

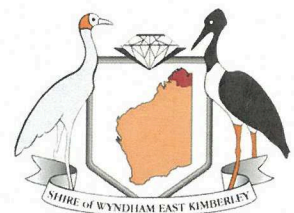
I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

*David Meisel*

Shire President

*23/11/2021*

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES  
ORDINARY COUNCIL  
MEETING

26 OCTOBER 2021

## **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.**

<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>5</b>
<b>4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>5</b>
<b>5. PUBLIC QUESTION TIME .....</b>	<b>5</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>7</b>
<b>7. PETITIONS.....</b>	<b>7</b>
<b>8. CONFIRMATION OF MINUTES .....</b>	<b>7</b>
<b>9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....</b>	<b>8</b>
<b>10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>9</b>
<b>11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>	<b>9</b>
<b>12. REPORTS .....</b>	<b>9</b>
<b>12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL .....</b>	<b>9</b>
<b>12.2. CHIEF EXECUTIVE OFFICER.....</b>	<b>10</b>
<b>12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions</b>	<b>10</b>
<b>12.2.2. Standing Item - Use of the Common Seal.....</b>	<b>12</b>
<b>12.2.3. 2022 Ordinary Council Meeting Dates.....</b>	<b>15</b>
<b>12.2.4. Councillor Committee Representation.....</b>	<b>21</b>
<b>12.3. PLANNING AND COMMUNITY DEVELOPMENT .....</b>	<b>39</b>
<b>12.3.1. Local Planning Scheme 9 - Proposed Omnibus Amendment .....</b>	<b>39</b>
<b>12.3.2. Alcohol Management Policy .....</b>	<b>44</b>
<b>12.3.3. University of Notre Dame Student Housing.....</b>	<b>49</b>
<b>12.4. CORPORATE SERVICES .....</b>	<b>53</b>
<b>12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund.....</b>	<b>53</b>
<b>12.5. INFRASTRUCTURE .....</b>	<b>56</b>
<b>13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>56</b>
<b>14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>56</b>
<b>15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>56</b>
<b>16. MATTERS BEHIND CLOSED DOORS .....</b>	<b>56</b>
<b>17. CLOSURE .....</b>	<b>56</b>

**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 26 OCTOBER 2021 AT 5:00PM**

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

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.

The Shire President declared the Meeting open at 5:01pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr D Hearty	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
N Kearns	Director Planning and Community Development
F Heading	Director Corporate Services
S Maitland	Minute Taker
S Rushby	Resident
M Northover	Resident
M Heath	Visitor
Apologies	S Dyson, Director Infrastructure

### 3. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Councillor/Staff	Item	Title	Description of interest
Cr C McNeil	12.3.1	Local Planning Scheme 9 – Proposed Omnibus Amendment	Provision of contract labour services to M&M Gray (Directors of Ord Capital Pty Ltd)

- **Proximity Interest**

Councillor/Staff	Item	Title	Description of interest
Cr D Hearty	12.3.3	University of Notre Dame Student Housing	Land in question across road from residence.

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

Nil

### 5. PUBLIC QUESTION TIME

#### i. Question from Glenn Taylor of 2/60 Coolibah Drive Kununurra

The Lake Argyle Swim Committee kindly requests an update on the new Kununurra 50m Pool planning and progress.

We specifically wish to enquire if the existing pool can be de-commissioned on the first Saturday in May and the new pool be operational by 1st October of the same calendar year?

If that is not possible, what alternative public swim training options will be put into place over the "build-up" and "wet-season" (October to May)?

*Response: Provided by Nick Kearns, Director Planning & Community Development:*

*There are no plans to decommission any of the existing aquatics (main (25m) pool, adventure pool and toddlers' pools) prior to 1 May 2022. Procurement for the replacement of the leisure centre aquatic features will only commence once a funding agreement is prepared and finalised with the State Government.*

*Officers will not know the timeframe for construction until the procurement is finalised and in the meantime are investigating options to accommodate regular users of the facility (for public swimming training options) that will be inconvenienced in the construction period.*

**ii. Question from Philip Wainright of Lot 102 Weaber Plain Road Kununurra**

Why is the Shire supporting poor science, disregarding the 1901 Commonwealth Constitution of Australia, supporting removal of individual freedoms and supporting entrapment, supporting unlawful fascist governments, ignoring salt levels in the valley, using poisons and supporting poor agricultural practices, supporting unlawful Acts (statutes) that provide social division, supporting poor health, and encouraging ignorance and stupidity among the region's population, and not providing anything other than a economic model upon which the basic morals, values and mores of the community are being built?

The Shire has specific roles in terms of the Local Government Act and much of what you mention in your question is not relevant to that role. While the Shire recognises the question, it regards the content to be a personal statement.

*Response: Provided by Vernon Lawrence, Chief Executive Officer:*

*The Shire has specific roles in terms of the Local Government Act and much of what you mention in your question is not relevant to that role. While the Shire recognises the question, it regards the content to be a personal statement of views that are neither the views of the Shire as an organisation nor are they the views of the vast majority of the community and therefore declines to respond to the matters raised.*

*Further comment by the Shire President:*

*I thank the writer for his invitation to reply to his numerous grievances.*

*I would dispute the assertion that the Shire is responsible for all the matters listed.*

*Furthermore, with severe limits on the resources available to the Shire, both financial and human, I would suggest the grievances, which will now be logged in the record, be left at that. I would encourage the writer to follow through on his concerns through the appropriate legal jurisdiction.*

*Council has its legislated, defined responsibilities and also a focused set of community priorities to attend to.*

*Of particular interest to the writer, this Council is working diligently to ensure the maximum number of residents have the opportunity to be double vaccinated and that freedom of movement is reinstated as soon as possible.*

## **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 September 2021 and the Special Council Meeting held on 17 October 2021.**

### **Council Decision**

**Minute Number: 26/10/2021 – 118530**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 28 September 2021 and the Special Council Meeting held on 17 October 2021.**

**Moved: Cr N Brook  
Seconded: Cr M Dear**

**Decision: 8/0**

Note: The Minutes of the Ordinary Council Meeting held on 28 September 2021 and the Special Council Meeting held on 17 October 2021 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**

**29 September 2021 – KRG Meeting with Hon Don Punch Minister for Disability Services; Fisheries; Innovation and ICT; Seniors and Ageing -** Attended by the Shire President and the CEO, a wide range of matters were discussed with the Minister by the Zone representatives and Shire Presidents.

**29 September 2021 -** Australia's North West held a "Members Mingle" which the Shire President, the CEO and Councillor Brook attended. The purpose was to give a tourism update to members and to reflect on the year that was and the expectations for the next tourism season.

**30 September 2021 NBN -** The CEO and the Senior Economic Development Officer met with NBN to look at the provision of fibre for businesses in the Shire. There is the possibility of "Business Fibre Zones" being declared for a fee where fibre to the premises will be available at a \$0 build cost on the condition that a contract is taken out with a Retail Service Provider. The initial enquiry was for fibre to the airport precinct but we have provided information for them to price up the business areas in town.

**5 October 2021 Department of Transport -** The CEO met with the Department on the roll out of their financial model and the airport infrastructure life cycle cost model. The Shire has been working closely with the Department on the development of this tool that will be used to assess the financial viability of airports in the State.

**8 October 2021 East Kimberley Marketing Group -** the regular monthly meeting of the EKMG was attended by the Senior Economic Development Officer.

