to support the delivery of recreation centre based programs along with externally delivered youth/sport programs.

WYAC work close with WA Police and schools to develop new youth programs, including Blue Light Disco's and the recent Street Murals project. They are also discussing implementation of placed based projects and initiatives arising from the recently released Kimberley Juvenile Justice Strategy.

In addition, the Wyndham (Shire) Youth Officer in conjunction with the WYAC staff has developed a program for this term. The program plans for activities to take place each school day from 2pm – 5pm, except on Mondays and extends to 8pm to allow for a basketball competition. Activities are also proposed at the Wyndham Pool. Whilst the programs are coordinated by either the Shire or WYAC staff they work together in the delivery, along with multiple other agencies and WA Police. This coordinated approach to youth service delivery has resulted in a diverse range of programs and activities being offered to the Wyndham community including:

1. School Holiday Programs;
2. Basketball competition;
3. Aussie Hoops Basketball Kimberley Program;
4. Family fun days/ nights;
5. Bronze medallion program at the Wyndham Swimming Pool;
6. Wyndham Swimming Pool fun days; and
7. Youth Leadership Group.

Other activities include, arts projects, assistance with school based programs, cooking project, movie days/nights and unstructured play. At the recent Youth Awards, WYAC took out the "Life without Barriers Organisational Achievement Award".

It is believed that the provision of recreation and diversionary activities along with targeted programs is assisting in the reduction of the overall level of risk for young people in Wyndham.

SWEK and WYAC are continuing programs at the Ted Birch Youth and Recreation Centre until December 19. The Centre will reopen on 2 January and offer unstructured recreational programs and chill out space. Staffing capacity is currently an issue with the WYAC Program Coordinator position being vacant from December but there is potential to access funding to employ an additional Recreation Officer under the Department of Justice's Kimberley Juvenile Justice Strategy, which is capped at \$100,000.

#### Save the Children

In addition to school holiday programs, Save the Children (SAVE) run after school activities at the Kununurra Youth Hub as well as providing activities involving families on a regular basis. It appears that the majority of their participants are aged 9-14years. KWAC, under an MoU with SAVE, currently run programs from the Hub on a Thursday night to 10pm and on Friday and Saturday night to midnight. During these times the Hub is open to age groups 9-17 years with predominantly boys 10-13 years attending regularly. They are all indigenous and on some nights there are 12 youth and on other nights there are 40 coming and going.

#### East Kimberley Chamber of Commerce and Industry

The East Kimberley Chamber of Commerce and Industry (EKCCI) is current hosting free community barbeques at Kununurra Town Oval which are linked to a 'Rewards for Good Behaviour Program' where youth register to reduce crime and are rewarded for their good behaviour. This is a continuation of similar programs the EKCCI have run, although this time the 'reward' is McDonald's hamburgers supplied free by McDonalds in Broome and flown for free by Airnorth. The Shire is assisting the Chamber by ensuring lights are available and the oval booked and coordinated with other users of the facility. The initiative is also linked to the KEY program.



## Police and Community Youth Centres (PCYC)

A new entrant to the youth space in Kununurra has been PCYC, which was reported to Council's August 2019 Ordinary Meeting, where Council agreed to use of the Shire's former administrative building in Coolibah Drive to establish their new base. Since then, a new Centre Manager has been appointed and the service is now investigating proposals to refurbish all or part of the former Shire administrative building, which will involve some internal and external upgrades to provide program space, classrooms, offices and amenities, with the intention of being operational early next year. The Shire is also assisting the new Centre Manager to find office accommodation/workspace prior to the refurbishment works being completed.

### **STATUTORY IMPLICATIONS**

Shire responsibilities are legislated under the *Local Government Act 1995*. Within the Act, there is no specific mention of addressing youth issues. Responsibility for providing community services is within Section 3.18 of the Act which states:

*(2) In performing its executive functions, a local government may provide services and facilities.*

*(3) A local government is to satisfy itself that the services and facilities that it provides –*

*(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*

*(b) do not duplicate, to an extent that the local government deems inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*

*(c) Are managed efficiently and effectively.*

The Shire's actions with regard to youth issues are directed through policy and planning, in particular through the integrated planning and reporting framework including the Strategic Community Plan 2017-2027, Corporate Business Plan 2018-2022 and the Kimberley Regional Group Strategic Framework for Young People (Feb 2016).

### **POLICY IMPLICATIONS**

The purpose of CP/COM-3580 Community Development Policy is to implement a community development approach which "empowers and strengthens the community, encourages collaborative approaches and celebrates the diversity of our community."

