



SHIRE OF WYNDHAM EAST KIMBERLEY

# MINUTES ANNUAL GENERAL

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## **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 recordings will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V.E. Lawrence', written in a cursive style.

**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

- 1. The person presiding at the meeting (usually the President or Deputy President) is entitled to move, second, speak to or vote on motions.**
- 2. Motions moved at Electors Meetings will be considered by Council at the next ordinary council meeting or as soon as practicable. Any decision in response to motions moved at the Electors Meeting are to be recorded in the minutes of that meeting.**

**SHIRE OF WYNDHAM EAST KIMBERLEY**  
**MINUTES OF THE**  
**ANNUAL GENERAL MEETING OF ELECTORS**  
**KUNUNURRA COUNCIL CHAMBERS**  
**TO BE HELD ON THURSDAY, 17 MARCH 2022 AT 5:00 PM**

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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.

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I now declared the meeting open at 5:01pm

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

**In Attendance**

Cr T Chafer	Deputy Shire President (Chair)
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr D Hearty	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor
Cr J Farquhar	Councillor

Vernon Lawrence	Chief Executive Officer
Felicity Heading	Director Corporate Services
Nick Kearns	Director Planning and Community Development
Paul Webb	Manager Assets & Engineering
Natalie Bray	Minute Taker
Sebastian Tasi	Minute Taker

Simone Rushby	Resident
Mark Northover	Resident
Anne Wright	Resident
Darren Spackman	Resident
Peter Bagley	Resident
Bradley Kyne	Resident

**Absent**

Cr D Menzel	Shire President
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### **3. CONFIRMATION OF MINUTES**

#### **3.1. CONFIRMATION OF MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS 2 FEBRUARY 2021**

##### **RECOMMENDATION**

**That the Minutes of the Annual General Meeting of Electors held on 2 February 2021 be confirmed.**

##### **RECOMMENDATION**

**Minute Number: 17/03/2022 - 118616**

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**That the Minutes of the Annual General Meeting of Electors held on 2 February 2021 be confirmed.**

**Decision 8/0**

### **4. PRESENTATION OF THE 2020/21 ANNUAL REPORT**

#### **4.1. SHIRE PRESIDENT'S REPORT**

Presiding Member read aloud the 2020/21 President's Welcome to the 2020/21 Annual Report, at the conclusion of a year that has encompassed some real highs and collective lows.

Our community, like other communities worldwide, is continuing to navigate through the ever-evolving Coronavirus pandemic.

I am fully aware of how difficult times have been for our residents, ratepayers and local businesses. To assist our ratepayers, local businesses and community groups, the Shire has extended its COVID-19 Financial Hardship Policy and Community Support Grant during this financial year. We hope that this has been of some assistance during these uncertain times.

Our tourism industry also took a significant hit with the ongoing border closures due to the pandemic. The State Government assisted with discounted regional fare programs for residents and vouchers to encourage intrastate traveling. Tourism WA also provided a kick off marketing campaign in August 2020, where top CEOs from Perth visited our region. At the start of 2021, a 'Wander out Yonder' campaign launched to assist our local tourism operators.

During May 2021, vaccines against COVID-19 were introduced with a rollout program across WA. Subsequently, the Shire worked with health agencies to promote the vaccine.

Although this year has been better than the last for our residents and local businesses, it still hasn't been the same. Nonetheless, with the availability of a vaccine, it provides a beacon of hope that we need to move forward from this pandemic. Therefore, I would like to strongly encourage our community to get vaccinated to not only protect yourself, but your family and community from the effects of COVID.

Despite the pandemic challenges, the Shire continued to evolve and progress for our tight-knit community. The \$2.3 million Kununurra Splash Pad, which is part of Stage One of the Kununurra Leisure and Aquatic Revitalisation plans, is well on its way. A tender was awarded in May 2021 and works have begun with the demolition of the old Shire administration building to make way for the new splash pad.