**11 October 2021 East Kimberley Skills Summit –** CEO attended the Skills Summit hosted by Terry Healy MLA. The objective was to get information for the State Government to inform a local action plan to address the Kimberley region's skill needs. Also, in attendance was Ms Divina D'Anna MLA and Hon. Peter Foster MLC (Member for Mining and Pastoral).

**16 October 2021 Local Government Election –** Local government Elections for 5 vacancies were held.

**17 October 2021 Special Council Meeting –** Mr Jeff Gooding presided over the successful candidates making their Councillor Declarations, the election of Shire President and Deputy President and their declarations, and formalising the seating arrangements.

**19 October 2021 Shire of Kununurra hosted the Kimberley Regional Road Group** meeting, attended by Cr Tony Chafer

**20 October 2021 Perth Main Roads forum** attended by Shire President with MG Corporation (Lawford Benning and Dean Baker), Minister Saffioti and senior Main Roads officials regarding using Department of Transport procurement as a key driver of long term employment and capacity building across the State.



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

**Nil**

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**Nil**

**12. REPORTS**

**12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

**Nil**

## 12.2. CHIEF EXECUTIVE OFFICER

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

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

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

#### **Council Decision**

**Minute Number: 26/10/2021 – 118531**

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

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision: 8/0**

#### **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**

*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

## **FINANCIAL IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the September 2021 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 - September 2021

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

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

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	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 23 July 2021 to 19 October 2021.**

### **Council Decision**

**Minute Number: 26/10/2021 – 118532**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 23 July 2021 to 19 October 2021.**

**Moved: Cr J Farquhar  
Seconded: Cr M McKittrick**

**Decision:8 /0**

### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 23 July 2021 to 19 October 2021.

### **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

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

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

### **RISK IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

There was 1 document for the time period of 23 July 2021 to 19 October 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
26 September 2021	Airport Lease, Part Lot 200 on Deposited Plan 66654, with Margret Liselotte Conley

**ATTACHMENTS**

NIL

### 12.2.3. 2022 Ordinary Council Meeting Dates

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT</b>	Simple Majority

### OFFICER'S RECOMMENDATION

1. That Council adopt the proposed meeting dates/times and locations for 2022;

<b>Month</b>	<b>Ordinary Council Meeting</b>	<b>Location of Meeting</b>
January	RECESS	N/A
February	22 February	Wyndham
March	22 March	Kununurra
April	26 April	Kununurra
May	31 May	Wyndham
June	28 June	Kununurra
July	26 July	Kununurra
August	23 August	Wyndham
September	27 September	Kununurra
October	25 October	Kununurra
November	22 November	Wyndham
December	13 December	Kununurra

All meetings will commence at 5.00pm.

2. That Council authorises the Chief Executive Officer to give public notice, by way of

advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

**Council Decision**

Minute Number: 26/10/2021 – 118533

1. That Council adopt the proposed meeting dates/times and locations for 2022;

<b>Month</b>	<b>Ordinary Council Meeting</b>	<b>Location of Meeting</b>
January	RECESS	N/A
February	22 February	Wyndham
March	22 March	Kununurra
April	26 April	Kununurra
May	31 May	Wyndham
June	28 June	Kununurra
July	26 July	Kununurra
August	23 August	Wyndham
September	27 September	Kununurra
October	25 October	Kununurra
November	22 November	Wyndham
December	13 December	Kununurra

All meetings will commence at 5.00pm.

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 8/0

**PURPOSE**

For Council to consider the 2022 Ordinary Council Meeting dates, times and locations.



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

At the October 2020 Ordinary Council Meeting, Council made the following resolution:

### **COUNCIL DECISION**

**Minute Number: - 118343**

**Moved: Cr J Farquhar**

**Seconded: Cr N Brook**

<b>Month</b>	<b>Ordinary Council Meeting</b>	<b>Location of Meeting</b>
January	RECESS	N/A
February	23 February	Wyndham
March	30 March	Kununurra
April	27 April	Kununurra
May	25 May	Wyndham
June	29 June	Kununurra
July	27 July	Kununurra
August	24 August	Wyndham
September	28 September	Kununurra
October	26 October	Kununurra
November	23 November	Wyndham
December	14 December	Kununurra

**All meetings will commence at 5.00 pm.**

**2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.**

**3. That Council notes the review of and endorses the Council Policy CP/CNC-3140.**

The Audit (Finance & Risk) Committee meetings were determined and advised separately.

### **STATUTORY IMPLICATIONS**

In accordance with the *Local Government Act 1995*:

#### **5.3. Ordinary and special council meetings**

*(1) A Council is to hold Ordinary Meetings and may hold special meetings*

*(2) Ordinary meetings are to be held not more than three months apart.*

#### **5.5. Convening council meetings**

*(1) The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting*

In accordance with the *local government (Administration) Regulations 1996, Section 2*:

#### **12 Meetings, public notice of**

*(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

*(a) the ordinary council meetings are to be held in the next 12 months.*

### **POLICY IMPLICATIONS**

Council Policy CP/CNC-3140 Council Briefing Sessions

### **FINANCIAL IMPLICATIONS**

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs. This is provided for in the 2020/21 and to be considered in the 2021/2022 Annual Budget.

### **STRATEGIC IMPLICATIONS**

## *Strategic Community Plan 2017-2027*

### Focus Area 4 Civic Leadership

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

Strategy 4.3.1: Be adaptive, responsive with a strong customer focus

### **RISK IMPLICATIONS**

NIL

### **COMMUNITY ENGAGEMENT**

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

Local public notice of the Ordinary Council Meeting dates, times and locations will be given in accordance with the legislative requirements.

### **COMMENTS**

The proposed schedule has taken into account the following events:

- Easter 15 April - 18 April 2022
- ANZAC Day Public Holiday - 25 April 2022
- Ord Valley Muster - 13-22 May 2022
- Local Government Week - was the first week of September in 2021 (dates have not been confirmed)
- WA Public Holidays - 7 March; 6 June and 26 September 2022
- The Council Briefing Policy states briefings should be on the second Tuesday of the month.

It is common practice in many Councils to take a recess in January due to the Christmas period, when many businesses close down and individuals take holidays (including Shire Councillors and Staff) and this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season. The recess in January 2021 did not significantly impact Shire business and would not pose a risk if repeated again in January 2022. Any issues raised can be overcome through either a delegation or the convening of a Special Council meeting for that purpose.

Typically the December Council meeting occurs early in the month primarily due to the reasons outlined above, often after school holidays and when many businesses are considering closure and individuals are planning holidays - with many leaving the region during this period.

However when the December meeting is set too early in the month, and depending upon the date of the November meeting, there is a small gap between the two meetings, and the consequential impact on the preparation of reports and agenda. For 2022 the November meeting is proposed for 22 November and the December meeting three weeks later on 13 December, which is about the same time as in 2021. While as with prior years no briefing is planned for December 2022 there should be sufficient time for a Council briefing early in December if required.

The proposed meeting dates/times and locations for the 2021/22 Audit (Finance & Risk) Committee will be considered by the Committee at their meeting on 8 November 2021 and will take into consideration the adopted Ordinary Council Meeting dates, times and locations for 2021/22. This will be reported to the December 2021 Ordinary Council Meeting.