A key element of the policy statement is to "collaborate with other agencies, organisations and groups promoting partnership approaches to service delivery."

The partnership approach and support that the Shire provides accords with this policy.

## **FINANCIAL IMPLICATIONS**

Annual allocations are included in the 2018/19 Shire budget to implement Corporate Business Plan (CBP) action #347 & #349 which enables the continued support of the Wyndham Youth Aboriginal Corporation (WYAC) and the Kununurra Waringarri Aboriginal Corporation (KWAC).

An allocation of \$75,000 has been included in the 2018/19 Shire budget to implement Corporate Business Plan (CBP) action #347 to support the development of a youth strategy and provide a coordinated approach to reducing street present children. Otherwise, the Shire part funds the Wyndham Youth Officer to support WYAC.

Other support is provided by virtue of waiving hire fees and users charges associated with program activity aimed at youth diversionary activities. The Shire also provides personnel from its leisure and recreation area where it can.

## **STRATEGIC IMPLICATIONS**

### *Strategic Community Plan 2017-2027*

#### Focus Area 1: Healthy vibrant active communities

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 1.3: Promote quality education, health, childcare, aged care and youth services

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

Strategy 1.1.4: Work with partners to inspire young people to become engaged in their families, schools and communities

Strategy 1.1.1: Create a unified community that incorporates the needs of all cultures and generations

Strategy 1.2.2: Develop partnerships to support and maximise participation in a range of activities and promote the benefits of healthy lifestyles

Strategy 1.2.3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

Strategy 1.3.1: Advocate to State and Federal governments for improved human services (health, housing, disability access, aged care, child/youth welfare and family support) to meet current and future needs

Strategy 1.3.4: Support the development of a broader range of educational opportunities, including alternative education pathways for youth

Strategy 2.3.1: Lead an interagency approach to address community safety concerns including crime reduction planning and programs

## *Corporate Business Plan*

CBP Action: #347 Provide youth friendly environments that actively engage and improve outcomes for young people  
#349 Manage and promote youth services and program delivery.

### **RISK IMPLICATIONS**

**Risk:** The Shire faces a reputational risk if the needs of the children and youth demographic are not appropriately considered with respect to service delivery as well as those of the whole community in regards to safety and crime prevention.

**Control:** The Shire continues to actively participate in the implementation of the Integrated Youth Partnership Model by supporting KWAC through the continued engagement of the Youth Partnership Facilitator, and the continued support of WYAC through the Wyndham Youth Officer, as well as to support new initiatives where it can.

### **COMMUNITY ENGAGEMENT**

Whilst the Shire has not sought a wide community input for this item, there has been considerable regular engagement with youth agencies and stakeholders in the matters of youth.

### **COMMENTS**

The current approaches in Kununurra and Wyndham are having some positive impact on addressing vulnerable youth and related crime and this is being reported by WA Police. The effort is reinforced by a collective response from the community and not-for-profit organisations; WA Police and the Department of Justice and by business and each has demonstrated a willingness to try new initiatives and to work together.

It is considered that the Shire should continue to support these organisations to improve service delivery as that relates to youth and better focus all available resources (and funding); share information, and identify new initiatives and programs. Additionally, Officers will continue to participate and contribute to strategy at the regional level through the East Kimberley District Leadership Group and the Children and Young People Priority Working Group and, of course, to provide all practical and logistical support to KWAC, WYAC, Save the Children, WA Police, PCYC, Department of Justice and the East Kimberley Chamber of Commerce and Industry.

Officers will work with youth service providers to further identify service gaps such as for alternative education opportunities and to engage better with families.

### **ATTACHMENTS**

1. KEY 2019 Christmas Holiday Program

### 12.3.2. Amendment to 2018-19 Annual Report

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director of Planning and Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	CM.13.12
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Absolute Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the amended 2018 - 2019 Annual Report (including the Annual Financial Statements and Associated Notes) as attached.**

#### **PURPOSE**

For Council to endorse some minor amendments to the Shire 2018-19 Annual Report as discussed at the recent Council briefing.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Facilitator - bring stakeholders together

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council received the 2018-19 Annual Report at its November Ordinary Meeting. Some minor changes to the document previously flagged by Councillors had however not been made to the document, being to remove the 'summary' reference to recorded crime statistics on page 22 of the document and the associated text on page 26. These changes reflect a concern that WA Police crime reporting is a poor indicator of town safety and is difficult for the Shire to influence.

