

COUNCIL ACTION ITEMS - In Progress March 2022

Meeting	Minute Number	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Status
OCM 16/12/20		Director Infrastructure	Proposed closure of Jandami Lane	That Council approves: 1. The closure of a 3.2 km section of Jandami Lane as shown on Attachment 1 – Jandami Lane, section proposed for closure November 2016, in accordance with section 3.50 of the Local Government Act 1995, until the long term future of the lane is finalised, 2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve, 3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016. 4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the Local Government Act 1995, when necessary to facilitate the transfer of that part of the road reserve to another party, and 5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed.	The Shire has requested the closure of the road in accordance with the Council resolution, and is awaiting the Department of Planning, Lands and Heritage (DPLH) to complete the process to permanently close the road. The DPLH has advised that the proposed road closure is pending other land tenure actions, being the creation of proposed easements. No change to report as of February 2021. 11/03/21 - Email issued to Planning requesting an update. 14/04/21 - Meeting taking place with DLPH this month. 20/05/21 - No further progress made with Lands. 23/06/21 - No further progress made with Lands. 17/08/21 - No further progress to report. 09/09/21 - Planning are discussing further with Lands 20/04/22 - Planning is following up with the Department.	14-Aug-17	In progress
Aug-18		Carl Askew, Chief Executive Officer	Local Law Review	That Council 1) Undertake a review of the following: a) Shire of Wyndham East Kimberley Dogs Local Law 2003 b) Shire of Wyndham East Kimberley Parking and Parking Facilities Local Law 2003 c) Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005 d) Local Government Property Local Law 2003 2) Give State-wide public notice of the proposal to review the above Local Laws.	All four local laws have been reviewed and are in drafting stage. The work on this was postponed due to Covid-19 but has resumed. The comments on the laws have been incorporated in the documents and will be reviewed by the responsible officers as the next step. 14/04/2021: The work that has been done on this item has been accessed. The Shire Executive will determine a process to progress this item and revert to Council at the July Council Briefing session. 24/06/2021: Shire Rangers have started the process to review the Dogs Local Law 2013. 04/12/2021: The review of the Local Government Act will have an impact on this resolution going forward. Further action will be put on hold until clarity on model Local Laws and amendments to review periods have been promulgated. 20/04/2022 - No further action until Local Government Act review complete.	01-Jun-19	In progress
OCM 19/08/27	27/08/2019 - 118087	Stuart Dyson, Director Infrastructure	12.5.4. Landfill Management	That Council: 1. Approves the following option for Wyndham Landfill: Option 1a - New landfill on the existing site in Wyndham (by diverting the surface water running through the existing site) 2. Authorises Shire Officers to action the preferred option.	Endorsed by Council, Officers progressing item 2. Site visited by Ask Waste Management to look at how the creek can be diverted. Works have stalled at the moment due to resource constraints. The Shire is investigating whether or not to appoint a dedicated Waste Manager due to the work load in this area. Survey works have commenced. Survey works being planned and then a concept design will be produced, in parallel with this Officers are also looking at adjacent land. No further progress to report as of November 2020. 11/03/21 - Paper to be taken to Council in the March briefing to provide an update. 15/04/21 - Officers now pursuing 2 options, extend the existing site and a new site. 20/05/21 - No change to report. 09/09/21 - Council briefed on an alternative option for Wyndham. 01/11/21 - Meeting with Balangarra to progress the land issues for the expansion of the site. 14/02/22 - 20/04/22 - Awaiting feedback from Balangarra.	16-Sep-19	In progress
OCM 20/02/25	25/02/2020 - 118167	Stuart Dyson, Director Infrastructure	12.2.3. Annual General Meeting of Electors 12 December 2019	That Council undertakes a review of gardening and slashing activities and whether or not it is cost effective to outsource them.	Under review with the Asset and Engineering Manager. Implementation delayed as a result of the Covid 19 Pandemic. Priority is now to self perform Swim Beach Footpath. 11/03/21 - Contract put in place for external contractors to provide slashing services. Swim Beach footpath to commence in April 2021. 15/04/21 - Swim Beach commencing in the next 3 weeks. 20/05/21 - Swim Beach footpath works ongoing. 24/06/21 - First stage of Swim Beach completed, balance to be completed in the next financial year. 19/10/21 - PO being finalised for business case to evaluate current situation and to investigate a self performing road construction with a depot crew. 04/12/21 - Uniqco visited Shire to perform the work for the business case for self performance and evaluation of current operations 14/02/22 - Awaiting final report from Uniqco 2/03/22 - Draft final report received for Shire to comment on. 20/04/22 - Item to come to briefing.	25-Feb-20	In progress