Regular Briefing Sessions will continue and will generally occur two weeks prior to each Ordinary Council meeting with the exception of May during the Ord Valley Muster where the briefing session will be held three weeks prior to the Ordinary Council Meeting.

### **ATTACHMENTS**

Nil

#### 12.2.4. Councillor Committee Representation

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	GN.05.7
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator - advocate and support initiatives on behalf of the community and the Kimberley.
<b>VOTING REQUIREMENT:</b>	Absolute majority

#### OFFICER'S RECOMMENDATION

**That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:**

**Audit (Finance and Risk) Committee**

Representative 1 -  
Representative 2 -  
Representative 3 -  
Proxy -

**CEO review and selection panel**

Representative 1 -  
Representative 2 -  
Representative 3 -  
Proxy -

**Local Emergency Management Committee (LEMC)**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**Bush Fire Advisory Committee (BFAC)**

Representative 1 -  
Representative 2 -  
Proxy 1 -

**Development Assessment Panels**

Representative 1 -  
Representative 2 -  
Proxy 1 -  
Proxy 2 -

**WALGA Kimberley Zone / Regional Collaborative Group**

Representative 1 -

Representative 2 -

Proxy 1 -

Proxy 2 -

**Kimberley Regional Road Group**

Representative 1 -

Proxy 1 -

**Kununurra School and Community Library**

Representative 1 -

Proxy 1 -

**Disability Access and Inclusion Committee**

Representative 1 -

Representative 2 -

Proxy 1 -

**SWEK Roadwise Committee**

Representative 1 -

Proxy 1 -

**Kununurra Visitor Centre**

Representative 1 -

Proxy 1 -

**Kununurra Wyndham Alcohol Accord**

Representative 1 -

Representative 2 -

Proxy 1 -

**Lake Kununurra Foreshore Reference Committee**

Representative 1 -

Representative 2 -

Proxy 1 -

**East Kimberley Marketing Group**

Representative 1 -

Proxy 1 -

**Australian Airports Association (AAA)**

Representative 1 -

Proxy -

**East Kimberley Regional Airport Committee**

Representative 1 -

Representative 2 -

Proxy 1 -

## **Council Decision**

**Minute Number: 26/10/2021 – 118534**

**That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:**

### **Audit (Finance and Risk) Committee**

Representative 1 – Cr M McKittrick  
Representative 2 – Cr T Chafer  
Representative 3 – Cr D Hearty  
Proxy – Cr J Farquhar

### **CEO review and selection panel**

Representative 1 – Cr D Menzel  
Representative 2 – Cr N Brook  
Representative 3 – Cr T Chafer  
Representative 4 – Cr J Farquhar  
Proxy – Cr M McKittrick

### **Local Emergency Management Committee (LEMC)**

Representative 1 – Cr M Dear  
Representative 2 – Cr N Brook  
Proxy 1 – Cr C McNeil

### **Bush Fire Advisory Committee (BFAC)**

Representative 1 – Cr C McNeil  
Representative 2 – Cr T Chafer  
Proxy 1 – Cr M Dear

### **Development Assessment Panels**

Representative 1 – Cr T Chafer  
Representative 2 – Cr D Menzel  
Proxy 1 – Cr M McKittrick  
Proxy 2 – Cr D Hearty

### **WALGA Kimberley Zone / Regional Collaborative Group**

Representative 1 – Cr D Menzel  
Representative 2 – Cr T Chafer  
Proxy 1 – Cr N Brook  
Proxy 2 - CEO

### **Kimberley Regional Road Group**

Representative 1 – Cr T Chafer  
Proxy 1 – Cr D Menzel

### **Kununurra School and Community Library**

Representative 1 – Cr J Farquhar  
Proxy 1 – Cr N Brook

**Disability Access and Inclusion Committee**

Representative 1 – Cr M Dear

Representative 2 – Cr M McKittrick

Proxy 1 - Cr J Farquhar

**SWEK Roadwise Committee**

Representative 1 – Cr M Dear

Proxy 1 – Cr C McNeil

**Kununurra Visitor Centre**

Representative 1 – Cr J Farquhar

Proxy 1 – Cr M McKittrick

**Kununurra Wyndham Alcohol Accord**

Representative 1 – Cr T Chafer

Representative 2 – Cr M Dear

Proxy 1 – Cr D Menzel

**Lake Kununurra Foreshore Reference Committee**

Representative 1 – Cr N Brook

Representative 2 – Cr J Farquhar

Proxy 1 – Cr M Dear

**East Kimberley Marketing Group**

Representative 1 – Cr C McNeil

Proxy 1 – Cr N Brook

**Australian Airports Association (AAA)**

Representative 1 - CEO

Proxy – Manager Airport

**East Kimberley Regional Airport Committee**

Representative 1 – Cr D Menzel

Representative 2 – Cr T Chafer

Proxy 1 – Cr N Brook

**Moved: Cr T Chafer**

**Seconded: Cr D Hearty**

**Decision: 8/0**

**PURPOSE**

This report provides for Council to confirm its delegates and representatives to various committees of Council as well as representation on external committees.

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

In accordance with s5.8 of the *Local Government Act 1995* a local government may establish committees of three or more persons to assist the Council and to exercise the



powers and discharge the duties of the local government that can be delegated to committees.

In accordance with the *Local Government Act 1995*

- The Shire President is entitled to be a member of any Council appointed committee.
- Each committee of Council must comprise of at least three elected members and can consist of as many as nine elected members (i.e. the Council).
- In terms of meeting efficiency and effectiveness, previous committee numbers have been 3 (CEO Review Panel) and 3 (Audit) elected members. By convention, at least one deputy member should be appointed to assist each committee so that quorums can be easily maintained.
- These arrangements can be changed at any time by absolute majority decision subject to the requirements of the Local Government Act 1995

### **Function**

The function of a committee is to deliberate upon matters within its authority. In some cases it may be limited to only making recommendations to Council, in others the full authority to make decisions may be delegated. The Council may determine operational procedures for committees through its standing orders local law or by a policy decision.

### **Membership**

Committee members are usually appointed by Council at the first Council meeting following the local government ordinary elections. If a committee has position(s) for Council members and the Mayor or President wishes to be a member of that committee then the local government is to appoint the mayor or president to be a member. The same principle applies if the CEO wishes to be appointed to a committee that has an employee representative.

The Shire is involved with a variety of committees, some of which are statutory requirements and others which are in-house and assist with the decision-making of Council and other committees relating to external stakeholders.

## Committee Information:

### LEGISLATED

#### Audit (Finance and Risk) Committee

Section 7.1A (1) of the *Local Government Act* stipulates that a local government is to establish an audit committee of three or more persons to exercise the powers and discharge the duties conferred on it.

Section 7.1A (2) of the *Local Government Act* stipulates that the members of the audit committee of a local government are to be appointed ***(by absolute majority)*** by the local government and at least three of the members, and a majority of the members, are to be Council members.

Section 7.1A (3) and (4) stipulate that the Audit (Finance and Risk) Committee cannot have the CEO, their nominee or representative as a member of the Audit (Finance and Risk) Committee. The Audit (Finance and Risk) Committee is primarily responsible for the overview of the financial and risk management of the Council and operates in accordance with its Terms of Reference (Attachment 1).