The figures with respect to crime reporting were initially included as they had been nominated in the Shire's Strategic Community Plan as a 'measure'. The goal that they are linked to, however, is much broader in its intent with an emphasis on supporting a multi-agency and more focused approach to addressing crime and antisocial behavior in our towns. In line with this, the summary crime reporting statistics have been removed and the

text updated as shown in the attachment to this report. Nevertheless, the change is minor in nature and does not materially change the document.

### **STATUTORY IMPLICATIONS**

The Annual Report is referenced in Sections 5.53 and 5.54 of the *Local Government Act 1995*.

### **POLICY IMPLICATIONS**

CP COM-3100 - Community Engagement Policy is relevant to the exhibition of the Annual Report.

### **FINANCIAL IMPLICATIONS**

NIL

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.1: Lead an interagency approach to address community safety concerns including addressing crime reduction planning and programs

### **RISK IMPLICATIONS**

**Risk:** Strategic - failure to comply with legislative requirements leading to damage to reputation and/or financial loss

**Control:** Undertake independent Annual Financial Audit

### **COMMUNITY ENGAGEMENT**

Engagement has already commenced with respect to the document.

### **COMMENTS**

The minor change is considered appropriate given the overriding imperative attached to the goal relating to Town Safety, which is to position the organisation to lead and support an interagency approach to what are complex issues around crime and antisocial behaviour, particularly as it relates to youth. Crime reporting statistics on their own are a poor measure of overall safety and can be greatly influenced by changes in reporting procedures by WA Police. In any case, not all measures within the Strategic Community Plan are reported against in the Annual Report as this document is fundamentally a measure of "Council/Shire" performance during the financial year.

## **ATTACHMENTS**

Attachment 1 - Updated Annual Report 2018-19

### 12.3.3. Land Transfer Process - 29 O'Donnell Street, Wyndham

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A5262P
<b>FILE NO:</b>	A5262P
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council**

- 1. agrees to proceed with the transfer to the Shire of Lot 2 on Deposited Plan 144222 (29) O'Donnell Street, Wyndham and**
- 2. authorises Shire Officers to undertake the necessary requirements to facilitate the Transfer of Land.**

#### **PURPOSE**

For Council to consider the preparation of relevant Transfer of Land and survey documents for the Shire to acquire Lot 2 on Deposited Plan 144222 (29) O'Donnell Street, Wyndham.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Officers have been in discussion with RSL WA for the purpose of transferring land at 29 O'Donnell Street, Wyndham into Shire ownership for the purpose of maintaining the (RSL) Memorial Park and for eventually improving the land for open space.

A copy of the Shire's proposal, submitted to RSL WA is at Attachment 1.

In the initial phase, Officers will determine any works required to upgrade the current memorial fixtures, undertake a survey and then develop a staged plan for the land's improvement, which will eventually provide a link path between O'Donnell Street to Foreshore Road, immediately opposite the Wyndham boat ramp. More complex proposals

will then be prepared to upgrade the entire site, which would be staged and which would be undertaken over a number of years with completion preferably timed to coincide with major works and upgrades to the boat ramp. RSL WA are mindful of the Shire's budgetary constraints.

RSL WA have reviewed this proposal and have indicated their agreement, which is at Attachment 2.

### **STATUTORY IMPLICATIONS**

#### Arrangement around use of the site:

An informal agreement to be arranged with the RSL, whereby the RSL may continue to use the property and, once established, may store goods and materials in the new (alternative) storage building. It is recommended the agreement will require the RSL to complete a Shire Booking Form for events planned at the site, to allow relevant Shire Officers to ensure the property is in best condition for these events (ie. lawn mown, site cleaned, reticulation is turned off or reset).

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

#### Transfer Fees:

Costs associated with the Transfer of Land will be just over \$3,000. These costs will cover costs including but not limited to preparing the offer and acceptance contract, transfer documentation, including verification of identity, stamping, property enquiry searches, arranging and attending to settlement.

#### Survey Fees:

Survey fees will be in the vicinity of \$2,000.

#### Future development

Additional development/upgrade of the site would be planned for and would be subject to Shire budget and available external funding.

### **STRATEGIC IMPLICATIONS**

The proposal to upgrade the site and construct a public access through the land was identified as an action in the Anthon's Landing Landscape Report and Concept which was prepared by the Shire in 2012.