As part of the State Government's election promise in March 2021, the Shire secured \$6 million towards upgrading our 25m pool to a 50m pool, which will assist in Stage Two of the Kununurra Leisure and Aquatic Revitalisation plans. This time next year, I look forward to detailing how Stage One and Two works have refreshed our town area.

One of the Shire's greatest milestones achieved this financial year was the signing of the Memorandum of Understanding (MOU) with the Miriuwung Gajerrong (MG) Corporation. It was a logical step in progressing the aspiration of both of our organisations, but more importantly, to develop and progress our community. This agreement is a real landmark arrangement as it sets a very important benchmark for Council and Indigenous organisations across Australia. I look forward to working collaboratively with MG Corporation and other potential traditional owner groups to advance our community.

The Shire has also collaborated with the State Government and other agencies/organisations during this financial year to progress a number of economic development projects within the Shire. Projects such as the Cotton Gin, Seafarm Development and exciting new opportunities in Green Hydrogen Generation. These collaborations are the key to investment and improvement of our infrastructure and we look forward to more.

The Shire has heavily focused on community feedback on all planned and current projects this year. In June 2021, we held an Open House session across Kununurra and Wyndham for community members to have their say on the Shire's planned activities over the next five years. The Shire also provided a Community Scorecard Survey in March 2021. It has been refreshing to see residents involved in this consultation process and hear your thoughts on these projects— please note that we are listening and your feedback has been valuable in refining the projects highlighted in the 2021-2025 Corporate Business Plan.

Reflecting back on the year that has been, I am extremely proud of the transformative projects that are in the works. Despite the ongoing Coronavirus Pandemic, it is fair to say that it has been a progressive year for the Shire and our community.

I look forward to providing more positive updates about these projects in 2022. Rest assured that with our united Council and dedicated Shire staff, we are working tirelessly for the benefit of our ratepayers and community.

This Annual Report will provide more details of this year's achievements and the work undertaken by the Shire – Thank you for your interest and have a great year.

Cr Chafer invited the Chief Executive Officer, Vernon Lawrence, to give a summary of progress during the 2020/21 year – followed by an outline of the annual financial statements and independent audit report.

## **4.2. CHIEF EXECUTIVE OFFICER'S REPORT**

The Chief Executive Officer gave a summary of progress during the 2020/2021 year as outlined in the Annual Report.

The CEO noted that the real effects of COVID-19 were felt within the Shire this past financial year with impacts on our revenue streams and in our community, noting that the administration staff handled themselves very well and that is in turn reflected in our financial results.

During the 2020-2021 Financial Year, I mainly dealt with economic development issues, with the common theme of the 5 top strategic priorities, being addressed:

1. East Kimberley Regional Airport aprons and taxiways
2. The redevelopment of the Kununurra Leisure Centre to obtain funding for the 50 metre pool
3. Expanding childcare
4. Support the Seafarms project
5. Establishment of the Cotton Gin

Other areas of economic development advocated for by the Shire were the Sorby Hills Lead and Zinc Mine & Agrimin's potash mine with both expecting a financial investment decision by mid year. We are also dealing with a company regarding a potential green hydrogen energy.

Our direct flight trial was initially postponed due to COVID-19, however when we were able to reopen to for the tourism season, we had a shortage of tourism accommodation. In order to give the trial the best opportunity to succeed, we need to address the accommodation issues. Until the border issues are completely resolved and there is adequate accommodation to support a successful trial, we will keep it on hold.

COVID impacted our ability to do Capital Works due to the difficulty in securing contractors to mobilise to site and pricing which was problematic due to an excess of stimulus money circulating in the economy. With regard to the natural disaster recovery works (DRFAWA) the process was amended and was meant to now be a more streamlined process. However it was not as simple as expected and has taken much longer for approvals and for refunds to get through.