- Number of Councillors - Three or Five
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Corporate Services
- Committee administrator - SWEK

#### CEO Review and Selection Panel

The CEO is employed by the Council and the performance of the CEO is to be reviewed at least once in relation to every year of employment. Division 4 of the *Local Government Act 1995* s5.36, s5.39A, s5.39B and s5.39C gives guidance to Councillors on the employment of a CEO and s5.38 indicates that an annual review must take place and this is achieved in accordance with the Panel's Terms of Reference (Attachment 2).

- Number of Councillors - Three
- Frequency of meetings - As required (at least once a year)
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - SWEK

#### Local Emergency Management Committee (LEMC)

The LEMC is established by the respective local government and operates under the provision of the *Emergency Management Act 2005* to plan on behalf of the community. This is a representative committee to provide a network of skills, knowledge and advice to assist the local government in ensuring that the local emergency management arrangements are established for its area.

The LEMC is not an operational response committee and is often confused with the functions of an Incident Management Group or at a larger emergency, the Operations Area Management Group. Members of the LEMC may well be involved with the operational management of an incident as a member of the Incident Management Group or the Local Recovery Coordinating Committee due to the roles they hold in their parent agency. Local government has an important part to play in that it has a legislative responsibility to prepare, plan and have linking arrangements with the appointed agencies.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly and as required during times of emergency
- Location of meetings - Alternates between Wyndham and Kununurra
- Responsible officer - Director of Infrastructure (Chairperson)
- Committee administrator - SWEK

### **Bush Fire Advisory Committee (BFAC)**

The function of the Bush Fire Advisory Committee (BFAC) is to provide support and guidance to Bush Fire Brigades and develop interagency strategies in relation to fire management in the Shire. It does this in collaboration with the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) and various other key agencies. The BFAC meets to discuss operational and command and control issues and to advise on matters relating to prosecutions under the *Bush Fires Act 1954*. It also assists in coordinating the activities of the brigades and agencies tasked with fire management with respect to the preparation of firebreaks and general preparedness for fire incidents.

- Number of Councillors - Two
- Number of proxies - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure (Chairperson)
- Committee administrator - SWEK

### **Development Assessment Panels (DAP's)**

Council is obliged to nominate members and alternate members for the Kimberley/Pilbara/Gascoyne (Northern) Joint Development Assessment Panel (DAP) –The Northern DAP was established in line with Part 11A of the *Planning and Development Act 2005*, and administered under the Planning and Development (Development Assessment Panels) Regulations 2011. Its principal purpose is to deal with major planning proposals - all proposals valued over \$10 million, and subject to the applicant nominating (i.e. a voluntary application), optional proposals valued between \$2 million and \$10 million. The DAP only becomes operational once an application has been lodged.

- Number of Councillors - Two
- Number of proxies - Two

- Frequency of meetings - As required
- Location of meetings - Kununurra
- Responsible officer - Director Planning & Community Development
- Committee administrator - Department of Planning

## **REGIONAL REPRESENTATION**

### **WALGA Kimberley Zone/Regional Collaborative Group**

The Western Australian Local Government Association (WALGA) is the single association for Local Government, representing the political and strategic interests of Local Government at State and Federal levels. The Shire of Wyndham-East Kimberley is a member of WALGA.

Local Governments are grouped into regional bodies called Zones (a geographically based subdivision containing Ordinary Members and is incorporated within a country or metropolitan constituency. The Kimberley Country Zone Membership is made up of the Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome, Shire of Derby/West Kimberley, Shire of Christmas Island and Shire of Cocos (Keeling) Islands.

The roles/functions of a Zone are primarily as follows:

- select a State Council representative;
- consider the State Council agenda;
- provide direction/feedback to their State Councillor;
- develop/advocate positions on regional issues affecting Local Government;
- progress regional Local Government initiatives;
- identify relevant issues for action by WALGA;
- networking and sharing information; and
- contributing to policy development through Policy Units and Policy Forums.

Zones:

- have an integral role in shaping the political and strategic direction of Local Government as a tier of government;
  - are responsible for bringing relevant local and regional issues to the State decision making table;
  - are a key player in developing policy and legislative initiatives for Local Government;
- and
- have direct relationships with the State Council of the Association, Policy Units and Policy Forums and the Secretariat of the Association.

Every Zone has at least one representative on the State Council (the Kimberley Zone has 1 – the Zone Chair who is also the State Council representative and the Deputy Zone Chair who is the Deputy State Council Representative). Each representative is primarily responsible for ensuring that the Association is governed in the best interests of all member Local Governments. Representatives are also required to advocate the viewpoints and

interests of their Zone on issues under consideration by the State Council. The Shire representatives are the same as for the Kimberley Regional Group detailed below.

### **Kimberley Regional Group (KRG)**

In September 2010 as part of the Western Australian State Government's Local Government reform agenda, the four Kimberley Shires (Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome and the Shire of Derby/West Kimberley) formed the Kimberley Regional Collaborative Group (RCG), formalised with the signing of an agreement with the State Government. The Group was formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across participating local governments.

The RCG was due to terminate on 30 June 2015. In preparation for this, the Kimberley Shires formed a Kimberley Regional Group (KRG) for the purpose of governing and undertaking shared regional initiatives. The KRG has a Kimberley Local Government Governance Agreement between the four Kimberley Shires, which provides the legal framework for the establishment, membership and operation of the Kimberley Regional Group. This agreement was originally signed in February 2014, with the latest version being signed in August 2019.

The KRG have developed and are implementing a Kimberley Strategic Community Plan 2014-2024 and Kimberley Regional Business Plan 2018-2022. The RCG and Kimberley Zone meetings are held at the same time and the committee representatives are the same. Travel is required to each of the zones for the quarterly meetings as well as to Darwin and Perth for conferences generally held once a year.

- Number of Councillors - Two
- Number of proxies - Two
- Frequency of meetings - Quarterly
- Meeting location - Alternates between zone locations
- Responsible officer - Chief Executive Officer
- Committee administrator - Zone Secretariat (currently Broome Shire)

### **Kimberley Regional Road Group**

The Kimberley Regional Road Group is a grouping of the Broome, Wyndham East Kimberley, Halls Creek and Derby-West Kimberley Shires to work on regional road issues. Funding is made from the State Government towards regionally significant projects which municipalities must make submissions for funding. Funding submissions cover Black Spot funding, Aboriginal Access Roads funding, direct funding towards administrative costs and Regional Projects funding.

- Councillor representation - One
- Number of proxies - One
- Frequency of meetings - Bi-annually
- Meeting location - Rotated through Shire locations

- Responsible officer - Director Infrastructure
- Committee administrator - Main Roads WA

## LOCAL REPRESENTATION

### Kununurra School and Community Library

The Kununurra School and Community Library Committee provides advice on policy with respect to the running of the Library in Kununurra, which is jointly managed by the Shire and the Department of Education.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Bi-annually
- Location of meetings - Kununurra Library
- Responsible officer - Director Planning & Community Development
- Committee administrator - SWEK

### Disability Access and Inclusion Committee

The objective of this Committee is to oversee and advise Council on the implementation, review and evaluation of the Shire's Disability Access and Inclusion Plan, which is required under *the Disability Services Act 1993*. The Committee nominally meets annually but meets on a more regular basis when it is tasked to review and update the document, which is currently taking place at the moment. It comprises industry representatives - mostly (NDSIS) service providers - as well as community representatives.