### **RISK IMPLICATIONS**

**Risk:** Strategic Risk 6: Compliance and Liability

**Control:** Failure to comply with legislative and other requirements



## **COMMUNITY ENGAGEMENT**

Shire Officers plan to engage with the occupant of the building on site to determine an alternative storage area prior to initiating any work which would see this building demolished. Officers would also engage with residents in the vicinity and to other interested parties in working up any (staged) plans for future development.

## **COMMENTS**

The proposal and subsequent plans would be designed to complement any future proposed upgrades to the foreshore area and could be staged to allow concurrent refurbishment/improvements to Bessie Wiley Reserve (located at 17 O'Donnell Street), generally in line with the approved landscape concept for the area. Otherwise, in the interim, the Shire will maintain and improve where it can, the memorial fixtures and accessibility.

Limited external funding is available although the Shire may be able to access funding under the Saluting Their Service Commemorations Program which is capped at \$4,000. This would be only to make improvements to the memorial and artillery. Otherwise, any additional works and improvements will need to be considered in future budgets.

There are, it is considered, some benefits to the community, being to:

- Preserve and enhance the history of the RSL and the RSL Memorial Park, and associated monuments and artillery, within the Wyndham Port area.
- Maintaining a historic link within the Wyndham Port area and the established heritage trail.
- Allow in the future for the establishment of a permanent open space link, with fully accessible footpath, between O'Donnell Street and Foreshore Road and which is in line with the Shire's previous intention to construct a link path at this location.
- Allow for the establishment of a (disability access) compliant ablution facility for the community, which is directly opposite the boat ramp and within close walking distance of Anthon's Landing.
- Allow for the establishment/refurbishment of parking bays, including disabled parking bay/s.
- Involve the community throughout the various stages of the project.

## **ATTACHMENTS**

Attachment 1 - Submission to RSL WA

Attachment 2 - Letter from RSL WA

### 12.3.4. Proposed Lease - Wyndham Child Care Centre

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A2199P
<b>FILE NO:</b>	CP.07.19
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

##### **That Council:**

- 1. Offers LM Hill, trading as Wyndham Child Care Centre, a new three (3) year lease, plus a two (2) year option, for the lease of the Wyndham Childcare Facility at Lot 200 (44) Koolama Street, Wyndham, effective from 21 March 2020 and consistent with the existing lease, subject to the consent of the Minister for Lands.**
- 2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with LM Hill.**

#### **PURPOSE**

For Council to consider offering a new lease to LM Hill, trading as Wyndham Child Care Centre, to facilitate the continued provision of childcare services in Wyndham.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Funder - provide funds or other resources

Provider - provide physical infrastructure and essential services

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire operated the Wyndham Child Care Centre for a number of years. This service was operated at a significant cost to Council, and due to this cost, in 2014 Council resolved to cease funding the direct provision of this service from 1 January 2015.

Shire Officers explored a number of options and child care models to ensure that there was a service provided in Wyndham following 1 January 2015, which resulted in a lease being

provided to One Tree Community Services (One Tree) which commenced a long day care services in April 2015.

In September 2015, the Shire received correspondence from One Tree seeking approval to change from long day care to an in-venue care services as the long day care model was not viable. Approval was given, resulting in One Tree ceasing the provision of long day care on 8 April 2016 with the intent to reopen under an in-venue care model. Despite working towards this, One Tree were not able to open and the service remained closed.

In May 2016, Officers were approached by Lynette Hill who expressed an interest in taking over the lease for the child care centre. Assignment of the existing lease to a private enterprise was not possible however this enquiry resulted in Lynette Hill subleasing the childcare centre from One Tree, with the new services opening on 11 October 2016.

On 3 October 2016 One Tree advised that they would be executing their right to terminate the head lease from 20 March 2017. While the lease terms allowed cancellation with three months notice, One Tree provided 6 months notice allowing the Shire to formalise alternative arrangements for the provision of child care services.

Due to the variety of possible options for the provision of child care services, a public request for proposal was conducted for the provision of child care services in Wyndham, to include the lease of the Wyndham Child Care facility.

Only one submission was received, being a proposal from Lynette Hill, which was considered at the Ordinary Council Meeting held on 20 December 2016, and resolved as follows:

### **COUNCIL DECISION**

**Minute No: 20/12/2016 - 11564**

**Commissioner resolved:**

***That Council authorise the Chief Executive Officer to offer Lynette Hill a Lease for the Wyndham Childcare Centre, 44 Koolama St, Wyndham, for a period of three years, with terms as listed within the proposal received, subject to the Minister of Lands consent.***

**Carried 1/0**

A lease was prepared in accordance with the December 2016 resolution, however two leases ended up being executed, as the Wyndham Childcare facility was constructed over two lots (Lots 826 and 827 Koolama Street), with Lot 826 being owned by the Shire in freehold and Lot 826 being reserved for the purpose of 'Day Care Centre' with Management Order held by the Shire.