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OCM 30/03/2021	30/03/2021- 118411	Stuart Dyson, Director Infrastructure	12.5.2. Tourism House (Restaurant) Repairs	That Council 1.Approves the transfer of \$80,877.22 inc GST from the Tourism House Reserve account to fund repair works to the restaurant area of Tourism House. 2.Endorses the repairs outlined in this report to the restaurant area of Tourism House.	15/04/21 - Endorsed by Council and works commence 19/04/21. 20/05/20 Stage 1 works completed and the building is operational again. 24/06/21 - Stage 2 works to be completed during the wet season. 17/08/21 - Legal advice being obtained due to the fact the tenants are using a fire hose again. 09/09/21 - Notice issued to the tenants as they have breached the condition of the licence again. 19/10/21 - Subsequent inspection satisfactory - remainder of works to be conducted early 2022. 14/02/22 - Shire Officers have been in contact with the owners and contractor to schedule work, any price differences will be referred to the MYBR.	15-Apr-21	In progress
OCM 27/07/2021	27/07/2021 – 118481	Nick Kearns, Director Planning and Community Development	12.3.2 Kununurra PCYC Redevelopment Agreement	That Council authorises the Chief Executive Officer to: 1.complete negotiations to finalise the Lease, the Licence and the Redevelopment Agreement (Documents) with the WA Police and Community Youth Centres Incorporated conditional on the material terms adopted by Council on 24 November 2020 not being the subject of further negotiation; and 2.execute the finally negotiated Documents together with the Shire President subject to compliance with recommendation 1 above. 3.ensure that the procurement and associated reporting is cognisant of SWEK local preference purchasing policies and commitment to local businesses, to ensure local contractors, including Indigenous contractors, have the ability to tender for works.	Lease documents signed	16-Feb-22	In progress
OCM 27/07/2021	27/07/2021 - 118500	Stuart Dyson, Director Infrastructure	12.5.2. Roads 2030 list of applicable roads	1. Remove the following roads from the proposed Roads 2030 document: •Duncan Road •Gibb River Kalumburu Road •Glen Hill Road •King River Road •Mount Elizabeth Road •Ningbing Road •Port Warrender Road 2.Add the following roads to the proposed Roads 2030 document: •Moonamang Road •Barytes Road •Carlton Hill Road	Aug 21: Being reviewed and discussed with Main Roads. Sept 21: Details forwarded to Main Roads and waiting on confirmation of changes. Feb 22: Still awaiting confirmation of changes from Main Roads.	27-Jul-21	In progress
OCM 24/08/2021	24/08/2021 - 118520	Felicity Heading, Director Corporate Services	16.3. EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES	That Council 1.Resolve to exercise a power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 in relation to Rates Assessment A411 which has rates in arrears for 3 or more years (as detailed in the table below) for the recovery of outstanding rates and service charges; 2.Request the CEO or their delegate to instruct the Shire's legal representatives to commence legal proceedings in accordance with Part 6 Subdivision 6 of the Local Government Act 1995; and 3.Request the CEO or their delegate to liaise with the Department of Communities, taking into consideration the wellbeing of the occupant, prior to commencing legal proceedings.	November 2021: Officers meeting with Department of Communities prior to Christmas. March 2022: Letter has been sent to property occupant, Shire officers to follow up with visit to occupant. April 2022: No response received from occupant. Shire officers to deliver letter in person.	23-Sep-21	In progress
OCM 21.11.23	23/11/2021 - 118553	Vernon Lawrence, Chief Executive Officer	12.5.1. Gibb River - Kalumburu Road, disposal	That Council approves the disposal of the following roads to Main Roads Western Australia and authorises the Chief Executive Officer to write to Main Roads WA and other advocacy with relevant State Government Ministers to give effect to this resolution: 1.Gibb River - Kalumburu Road 2.Port Warrender Road.	Letters to be drafted by Manager Infrastructure and sent in January 2022 14/02/22 - Letters drafted and sent awaiting response. 01/04/22 - Reply received from Main Roads declining the to assume responsibility for the Road. Letter now to be sent to the Minister.	04-Dec-21	In progress
OCM 21.11.23	23/11/2021 - 118554	Vernon Lawrence, Chief Executive Officer	12.5.2 Carlton Hill Road, portional disposal	That Council approves the closure and disposal of Carlton Hill Road from 10.5km to the end of the existing road reserve at 23.71km and authorises the Chief Executive Officer to implement the road closure process.	Letters to be drafted by Manager Infrastructure and sent in January 2022 14/02/22 - Letters drafted and sent awaiting response.	04-Dec-21	In progress