- Number of Councillors - Two
- Number of proxies - One
- Frequency of meetings - Annually or as otherwise required
- Location of meetings - Kununurra
- Responsible officer - Director Planning & Community Development
- Committee administrator - SWEK

### SWEK RoadWise Committee

The WALGA RoadWise Program supports Local Governments, community groups, private businesses and individuals to become involved in local road safety issues. RoadWise achieves this by supporting local road safety committees, providing access to resources and training, and increasing knowledge, which all contribute to building the capacity of local committees to make an effective contribution to improving road safety in their own areas.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Infrastructure
- Committee administrator - WALGA RoadWise

### **Kununurra Visitor Centre**

Tourism is a major economic sector for the Shire and it is important that Council understands the needs and requirements of the sector that impact many areas of Council's work. SWEK is also the owner of Tourism House and therefore has a financial interest in the building.

- Number of Councillors - One
- Number of proxies - One
- Frequency of meetings - Monthly
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Visitor's Centre Manager

### **Kununurra Wyndham Alcohol Accord**

The Kununurra Wyndham Alcohol Accord comprises representatives from Industry, Local and State Government and WA Police. The Accord's aim is to address issues associated with the sale and consumption of alcohol. Over the last couple of years the Accord's primary focus has been in relation to liquor restrictions and the enhancement of the Take Away Management System (TAMS) to include a Banned Drinkers Register (BDR). The Accord also advises strategy and policy to Council related to liquor availability and general licensing matters.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Bi-monthly
- Location of meetings - Kununurra
- Responsible officer - Director Planning & Community Development
- Committee administrator - Kununurra and Wyndham Alcohol Accord

### **Lake Kununurra Foreshore Reference Committee**

The purpose of the Lake Kununurra Foreshore Reference Committee is to update and implement the Lake Kununurra and Aquatic Use Plan. It includes broad representation from relevant government agencies (responsible for foreshore and water management) as well as community representatives. The Committee is scheduled to meet in November 2021.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Quarterly
- Location of meetings - Kununurra
- Responsible officer - Director Planning & Community Development
- Committee administrator - SWEK

### **East Kimberley Marketing Group**

The East Kimberley Marketing Group was formed as a result of industry forums held in Kununurra during late 2013 and early 2014 when tourism operators came together to try and

work out the best way of giving tourism a boost in the region. The East Kimberley Marketing Group's focus is on delivering actions aligned with the SWEK East Kimberley Tourism Action Plan 2022 and more specifically Part B – Operational Marketing Plan.

- Number of Councillors - One
- Proxy - One
- Frequency of meetings - Monthly
- Location of meetings - Kununurra
- Responsible officer - Chief Executive Officer
- Committee administrator - East Kimberley Marketing Group

### **East Kimberley Regional Airport Committee**

Development at the East Kimberley Regional Airport (EKRA) is expected to be significant in the medium term. This will most likely result in the operations of the airport becoming larger and more complex as freight and flights to the east coast of Australia become a factor. There is a need for a more focussed approach to the management of the strategic direction and the operations of the EKRA. As this is a community asset the Administration considers that a governance committee be formed to perform the function similar to that which a board of directors would.

- Number of Councillors - Two
- Proxy - One
- Frequency of meetings - Quarterly
- Location of meetings - EKRA
- Responsible officer - Manager Airports
- Committee administrator - SWEK

### **OFFICER REPRESENTATION**

#### **Australian Airport Association (AAA)**

The AAA is the national voice that represents the interests of over 250 airports and aerodromes Australia wide - from the local country community landing strip to major international gateway airports. Airport members represent vital infrastructure crucial to the communities in which they operate and for the overall national economy.

The AAA facilitates cooperation among airport members and their many and varied partners in Australian aviation, while contributing to an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians and visitors.

- Officer - Chief Executive Officer
- Proxy - Manager Airports
- Frequency of meetings - Annual
- Location of meetings - Various locations throughout Australia
- Responsible officer - Chief Executive Officer

At the 29 October 2019 Ordinary Council Meeting, the Council resolved the following:



## **COUNCIL DECISION**

**Minute Number: 29/10/2019 – 118110**

**Moved: Cr Farquhar**

**Seconded: Cr Chafer**

***That Council endorses the following representation on various Committees of Council as well as representation on external Boards and Committees:***

### **Audit (Finance and Risk) Committee**

Representative 1 – Cr Chafer

Representative 2 – Cr McKittrick

Representative 3 – Cr Lodge

Proxy – Cr Farquhar

### **CEO review and selection panel**

Representative 1 – Cr Menzel

Representative 2 – Cr Chafer

Representative 3 – Cr Lodge

Representative 4 – Cr Brook

Proxy – Cr McKittrick

### **Local Emergency Management Committee (LEMC)**

Representative 1 – Cr Dear

Representative 2 – Cr Pearce

Proxy 1 – Cr Chafer

### **Bush Fire Advisory Committee (BFAC)**

Representative 1 – Cr Petherick

Representative 2 – Cr Lodge

Proxy 1 – Cr Pearce

### **Development Assessment Panels**

Representative 1 - Cr D Menzel

Representative 2 - Cr T Chafer

Proxy 1 - Cr M McKittrick

Proxy 2 – Cr Lodge

### **WALGA Kimberley Zone / Regional Collaborative Group**

Representative 1 – Cr Menzel

Representative 2 – Cr Chafer

Proxy 1 – Cr Petherick

Proxy 2 – Chief Executive Officer

### **Kimberley Regional Road Group**

Representative 1 – Cr Pearce

Proxy 1 – Cr Menzel

### **Kununurra Community Library**

Representative 1 – Cr Farquhar

Proxy 1 – Cr Brook

**Disability Access and Inclusion Planning**

Representative 1 – Cr Dear  
Representative 2 – Cr McKittrick  
Proxy 1 – Cr Farquhar

**SWEK Roadwise Committee**

Representative 1 – Cr Dear  
Proxy 1 – Cr Lodge

**Kununurra Visitor Centre**

Representative 1 – Cr Farquhar  
Proxy 1 – Cr McKittrick

**Kununurra and Wyndham Alcohol Accord**

Representative 1 – Cr Chafer  
Representative 2 – Cr Dear  
Proxy 1 – Cr Lodge

**Lake Kununurra Foreshore Reference Committee**

Representative 1 – Cr Brook  
Representative 2 – Cr Farquhar  
Proxy 1 – Cr Pearce  
Proxy 2 – Cr Petherick

**East Kimberley Marketing Group**

Representative 1 – Cr Chafer  
Proxy 1 – Cr Brook

**Australian Airports Association (AAA)**

Representative 1 - Chief Executive Officer  
Proxy - Manager Airports

**Carried 9/0**

**STATUTORY IMPLICATIONS****5.8. Establishment of committees**

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

*\* Absolute majority required.*

**5.9. Committees, types of**

(1) In this section —

**other person** means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

**5.10. Committee members, appointment of**

(1) A committee is to have as its members —

(a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

#### **5.11A. Deputy committee members**

(1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

*\* Absolute majority required.*

(2) A person who is appointed as a deputy of a member of a committee is to be —

(a) if the member of the committee is a council member — a council member; or

(b) if the member of the committee is an employee — an employee; or

(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted: No. 17 of 2009 s. 20.]

#### **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 —

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

#### **5.12. Presiding members and deputies, election of**

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

- (a) to "office" were references to "office of presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members".

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —

- (a) to "office" were references to "office of deputy presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members"; and
- (d) to "mayor or president" were references to "presiding member".

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item other than the commitment of human resources and time to attend/administer the respective committees.

#### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

Strategy 4.1.3: Identify and contribute to collaborative and partnership initiatives that benefit the community

**RISK IMPLICATIONS**

NIL

**COMMUNITY ENGAGEMENT**

The Shire of Wyndham-East Kimberley's Community Engagement Policy has been considered in relation to this item. No community engagement is required.

**COMMENTS**

The endorsement of Committee memberships is an operational function of the organisation and a legislative requirement.

There is one recommended change to the arrangements from 2019 and that is for the inclusion of a new committee, being the East Kimberley Regional Airport Committee. The suggestion for this arose from the structure review report the CEO performed as part of his KPI's for the financial year ended 30 June 2021. The Shire believes that there is going to be significant development at the EKRA both landside and airside. This has impacts on the strategic direction of the EKRA as well as operating requirements. The new committee will provide a better focus on these items and provide Council with another important layer of governance over its most significant trading asset.

As a general rule each Committee has one representative and one proxy, unless it is a requirement of the respective group to have two nominees (such as the WALGA Zone or the Development Assessment Panel) and in such cases the number of proxies may also be varied.

**ATTACHMENTS**

Attachment 1 - Audit (Finance and Risk) Committee Terms of Reference

Attachment 2 - CEO Review and Selection Panel Terms of Reference

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Local Planning Scheme 9 - Proposed Omnibus Amendment

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	LP.04.61
<b>DISCLOSURE OF INTERESTS:</b>	Cr C McNeil – impartiality
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council:**

1. Notes the submissions received as detailed in the Schedule of Submissions at Attachment 1.
2. Resolves, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support Amendment 1 to the Shire of Wyndham East Kimberley Local Planning Scheme No. 9 with proposed modifications to address issues raised in submissions.
3. Requests the Chief Executive Officer to forward this resolution, the amendment and the required information pursuant to regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Western Australian Planning Commission.

#### Council Decision

Minute Number: 26/10/2021 – 118535

**That Council:**

1. Notes the submissions received as detailed in the Schedule of Submissions at Attachment 1.
2. Resolves, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support Amendment 1 to the Shire of

**Wyndham East Kimberley Local Planning Scheme No. 9 with proposed modifications to address issues raised in submissions.**

- 3. Requests the Chief Executive Officer to forward this resolution, the amendment and the required information pursuant to regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Western Australian Planning Commission.**

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision: 8/0**

## **PURPOSE**

For Council to adopt an amendment to the Shire's Local Planning Scheme.

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

Council, in March 2021, agreed to advertise the first amendment to Local Planning Scheme 9, being an omnibus amendment, to correct a number of minor errors in the text of the document and to the maps. The amendment was advertised for the statutory period and two submissions were received during the consideration period, from the owners of 6 Messmate Way, Kununurra and from MG Dawang Land Pty Ltd.

The submission received from the owners of 6 Messmate Way Kununurra is with respect to the land adjoining, which Council has previously agreed to allow for a portion to be excised from the reserve to be sold to them. The map provided shows the whole of the reserve (42799) which is shaded red and the black dashed area would be the land that would be sold to the adjoining owners. Currently, the reserve has no zoning and in line with the submission, the portion to be purchased would be included in the Commercial zone, which would allow it to be developed together with 6 Messmate Way for commercial and/or residential purposes.



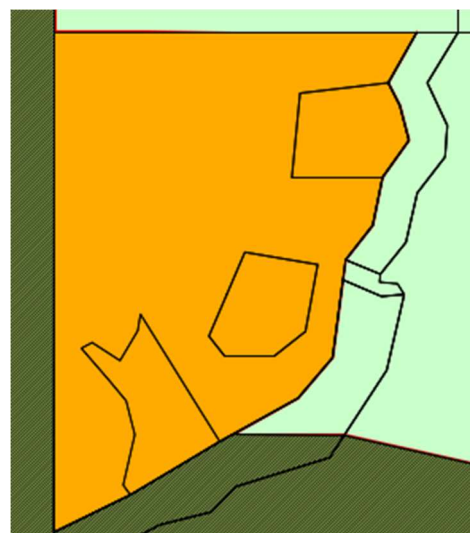


Map showing Reserve 42799

The submission received from MG Dawang Land Pty Ltd (MG Dawang) is with respect to a portion of their freehold Lot 5012 on Deposited Plan 406531, which has been proposed by the Department of Planning, Lands and Heritage (DPLH) to be rezoned from Settlement to Agriculture - State or Regional Significance. MG Dawang does not support the change in zoning and its preference is for the western portion of Lot 5012 to be zoned Settlement, in addition to Lots 859, 937 and 936, which comprise the Jimbilum/Yirrallalm Aboriginal Settlement. The Settlement zone will allow greater flexibility for future community use. The maps below show the proposed zoning change - Agriculture - State or Regional zoning in green and Settlement zoning in orange.



Map showing proposed zoning zoning



Map showing requested Settlement

A copy of the Schedule of Submissions is at Attachment 1, a copy of the amendment documentation that was advertised is provided at Attachment 2 and a copy of the recommended modifications is at Attachment 3 for reference.

### **STATUTORY IMPLICATIONS**

The *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* are relevant to the matter and all requirements have been fulfilled with respect to giving notice of the proposal along with obtaining approval under the *Environmental Protection Act 1986*.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*:

Focus Area 4: PERFORMANCE - Civic Leadership

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**

**Risk:** Failure to manage developments and projects in line with regulatory planning, building and health requirements, leading to a poorly developed region and environmental degradation.

**Control:** Ensure proposed amendments to the Local Planning Scheme are undertaken in accordance with LPS 9, the adopted strategic framework and the applicable regulations.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this matter

### **COMMUNITY ENGAGEMENT**

In line with the relevant statutory requirements, engagement included:

- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the public notice in the Shire administration offices, at each library and on the Shire website (including the Shire's Facebook page);
- Display of a copy of the amendment documentation for public inspection;

- Providing public notice to any public authority the Shire considered would be affected by the amendment, and
- Providing notice to landowners considered to be directly affected by the amendment.

The advertising period took place between 30 July and 9 September 2021, in line with legislative requirements.

Pursuant to regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the local government must consider all submissions in relation to a standard amendment within the submission period; and may, at the discretion of the local government, consider submissions lodged after the end of the submission period but before the end of the consideration period as is the case with the two submissions received.

### **COMMENTS**

The change to the zoning affecting Reserve 42799 is minor and reflects Council's previous decision to make a portion of it developable for commercial or residential purposes and officers recommend rezoning the whole reserve (not just that is proposed to be sold). This would mean the balance of the reserve may also be available for residential or commercial use, albeit restricted because of the easement and only in conjunction with land parcels. The change will, furthermore, bring the land use into consistency with that surrounding.

The change to the zoning affecting portion Lot 5012 unallocated crown land (Yirralallem and Jimbilum Dawang) is minor and will allow greater flexibility for the Aboriginal community to use and develop. The Department of Planning, Lands and Heritage (DPLH) have indicated they have no objection to the proposed modification as requested by MG Dawang. Otherwise, no changes are proposed from the advertised amendment and Officers recommend that the amendment be adopted, with modifications, and forwarded to the Western Australian Planning Commission for approval.