Due to the different land tenure, two associated leases were entered into, one over each lot, commencing as 21 March 2017, which are now due to expire on the 20 March 2020. These leases are provided at Attachment 1 and 2 respectively.

The current service provided has verbally advised that they wish to continue to provide child care services in Wyndham on the same terms.

## **STATUTORY IMPLICATIONS**

### **Land Administration Act 1997**

Since the current leases were entered into, the Shire has finalised a land swap to convert freehold Lot 826 to Crown reserve, and acquire another property (Lot 828 Koolama Street) in freehold. Lots 826 and Lot 827 have now been amalgamated to create Lot 200 on Deposited Plan 408831 which now forms Reserve 28976.

Reserve 28976 is reserved under the *Land Administration Act 1997* (LAA) for the purpose of 'Day Care Centre'. The Shire holds the management order for the reserve with power to lease for a maximum of 21 years, subject to consent from the Minister for Lands.

### **Local Government Act 1995**

Under section 3.58 of the *Local Government Act 1995* (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the Act, which states that a local government can only dispose of property via the following methods:

- To the highest bidder at public auction; or
- To the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
- By first giving local public notice (2 weeks) of a proposed disposition, and considering any submissions made.

However, under sub-section 5, it is outlined that this section does not apply to —  
*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law.*

Previous advice provided by the Department of Local Government and Communities (now the Department of Local Government, Sport and Cultural Industries) was that it was the Department's opinion that this provision (sub-clause 5) could be relevant as the Shire is providing a daycare centre as per the management order which could be considered as the performance of a function that the Shire has under a written law, and that the Shire would also be providing the facility for a fee, if hired, or otherwise through a lease agreement.

## **POLICY IMPLICATIONS**

Given the need for the provision of the service and the previous difficulties the Shire had both in providing the services and engaging a not for profit organisation to provide the services, it was considered warranted that the lease was not able to be consistent with the

terms outlined in Council's Commercial Leasing Policy CP/PMG Leasing of Council Managed Owned Land - Commercial.

### **FINANCIAL IMPLICATIONS**

The terms of the current lease, whilst consistent with Councils' CP/PMG Leasing of Council Managed Owned Land - Commercial, are more favourable financially than past arrangements including both the Shire's previous operation of the service, and the lease to One Tree. These terms include:

- A lease fee of \$1 plus a Sales Revenue Proportion of 1% of revenue up to \$1200 per annum.
- Payment of rates (previously exempt)

The Shire has budgeted \$3,550 for the annual maintenance of the building and grounds which may be required as Lessor, however all other maintenance costs, insurance, service charges are paid by the Lessee.

In conjunction with the lease of the child care facility, the Shire also leases a residential unit at market value to the current service provider to house a childcare worker. The current service provider has stated their intention to continue with this residential lease.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

Focus Area 3: Economic Prosperity

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Goal 3.3: Develop and retain skilled people that business need to succeed

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

Strategy 3.3.4: Encourage people to stay longer in the Shire by advocating and supporting improved access to childcare and education

*Corporate Business Plan*

CBP Action: #336 Support the growth of childcare services to meet demand.

### **RISK IMPLICATIONS**

**Risk:** Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

**Control:** Encourage and enable individuals or organisations to provide services to meet the needs and expectations of the community, when the Shire cannot.

## **COMMUNITY ENGAGEMENT**

The Shire previously called for proposals from service providers to provide child care services in Wyndham, and only received one submission.

If the Shire wishes to offer a new lease to the current service providers, previous advice provided by the Department of Local Government, Sport and Cultural Industries is that it may be considered as a performance of a function that the Shire has under a written law, and will not require the Shire to give local public notice of the disposition.

## **COMMENTS**

Historically, the operation of a child care service in Wyndham was provided at a significant cost to the Shire, and a not for profit organisation has also been unable to provide a viable service.

Although the terms of the current lease are not consistent with the terms outlined in Council's Commercial Leasing Policy CP/PMG Leasing of Council Managed Owned Land - Commercial, this is considered warranted to ensure that a child care service can continue to be provided in Wyndham.

The ongoing provision of this service by the current provider is still more favourable financially than past arrangements, and at minimal cost to the Shire.