The CEO explained the operating deficit ratio which is being addressed the relevant state departments. The Director General, the Ministers Office and the Office of the Auditor General. The issue is structural and relates to the manner in which Local Governments are funded. This structural imbalance is that our Shire with has approximately 2800 rate payers and infratructre assets with a replacement value of \$360M that we have to manage. This creates a renewal obligation of about \$2,500 per ratepayer per annum. In comparison to metropolitan Shires they can have in excess of 50,000 ratepayers and their renewal obligation per ratepayer tends to be between \$650 and \$800 per

ratepayer per annum. Metropolitan Councils have lower rates per ratepayer and have the ability to self fund projects whereas regional local governments tend to have much higher rates and an inability to self fund projects. This imbalance needs to be addressed.

The CEO acknowledged and thanked Councillor Pearce, Councillor Petherick and Councillor Lodge, who all resigned throughout the past 12 months for their contribution to Council and the community. He welcomed to Cr McNeil and Cr Hearty who have been sworn in and Bradley Kyne who will be sworn in next week.

#### **4.3. ANNUAL FINANCIAL STATEMENTS AND INDEPENDENT AUDIT REPORT**

The Chief Executive Officer requested the Director Corporate Services to outline the findings of the Auditor's Report (Pages 111 to 113 in the Annual Report).

The Office of the Auditor General (**OAG**) conducted the audit using a contractor, as is the case for a lot of local governments. The audit process is similar to audit processes but with additional levels of review which impacted the time to complete the audit.

The Shire has a clean audit opinion. The audit opinion from the OAG states that the audit was based on proper accounts and records, which properly reflect the operations of the Shire.

There were 2 items that were noted, one being the Operating Surplus Ratio which is similar for many other Shires and is under review by the Department of Local Government. The other relates to the Asset Renewal Funding ratio which is a technical non-compliance, based on not having the full data range required to provide this calculation. The Shire has 7 years of data, not the OAG required 10 years. We are in the process of updating our asset management plans and long term financial plans and so this will not be an issue for the 2021/22 financial year..

There are 7 ratios that make up the Financial Health Indicator, there are 4 that are within and above the required standard, 2 are below which are the Operating Surplus and the Asset Sustainability Ratios and 1 which was not reported on.

A \$3.1M operating deficit was reported, which was a better result than predicted \$6M budget deficit, the predicted deficit was based on a very conservative budget due to worst case scenario due to COVID-19.

*The Chair asked members of the gallery if there were any questions regarding Annual Financial Statement or Annual Report*

#### **Statement from Simone Rushby, Kununurra**

Simone Rushby acknowledged that the wider community and industries outside of tourism that also have been affected by COVID-19 and stated that progress related to economic development are good to see.

#### **Question from Simone Rushby, Kununurra**

Regarding the rating policy noted on page 47 of the Annual Report, why aren't we using broader spectrum of factors when determining a rate rise rather than referencing City of Perth as a comparable?

**Response from Vernon Lawrence, CEO**

I have no recollection of referencing Perth or Perth's rating policies in any budget briefings and certainly haven't considered them to have any merit for our situation. We have looked at Derby, Halls Creek, Broome and compared our rating policies with the view to eventually achieve having the cheapest rates in the Kimberley in the years to come.

In regards to Council's view of rate increases, whenever the administration have put forward a rate increase, Council have not looked to implement it favourably. In the 5 years I have been with the Shire, there has only been a 1.2% increase in my first year & last year a 1% increase. Based on last years figures, we were the 8<sup>th</sup> lowest in the state relating to rate increases.

If Perth has been mentioned, it may be related to Perth CPI increases, which our CPI increases are based on. The only time I have ever looked at a Perth set of financial statements has been to compare the number of ratable properties and what their rate raise is, this gives comparison of the ratable burden on each rateable property regarding the responsibility to maintaining infrastructure.

**Question from Simone Rushby, Kununurra**

Why does the Financial Health Indicator (FHI) continue to be below industry standard?

**Response from Felicity Heading, Director Corporate Services**

Our FHI is 65, so on the face of it, it does look like it is downward trend. However, with the Asset Sustainability Ratio not complete it skews the figure, when new infrastructure such as footpaths were installed, it appears on paper as if you are not renewing your assets. Additionally, with a lot of projects being deferred due to COVID-19 it was affecting our ability to get contractors, and so some renewal works were not able to occur.