### **ATTACHMENTS**

- Attachment 1 - Schedule of Submissions
- Attachment 2 - Amendment Report and Maps
- Attachment 3 - Recommended Modifications

### 12.3.2. Alcohol Management Policy

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Director Planning and Community Development
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.11.2
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

**That Council adopts CP/COM 3584 Alcohol Management Policy at Attachment 2.**

#### **Council Decision**

**Minute Number: 26/10/2021 – 118536**

**That Council adopts CP/COM 3584 Alcohol Management Policy at Attachment 2.**

**Moved: Cr J Farquhar  
Seconded: Cr T Chafer**

**Decision: 8/0**

#### **PURPOSE**

For Council to decide on an update to a Shire policy.

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

The current Alcohol Management Policy was updated by Council at it's July 2017 Ordinary Meeting with updates being some minor amendments to wording but including reference to Australian Standard AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines, which, at that time, had only just been included in the Shire's venue booking forms and event (approvals) process. Other minor changes included with respect to dealing with instances where people were bringing their own alcohol to events (BYO).

A copy of the current Alcohol Management Policy is provided at Attachment 1 and Councillors will note that it is an all-embracing approach which covers all areas of alcohol management and in particular those that would require development approval or a liquor licence application - in addition to aiming to control alcohol availability on Shire property.

Alcohol management by the Shire occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in the community but is principally informed by the Kununurra Wyndham Alcohol Accord of which the Shire provides secretariat support and also has elected member representation. Otherwise, policy or strategy with respect to alcohol management tends to be coordinated between the four Kimberley Shires as part of the Kimberley Group of Council's (Kimberley Zone), which makes high level representations in relation to the implementation of alcohol restrictions. The Shire, nevertheless, also has some sphere of influence over alcohol management through existing legislative and policy functions in planning, and the enforcement of its Local Laws, such as the *Local Government Property Local Law*.

#### Policy review method

The current Alcohol Management Policy was reviewed against the criteria of CP/GOV 3112 Policy Management Policy with respect to:

- Legislative requirements (changes)
- Industry standards and best practice
- Organisational standards
- Strategic objectives
- Community need

#### *Legislative requirements*

There have been no changes with respect to legislative requirements or to the Shire's Local Laws which would impact upon the policy, however parts of the policy duplicate the Shire's obligations with respect to the consideration of licensing matters. This is particularly so with respect to where a development approval may be required or where an applicant has applied for a liquor licence or a change to that licence - in which case, the Shire's current policy could be in conflict with those approvals or additionally duplicate the requirements or considerations. This includes making policy requirements to ensure that meals accompany the consumption of alcohol, which by its very nature would normally be considered as a licence requirement.

Compliance with Australian Standard ISO 31000:2009 Risk Management - Principles and Guidelines is incorporated into the Shire's events approval process and application forms and this includes facility hire forms. It is not specific to alcohol management.

#### *Industry standards*

The Shire's policy does not conform to industry standards on a comparative basis with 'like municipalities'. It is overly complex and confusing - particularly having regard to the numbering under the Policy Statements. None of the comparative municipalities reviewed have alcohol management policies that attempt to present an overarching strategy or policy position with respect to the reduction of alcohol related harms. Similarly, most municipalities try not to duplicate or add to other legislated approvals processes as mentioned with regard to *legislative requirements* and do not reference Australian Standards.

### *Organisational standards*

The current policy conforms to accepted policies and procedures installed by the municipality, having regard to its format.

### *Strategic objectives*

Community safety and crime prevention and more particularly the liveability of our towns was highlighted as a top priority in the most recent Community Scorecard Survey. This policy, as updated, aims to limit the misuse of alcohol as that relates to Council decision making and the hire of Shire facilities (property), which would support efforts with respect to addressing this aspect of community safety. It retains high level policy statements, nonetheless, to reinforce the aims of the municipality, as represented through the Kununurra Wyndham Alcohol Accord, to ensure that alcohol is supplied and consumed in a responsible manner.

### *Community need*

The current policy matches community need with respect to reducing alcohol related harms as that relates to Council's decision making in this matter, however, duplicates related (legislative and approval) processes which may hinder some businesses, community based organisations and community members in seeking approval for the sale and consumption of alcohol, either associated with an event or for a temporary licence approval.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Section 2.7* and *Local Government (Administration) Regulations 1996 Regulation 10* is relevant as it relates to the review and updating of Council policy.

There are no implications with respect to the Shire's compliance obligations under the *Liquor Control Act (1988)* and the only delegation authority to Shire Officers is with respect to the issue of Section 40 certificates, which are unaffected by the policy.

The Shire may provide comments on applications for liquor licences under Sections 69 and 74 of the *Liquor Control Act* and this policy would provide the basis for support or objection. This would include applications for temporary events such as extending trading for the Melbourne Cup or Christmas and Boxing Day. The Shire's *Local Government Property Local Law 2003* similarly provides the organisation ability to make decisions with respect to the sale or consumption of alcohol on Shire property.

## **POLICY IMPLICATIONS**

CP/GOV - Policy Management Policy is relevant.

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The policy reinforces measures with respect to liveability and community safety.

## **RISK IMPLICATIONS**

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

**Control:** Review policies and procedures in accordance with a review schedule.

## **COMMUNITY ENGAGEMENT**

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

1. Circulation of the draft (current and updated) Alcohol Management Policy to members of the Kununurra Wyndham Alcohol Accord.
2. Public notice of the draft (updated) Alcohol Management Policy in the Kimberley Echo.
3. Article on the Shire's Facebook page.

Comment was received from WA Police, which suggested the following:

- The need for appropriate security at venues
- To ensure that participants leave the venue safely
- Consideration for the quantity of alcohol that would be available
- Separation of children from areas where alcohol will be available

WA Police are supportive of the approach and have asked that they be kept informed of facility hire and events where alcohol will be available and that they not run past midnight.

On the basis of the comments received from WA Police, the policy was redrafted and circulated to the Kununurra Wyndham Alcohol Accord, which, at its meeting of 14 October 2021, endorsed it subject to modifying one of the dot points (dot point 3) to the *Policy Statements*, being:

- *Supporting measures and changes to regulations that are targeted at addressing alcohol related harms.*

## **COMMENTS**

An updated copy of the Alcohol Management Policy is provided at Attachment 2. The policy has been reviewed in line with the Shire's Policy Management Policy and has been changed to conform to best practice and to be more focused towards decisions to consume alcohol on Shire property and/or in conjunction with an event. The updated document no longer attempts to be an all-embracing strategy or policy, which is best formulated by the Kununurra Wyndham Alcohol Accord or the Kimberley Group of Councils, which includes elected member representation. It does, however, still reinforce the need for a level of control to address alcohol related harms in the community and particularly with respect to the availability of alcohol on Shire property and in association with an event.

The policy statements do not attempt to take the place of high level strategy and initiatives implemented by the Kununurra Wyndham Alcohol Accord or by the Kimberley Group of Council's (Kimberley Zone) but ensure that they reinforce efforts to address issues of

community safety associated with the consumption of alcohol and the main responsibility for alcohol regulation remains with the State or Federal Government or WA Police.

The updated policy takes on board the comments from WA Police with respect to the availability of alcohol at private functions and to reflect the Accord's desire to ensure that the Shire supports 'measures' that would address alcohol related harms - not just regulations.

The updated policy is recommended for adoption.