It is recommended that the Council resolve to offer a new lease for a term of 3 years with a further option of 2 years to the current service provider, on the same terms as the current lease(s).

## **ATTACHMENTS**

Attachment 1 - Lease of Wyndham Childcare Centre - Lot 826 (44) Koolama Street, Wyndham

Attachment 2 - Lease of Wyndham Childcare Centre - Lot 827 (46) Koolama Street, Wyndham

## 12.4. CORPORATE SERVICES

### 12.4.1. Monthly Financial Report November 2019

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Coordinator Financial Operations
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the Monthly Financial Report for the period ended 30 November 2019.**

#### **PURPOSE**

For Council to receive the Monthly Financial Report for the period ended 30 November 2019.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

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

At the 25 June 2019 Ordinary Council Meeting, the Council resolved the following:

#### ***COUNCIL DECISION***

***Minute Number: 25/06/2019-118046***

***Moved: Cr G Lodge***

***Seconded: Cr J Farquhar***

***That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.***

***Carried 9/0***

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

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

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

### **POLICY IMPLICATIONS**

*CP/FIN-3201 Significant Accounting Policies* has 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 the Council with the ability to oversee the Shire's financial performance against budgeted targets.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

### **RISK IMPLICATIONS**

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

**Control:** Annual audit performed.

### **COMMUNITY ENGAGEMENT**

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

No community engagement is required.

### **COMMENTS**

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

### **ATTACHMENTS**

Attachment 1 - Monthly Financial Report for the period ended 30 November 2019



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

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

<b>That Council receives the listing of accounts paid from the Municipal and Trust funds, being:</b>		
<b>Municipal EFT 136477 - 136698 (07/11/2019 - 29/11/2019)</b>	<b>\$</b>	<b>1,614,377.42</b>
<b>Municipal Cheques 51981 - 51984 (21/11/2019)</b>	<b>\$</b>	<b>436.60</b>
<b>Trust Cheques 1244 - 1245 (13/11/2019)</b>	<b>\$</b>	<b>850.00</b>
<b>Trust EFT 501911 - 501928 (31/10/2019 - 27/11/2019)</b>	<b>\$</b>	<b>18,615.80</b>
<b>Payroll - (06/11/2019 - 20/11/2019)</b>	<b>\$</b>	<b>507,251.97</b>
<b>Direct bank debits (01/11/2019 - 21/10/2019)</b>	<b>\$</b>	<b>115,130.18</b>
<b>Total</b>	<b>\$</b>	<b>2,256,661.97</b>

### PURPOSE

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

### NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2019/20 which was adopted by Council on 27 August 2019, the Council has delegated to the CEO the exercise of its power under

Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995* – Section 5.42

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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 2019/20 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.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire’s financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

### **RISK IMPLICATIONS**

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

**Controls:** Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

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

to be presented to the Council at the next Ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

**ATTACHMENTS**

Attachment 1 - List of Accounts Paid November 2019

## 12.5. INFRASTRUCTURE

### 12.5.1. Funeral Directors Licence - Osiris Funerals

<b>DATE:</b>	10 December 2019
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2019 to 30 June 2020 in accordance with the Cemeteries Act 1986.**

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Derby and Broome Funeral Services have applied for the annual renewal of their Funeral Director's licence to conduct funerals within the Shire.

#### **STATUTORY IMPLICATIONS**

Cemeteries Act 1986.

*Division 3 - Licensing of funeral directors.*

#### 16. *Licences*

*A funeral director's licence:*

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner suspended or cancelled; and*
- (c) is not transferable.*

### 17. Applications for licences

- (1) *An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) *An applicant who satisfies the Board that the applicant:*
  - (a) *is of good repute and is fit to hold a funeral director's licence; and*
  - (b) *has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

Funeral Directors Licences are issued on an annual (financial year) basis. The annual fee is \$355.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

Jayden Cornish is the Director/ Manager of Osiris Funerals, although this business is new to operating in the Kimberley, it has long established routes through taking over from his father Paul Cornish who operated Derby and Broome Funeral Services for over 26 years.

Osiris Funerals are one of three listed services for the Kimberley and have established working relationships with relevant parties such as the Kununurra morgue to provide a complete service. The application is recommended for approval.

## **ATTACHMENTS**

Attachment 1 - Funeral Director's Licence Annual Renewal - Osiris Funerals

Attachment 2 - Letter of Reputation and Resources

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

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

**16. MATTERS BEHIND CLOSED DOORS**

**17. CLOSURE**