If you include the Asset Funding Ratio (which was not reported due OASG requirement for 10 years data), with that figure included in the FHI it would change to 68 rather than 65, which is still slightly below the industry benchmark of 70, it does support that we are not on a downward trend.

**Question from Simone Rushby, Kununurra**

How many versions of our financials were presented to the OAG before adoption?

**Response from Felicity Heading, Director Corporate Services**

Including our very first draft sent for initial review, there were 6 versions.

The final version, was the only one with adjustments requested by the auditor, the remainder were updates of existing figures as we completed the process.

**Question from Simone Rushby, Kununurra**

What do we get for our Kimberley Zone contribution of \$45,188?

**Response from Tony Chafer, Deputy President**



A united Kimberley voice, it is extremely to the state and federal governments, and also should be important to our rate payers.

While in attendance to make a presentation to the Commonwealth Government for our airport, it was made clear to us by various ministers that the only reason that we were successful in getting the project to seal the Tanami off the ground is because we were united in presenting it as our one and only major project for the Kimberley.

Operational Regional Shield also would have not gotten off the ground if it wasn't for this united approach to assist tackling crime in the Kimberley.

The Kimberley Zone is a legal requirement for us to have and be part of, additionally there is the Kimberley Regional Group which is voluntary but backs up the Kimberley Zone. These contributions also fund a consultant who works, researches and advocates for the four Kimberley Shires with both State and Federal Governments and opens doors we might otherwise not be able to access on an individual basis. This united front was also a big part of securing the \$7.5M in BBRF funding for the East Kimberley Regional Airport. All four Shires backed this project as a preferred project during that round of funding.

Additionally, \$6M for the swimming pool at the Kununurra Leisure Centre & \$3M for the Water Park has also been achieved through this collaboration, therefore, the funds spent on the Kimberley Zone contribution is extremely worthwhile.

#### **RECOMMENDATION**

**That the 2020-21 Annual Report, including the Shire President's Message, Chief Executive Officer's Report and Annual Financial Statements and Independent Auditor's Report be received.**

#### **RECOMMENDATION**

**Minute Number: 17/03/2022 - 118617**

**Moved: Cr Chafer**

**Seconded: Mr Darren Spackman**

**That the 2020-21 Annual Report, including the Shire President's Message, Chief Executive Officer's Report and Annual Financial Statements and Independent Auditor's Report be received.**

**Carried: 12/0**

## **5. PUBLIC QUESTION TIME**

Electors have the opportunity to ask a question or make a statement. Questions that are not able to be answered at the meeting will be taken on notice. Written questions or comments received prior to the meeting will be considered first.

### **5.1 QUESTIONS OF WHICH PRIOR NOTICE HAS BEEN GIVEN**

#### **Question from Mark Northover, Kununurra**

How much has been spent on Ngimbin Road in the last 5 years?

#### **Response from Vernon Lawrence, CEO**

No money has been spent on this road in the last 5 years, possibly even in the last 10-15 years.

This road is listed as an unbuilt road.

*5:43pm S Tasi left the meeting*

### **5.2 QUESTIONS RECEIVED FROM THE FLOOR**

#### **Question from Peter Bagley, Kununurra**

When was the Annual Report adopted by Council?

#### **Response from Vernon Lawrence, CEO**

At the 22 February 2022 Ordinary Council Meeting.

#### **Question from Peter Bagley, Kununurra**

Have Shire consulted with Kalumburu and other Stakeholders regarding divesting Kalumburu Road?

#### **Response from Paul Webb, Manager Assets & Engineering**

Not yet, we don't have any information to discuss until we receive indication that MRWA are open to taking it back, once established this, a consultation process will be undertaken.

#### **Question from Mark Northover, Kununurra**

Regarding the money spent on roads affected by wet season weather events, what enquiry is made on the end result rate payers money is used for?