### **ATTACHMENTS**

Attachment 1 - Current Alcohol Management Policy (CP/COM-3584)

Attachment 2 - Updated Alcohol Management Policy (CP/COM-3584)



### 12.3.3. University of Notre Dame Student Housing

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Nick Kearns, Director Planning and Community Development
<b>RESPONSIBLE OFFICER:</b>	Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A7145
<b>DISCLOSURE OF INTERESTS:</b>	Proximity interest – Cr D Hearty. Cr D Hearty did not vote on this matter.
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT</b>	Simple Majority

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

**That Council:**

- 1. Approves entering into a 10 year peppercorn lease with University of Notre Dame, with 10 year further option to develop and operate student housing on part of Lot 501 Water Lily Place, Kununurra, conditional on the parties completing site and construction due diligence and agreeing the terms of a Deed of Agreement for development of the land for student housing, and**
- 2. Authorises the Chief Executive Officer to negotiate the terms of the Deed of Agreement for the development of the land for student housing and the lease, both documents to be referred back to Council for approval.**

#### **Council Decision**

**Minute Number: 26/10/2021 – 118537**

**That Council:**

- 1. Approves entering into a 10 year peppercorn lease with University of Notre Dame, with 10 year further option to develop and operate student housing on part of Lot 501 Water Lily Place, Kununurra, conditional on the parties completing site and construction due diligence and agreeing the terms of a Deed of Agreement for development of the land for student housing, and**
- 2. Authorises the Chief Executive Officer to negotiate the terms of the Deed of Agreement for the development of the land for student housing and the lease,**

**both documents to be referred back to Council for approval.**

**Moved: Cr T Chafer  
Seconded: Cr N Brook**

**Decision: 7/0**

## **PURPOSE**

For Council to consider a proposal to lease land for development of student housing in Kununurra.

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

Majarlin Kimberley Centre for Remote Health facilitates allied health and nursing clinical placements for students from Australian Universities, including the University of Notre Dame (UNDA), through Commonwealth funding being the Rural Multi-Disciplinary Training Program (RHMTTP), which supports:

- Students through placement facilitation, supervision, education, social networking, travel and accommodation.
- Local clinicians by providing professional development and conducting remote health research.

The Commonwealth Department of Health agreed in November 2020 to provide \$1.8M capital funding to UNDA to purchase accommodation in Kununurra. Since then, UNDA has been working with Wunan Foundation to provide student accommodation on Lakeside Resort as part of the masterplan (redevelopment) of the site. This plan included the construction of four villas with 24 hour on-site security and transportation to and from medical facilities in town. The Commonwealth funding also requires the use to run 10 years from the date of practical completion of the project.

Wunan and UNDA executed a Heads of Agreement in May 2021 and a Commonwealth Funding Agreement was executed in June 2021. UNDA has now received the funding to deliver the project. However, the funding is unable to be drawn down until UNDA have met certain milestones including, security of land tenure via either leasehold or freehold, a developed design, and local government development approval.

UNDA and Wunan and its design team finalised the plans and specifications of the student accommodation, which had been incorporated into Wunan's overall masterplan for Lakeside Resort and the associated Development Approval (DA) was approved by Council at the June 2021 OCM. The DA was the only condition precedent required in the Heads of Agreement to enable both organisations to formalise legal contracts. As, however, the agreement with Wunan is yet to be finalised, the university has asked the Shire to assist with finding a (potential) alternative site and the land identified for the development is within part of Lot 501 Water Lily Place, Kununurra and a letter confirming this is at Attachment 1. Councillors will

note that an additional site may also become available which would be owned and operated by Wunan Foundation.

The student housing proposal, on Shire property, would be identical to that proposed for Lakeside Resort but would occupy the northern portion of land at Lot 501 Water Lily Place, Kununurra and have an area of 2,000 square metres. All construction and project management would be handled by UNDA and the villas would be a modular construction and transported to Kununurra.

### **STATUTORY IMPLICATIONS**

As the land is owned (freehold) by the Shire, Ministerial approval would not be required for a new lease.

The land is allowed to be developed for student accommodation as a 'residential building' and would need to be advertised prior to the Shire exercising its discretion to grant a development approval.

### **POLICY IMPLICATIONS**

*CP PMG-3780 Leasing of Council Managed Reserve Land - Community* would be used to prepare any new lease.

### **STRATEGIC IMPLICATIONS**

While the Corporate Business Plan and Economic Development Strategy (other than to provide new training opportunities) are largely silent with regard to education, the promotion of quality education is a high priority within the goals and outcomes of the Strategic Community Plan. The proposal, nevertheless, would support those goals and strategies that promote an improved range of educational opportunities and which complement improvements to applied health.

### **RISK IMPLICATIONS**

**Risk:** Failure to make Council decisions which allow for efficient and effective use of operational resources to deliver services which meet the needs of the community and region, comply with statutory requirements and promote economic and social development.

**Control:** Ensure that suitable legal mechanisms are put in place to protect the Shire's interests with respect to lease and (future) development proposals.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the proposal as all construction costs are proposed to be met by the proponent.

### **COMMUNITY ENGAGEMENT**

No community engagement has been conducted with respect to this proposal.

## **COMMENTS**

The proposal can easily be accommodated on site, including to meet relevant planning requirements, but would be subject to advertising and decision of Council. The balance of the land (at over 3,000 square metres) is still able to be developed for housing or for a community purpose and a childcare centre or education facility, tied to the student housing, has been mooted. Otherwise, the proposal provides an opportunity to facilitate a component of tertiary education into the Shire, which could complement other education providers, allied health partners and indigenous research and ensure that the funding for the project is retained for this purpose irrespective of it being incorporated on land owned by Wunan Foundation or owned by the Shire.

As there are details to be agreed between the parties with regard to the development of the new facility and any ongoing costs, it is recommended that this is done so within the context of a deed of agreement, which forms part of the recommendation to Council.

## **ATTACHMENTS**

Attachment 1 - Letter from University of Notre Dame for (RHMTTP) Student Housing Project

## 12.4. CORPORATE SERVICES

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

<b>DATE:</b>	26 October 2021
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.29
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for September 2021, being:

Municipal EFT 141353 - 141574 (03/09/2021-24/09/2021)	\$ 1,657,164.93
Trust EFT 502235- 502249 (02/09/2021 - 30/09/2021)	\$ 12,522.65
Payroll (08/09/2021 - 22/09/2021)	\$ 488,680.46
Direct Bank Debits (01/09/2021-30/09/2021)	\$ 170,403.76
<b>Total</b>	<b>\$ 2,328,771.80</b>

### Council Decision

Minute Number: 26/10/2021 – 118538

Municipal EFT 141353 - 141574 (03/09/2021-24/09/2021)	\$ 1,657,164.93
Trust EFT 502235- 502249 (02/09/2021 - 30/09/2021)	\$ 12,522.65
Payroll (08/09/2021 - 22/09/2021)	\$ 488,680.46
Direct Bank Debits (01/09/2021-30/09/2021)	\$ 170,403.76

**Total**

**\$ 2,328,771.80**

**Moved: Cr T Chafer  
Seconded: Cr M Dear**

**Decision: 8/0**

## **PURPOSE**

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with 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 October 2020, 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 Delegation of some power and duties to CEO

*Local Government (Financial Management) Regulations 1996* -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

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

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

## **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 2021/22 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: Performance - 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 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 meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

### **ATTACHMENTS**

Attachment 1 - List of Accounts Paid September 2021

## **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**

**Nil**

## **17. CLOSURE**

The Shire President declared the meeting closed at 5:48pm.