OCM 22.02.22	22/02/22 - 118585	Felicity Heading, Director Corporate Services	12.4.3. New Loan - East Kimberley Regional Airport Infrastructure Upgrade	That Council: 1.Authorise the CEO to apply for loan funding of \$1,400,000 from the Western Australian Treasury Corporation in accordance with section 6.20(1)(a) of the Local Government Act 1995, for the following purpose: •East Kimberley Regional Airport Infrastructure Upgrade Stage 1 - \$1,400,000. 2.Note that local public notice will take place in accordance with section 6.20(2)(a) of the Local Government Act 1995.	March 2022: Local public notice has occurred Application is in progress with WATC. April 2022: Application under assessment by WATC	23-Feb-22	In Progress

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OCM 22.03.22	22/03/2022 – 118611	Nick Kearns, Director Planning and Community Development	16.1.EXPRESSION OF INTEREST TO PURCHASE LOTS 401 AND 402 PEARSE STREET, WYNDHAM	That Council: 1.Accepts the offer from Paul Cavanagh for Lots 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham (land) for the combined price of \$22,400 in accordance with the Expression of Interest lodged and subject to local public notice of the proposed disposition being given in accordance with the Local Government Act 1995. 2.On the basis of the valuation dated 17th of September 2020, where the market value of the land was determined to be \$10,000 (exc GST) for vacant possession, Council adopts this amount to be a true indication of the fair market value of the land as at 22 March 2022. 3.Notifies other applicants, in writing, that they were unsuccessful in their submission to purchase the land and that the successful applicant was Paul Cavanagh. 4.Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising contract of sale documentation and a deed of agreement being to ensure that the following conditions are formally documented (formal agreement): a.Lots 401 and 402 on Deposited Plan 144222 are amalgamated (amalgamated land); and b.The required road access to the amalgamated land is constructed at the purchaser's sole cost (road construction obligation) and to design and construct specifications approved by the Shire; and c.The amalgamation of Lots 401 and 402 on Deposited Plan 144222 condition and the road construction obligation will transfer to any subsequent purchaser of the land who will be required to enter into a replacement deed in the same terms as the original formal agreement between the subsequent purchaser and the Shire (replacement deed); and d.The purchaser will consent to a caveat being lodged on lots 401 and 402 on Deposited Plan 144222 to secure the obligations in the formal agreement and any replacement deed, such caveat to be removed to allow for compliant dealings on the land by the purchaser.	Letters sent to successful and unsuccessful applicant. The Shire's solicitor is preparing the contract of sale documentation, and the caveat to secure the obligations set out in a deed of agreement in accordance with the Council resolution. Shire Officer to draft local public notice of disposition	21-Apr-22	In progress
OCM 22.03.22	22/03/2022 – 118612	Nick Kearns, Director Planning and Community Development	16.2.EXPRESSION OF INTEREST TO LEASE LOT 509 MILLINGTON DRIVE, KUNUNURRA	That Council: (1)Offers Lake Kununurra Boat Hire a 10 year lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra to Lake Kununurra Boat Hire subject to: (a)Consent from the Minister for Lands; (b)Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and (c)Lease rent to be in accordance with a current market rental valuation. (2)Notifies other applicants, in writing, that they were unsuccessful in their submission for the lease over a portion of Reserve 50467, Lot 509 on Deposited Plan 66529, Commercial Boating Facility, Kununurra and that the successful applicant was Lake Kununurra Boat Hire. (3)Authorises the Chief Executive Officer to negotiate the lease agreement, finalise and affix the common seal.	Letters sent to successful and unsuccessful applicant. Lake Kununurra Boat Hire has accepted the offer of lease and has sought confirmation on a number of matters to be discussed. Market valuation has been received, and local public notice has commenced with any submissions required to be lodged by 2 May 2022. Draft Lease has been forwarded to DPLH seeking the consent of the Minister for Lands.	20-Apr-22	In progress
OCM 22.03.22	22/03/2022 – 118613	Vernon Lawrence, Chief Executive Officer	16.3. QUOTATION AWARD FOR RFQ04-20/21 WHEELED EXCAVATOR	That Council: 1.Note the recommendation in the Evaluation Report for RFQ04-20/21 Wheeled Excavator (Attachment 1); and 2.Endorse that the additional funds required can be committed from GL:1041004050 - Drainage Works - Self Performing in the Mid Year Budget Review. 3.Accept the quote from Hitachi Construction (Australia) Pty Ltd as the most advantageous quotation; and 4.Authorise the Chief Executive Officer; a)To negotiate and sign a purchase agreement with Hitachi Construction (Australia) Pty Ltd, or b)Where a purchase agreement cannot be executed with the preferred supplier, begin negotiations with the second preferred supplier, and after ensuring that all appropriate financial due diligence is undertaken, sign a purchase agreement with the second preferred supplier.	Negotiations are in progress with the supplier.	23-Mar-22	In Progress