#### **Response from Paul Webb, Manager Assets & Engineering**

It is Department of Fire and Emergency Services money not ratepayer funds that pays for these type of repairs. We can only repair a road to a standard equal to what was in place prior to the declared weather event. There is limited room for betterment of a road as part of these repairs. The limitation on betterment is a commonwealth requirement that can't be fixed at state level, when we have enquired regarding change to this we were advised a review is in process but how long it is in process goes for we can't say. All funds spent on these repairs are heavily audited.

**Question from Mark Northover, Kununurra**

\$4.9M spent using local contractors and materials, does the Shire feel this is ok?

**Response from Vernon Lawrence, CEO**

The way we evaluate this is to compare historic spending to confirm there is more investment engaging local contractors and businesses each year, our aim is to support local where we can but it should be noted that sometimes the prices submitted by local businesses is prohibitive to us using them resulting in us self performing some works.

We have a *Regional Price Preference Policy* which applies a weighting included in quote evaluations, however it tends to only help with smaller value purchases, when the works are at higher values it does not assist in the way we wish it would assist.

**Question from Peter Bagley, Kununurra**

Is there a disability standard applicable and does the new water park meet that standard?

**Response from Nick Kearns, Director Planning and Community Development**

Yes it does, it meets current standards, we looked to try make it exceed requirements and make it more friendly but there were some limitations due to the slides and climbing areas. We are also considering in future stages including sensory elements in to the landscaping or other areas.

**Question from Peter Bagley, Kununurra**

Is the Council aware of the disability committee in town, and if so, how many meeting Councillors have been to?

**Response from Nick Kearns, Director Planning and Community Development**

Yes, the Disability Access and Inclusion Committee (DIAC) falls under my directorate, we are engaged with this committee and Councillors are part of those meetings, Cr McKittrick stated she has attended 3 or 4 of the meetings.

**Question from Peter Bagley, Kununurra**

Having family members with disabilities, have the Shire considered disability accessibility to playgrounds like Celebrity Tree Park?

**Response from Cr M McKittrick**

I participate in the Disability Access and Inclusion Committee meetings and one of the items we have requested is an audit on all Shire facilities (playgrounds, recreation centres, offices etc) regarding access to understand and create a priority list of areas for improvement. The aim is to complete the audit by the end current financial year.

It is acknowledged by Council that improvements are needed for Kununurra and Wyndham playgrounds/parks and that we don't believe the Shire has capacity to have lots of playgrounds. We will be looking at options like having less playgrounds that are larger with a more achievable service level requirement that also meet the needs of a broader range of the community including those with disabilities.

**Question from Peter Bagley, Kununurra**

I have several queries relating to irregularities noted during the recent Local Government Election.

**Response from Vernon Lawrence, CEO**

I would request that you put all your queries in writing to myself so I am able to respond to them.

**Question from Anne Wright, Kununurra**

Can we put pressure on applicable bodies to get the lighting on Messmate Way repaired?

**Response from Vernon Lawrence, CEO**

Yes, we will ask on the communities behalf regarding this repair.

**Question from M McKittrick, Wyndham**

It has been brought up a few times in the past and I would like to know when will the Wyndham drainage issues be looked at?

**Response from Vernon Lawrence, CEO**

Question taken on notice.

**Statement by Darren Spackman, Kununurra**

The Shire became involved in Kimberley Zone from 2012-13, I would like to voice my view that Shire's involvement in the Kimberley Zone, please stick with it as it is vital to have a united Kimberley voice.

**Question by Darren Spackman, Kununurra**

Ivanhoe Road drain out to the Lake, only half is designated as a Shire drain, hasn't been cleaned out for many years. Can this drain be cleaned out and in look at gazetting the whole drain to the Shire?

**Response from Vernon Lawrence, CEO**

The Shire met with Water Corporation late last year, at that point we were advised that we were not allowed on property. This advice has now been revisited and the indication is that access to this area may now been permitted. We are working with Water Corporation to clarify the details so that permissions for entry to the location can commence the works carried out.

**Statement from Darren Spackman, Kununurra:**

If Water Corporation don't want to allow access, it would be good to get that position in writing.

**Question from Peter Bagley, Kununurra**

Can Kimberley Zone advocate to the Commissioner of Police, Mr Dawson that banning the sale of takeaway alcohol is not a good idea?

**Response from Vernon Lawrence, CEO and Cr Tony Chafer**

Absolutely yes, the Kimberley Zone are supportive of this position and are advocating to have a banned drinkers register similar to the NT model implemented. The Kimberley Regional Group is also advocating for multiple avenues to be developed to get people that need to be on the BDR on to it.

The four Kimberley Shire Presidents met with 6-8 ministers while in Perth in February this year, the banned drinkers register was on table for each of the meetings and the Shire Presidents were all advocating for it.

**Question from Simone Rushby, Kununurra**

Is there any movement on the repairs of Lake Argyle Road?

**Response from Vernon Lawrence, CEO**

Yes there are, when Moonamang Road was sealed, the contractors budget allocated to that was underspent & the Shire was asked what other roads needed work. Lake Argyle Road was put forward as a suggestion to have those funds used on it. This reallocation of funds is estimated to be around \$3M. In addition grant funding from Regional Roads Group (**RRG**) will contribute an additional \$1m to Lake Argyle Road. It is estimated that these funds will be sufficient to get the road fixed from the highway to the first bridge.

Paul Webb, Manager Assets & Engineering also stated the RRG plan to allocate \$1M per annum for next 3 years was taken to Council briefing. The MOU we had 2 years ago with Main Roads WA was the best value for dollar for Works on Lake Argyle Road. This agreement is being reformatted for consideration by Council for the 2022-23 financial year and will be subject to their agreement.

## **6.ACCEPTANCE OF MOTIONS**

### **6.1 PROPOSED MOTIONS OF WHICH PRIOR NOTICE HAS BEEN GIVEN**

Nil

### **6.2 PROPOSED MOTIONS RECEIVED FROM THE FLOOR**

*Simone Rushby put forward the following motion:*

**ELECTOR MOTION 1**

**Council to present clarity to rating charges and report on fair and equitable rating policy that provides transparency in line with like minded Shires.**

**Moved: Simone Rushby**

**Seconded: Cr Chafer**

**Decision: 13/0**

*Simone Rushby put forward the following motion:*

**ELECTOR MOTION 2**

**Council to investigate and consult with rate payers on community infrastructure before service levels are determined.**

**Moved: Simone Rushby**

**Seconded: Peter Bagley**

**Decision: 12/0**

*Peter Bagley put forward the following motion:*

**ELECTOR MOTION 3**

**That the Council provide an update to the Disability Access and Inclusion Committee on the progress of the audit of disability access to all Shire facilities.**

**Moved: Peter Bagley**

**Seconded: Cr T Chafer**

**Decision: 12/0**

*Peter Bagley put forward the following motion:*

**ELECTOR MOTION 4**

**That Council consult with stakeholders at the appropriate time before formalising the divesting of road assets.**

**Moved: Peter Bagley**

**Seconded: Cr T Chafer**

**Decision: 13/0**

*Mark Northover put forward the following motion:*

**ELECTOR MOTION 5**

**That Council review procurement processes to assist in the improvement of participation from local business in Shire procurement activities.**

**Moved: Mark Northover**

**Seconded: Cr D Lodge**

**Decision: 13/0**

*Michelle McKittrick put forward the following motion:*

**ELECTOR MOTION 6**

**That Council review drainage in Wyndham with particular reference to Gully Road, Baker Street and the service roads off Great Northern Highway.**

**Moved: M McKittrick  
Seconded: Cr C McNeil**

**Decision: 13/0**

*Darren Spackman put forward the following motion:*

**ELECTOR MOTION 7**

**That Council clear the drain at King Location 715 to an acceptable usable standard.**

**Moved: Darren Spackman  
Seconded: Simone Rushby**

**Decision: 13/0**

**7. CLOSURE**

Meeting closed at 7:17pm.