



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

27 SEPTEMBER 2022

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

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

Signed on behalf of Council



VERNON LAWRENCE
CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING
MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 27 SEPTEMBER 2022 AT 5:00PM**

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 5:09pm.

**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 (Video Conferencing)
Cr C McNeil	Councillor (Video Conferencing)
V Lawrence	Chief Executive Officer
N Kearns	Director Planning and Community Development
N Bray	Minute Taker

Ted O'Connor	ABC Kimberley
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Leave of Absence

Cr J Farquhar	Councillor
Cr B Kyne	Councillor
Cr M McKittrick	Councillor

F Heading	Director Corporate Services
Paul Webb	Director Infrastructure

3. DECLARATION OF INTEREST

- Financial Interest

Item	Person	Declaration
12.2.2	Cr T Chafer	I am a paid director of Gelganyem

- Proximity Interest

Nil

- Impartiality Interest

Item	Person	Declaration
12.3.2	Cr D Menzel	The 2 submissions from the community are 1) C Bloecker - A business partner 2) I Hocking - A close family friend

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Chafer, Cr McKittrick and Cr Farquhar have provided written requests for a leave of absences for various dates as outlined in the below Officer Recommendation.

OFFICER RECOMMENDATION

That Council approves leave of absences for Cr Chafer, Cr McKittrick and Cr Farquhar for the following Ordinary Council Meetings and or Audit (Finance and Risk) Committee Meeting:

- Cr Chafer 25 October 2022 and 13 December 2022 Ordinary Council Meetings and 5 December 2022 Audit (Finance and Risk) Committee Meeting;**
- Cr McKittrick 27 September 2022 Ordinary Council Meeting; and**
- Cr Farquhar 27 September 2022 Ordinary Council Meeting.**

Council Decision

Minute Number: 27/09/2022 - 118708

That Council approves leave of absences for Cr Chafer, Cr McKittrick and Cr Farquhar for the following Ordinary Council Meetings and or Audit (Finance and Risk) Committee Meeting:

- **Cr Chafer 25 October 2022 and 13 December 2022 Ordinary Council Meetings and 5 December 2022 Audit (Finance and Risk) Committee Meeting;**
- **Cr McKittrick 27 September 2022 Ordinary Council Meeting; and**
- **Cr Farquhar 27 September 2022 Ordinary Council Meeting.**

Moved: Cr Brook

Seconded: Cr Dear

Decision: 6/0

7. PETITIONS

OFFICER RECOMMENDATION

That Council receives the petition titled “Drag story time at Public Library”.

Council Decision

Minute Number: 27/09/2022 - 118709

That Council receives the petition titled “Drag story time at Public Library”.

Moved: Cr Menzel

Seconded: Cr Chafer

Decision: 6/0

COMMENTS

The Shire received a petition titled “Drag storytime at Public Library”. This is in response to the event held at the Kununurra School and Community Library on Saturday 28 August 2022. The petitioner's request is that “ The use of our public libraries no longer be used for drag story time”.

In terms of the Shire's *Meeting Procedures Local Law 2016 section 6.10 (2)* the petition has been forwarded to the relevant officer to be included in their deliberations and to report on the matter with reference to the *Meeting Procedures Local Law 2016 section 6.10(3)*. It is the advice of the CEO that the request cannot be agreed to as the event does not contravene any law. Furthermore, to agree to the petition will infringe on the rights of individuals who are part of our community and where such an action may be regarded as discrimination. It is further noted that the Shire President has corresponded with one of the petitioners, a copy of

which is in Attachment 2 to this item. As such the Administration considers that this is not a matter that should be subject of a report to be included in the agenda for Council to vote on.

ATTACHMENTS

Attachment 1 - Drag Story Time Petition - Redacted
Attachment 2 - Shire Presidents response - Redacted
Attachment 3 - Shires Meeting Procedures Local Law 2016 ADOPTED

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 August 2022

Council Decision

Minute Number: 27/09/2022 - 118710

That Council confirms the Minutes of the Ordinary Council Meeting held on 23 August 2022

Moved: Cr Chafer

Seconded: Cr McNeil

Decision: 6/0

Note: The Minutes of the Ordinary Council Meeting held on 23 August 2022 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

24 August 2022 – KRG / Kimberley Zone Meeting – Attended by the Shire President, CEO and the Director Planning and Community Development

26 August 2022 Anti-Social Behaviour Meeting - Shire President and CEO met with key agencies to discuss anti-social behaviour.

2 September 2022 Mike Rowe – Director General Communities – Shire President, CEO and Director Kearns attended meeting where the DG gave an update on progress in the Department and to discuss various issues around anti-social behavior and housing.

2 September 2022 Anti-Social Behaviour Meeting - Shire President and CEO met with key agencies to discuss anti-social behaviour.

9 September 2022 Anti-Social Behaviour Meeting - Shire President and CEO met with key agencies to discuss anti-social behaviour.

12 September 2022 – Kimberley Development Commission – This was attended by the Shire President to discuss the Annual Report.

19 September 2022 - Australia's North West Tourism - Met with the CEO to provide an update of the projects ANW is working on, a briefing on this last tourism season and to discuss the opportunities for tourism across the Kimberley.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council will move behind closed doors to discuss items:

Confidential Attachment:

12.2.2. Memorandum of Understanding – Gelganyem

Items:

- 16.1. T02-22/23 Bitumous Sealing and Line Marking
- 16.2. Request for Tender T11-21/22: Supply, Installation and Commissioning of Cabin Baggage CT Screening Equipment for the East Kimberley Regional Airport

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 12 September 2022

DATE:	27 September 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of 12 September 2022 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of 12 September 2022 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

Cr D Menzel moved that Committee Recommendations 1-5 be considered en-bloc. The motion was seconded by Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “Standing Item - Rates Debtors” as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Council Decision

Minute Number: 27/09/2022 - 118711

That Council, with reference to Item 7.1 “Standing Item - Rates Debtors” as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 6/0

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Standing Item - Sundry Debtors”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Council Decision

Minute Number: 27/09/2022 - 118712

That Council, with reference to Item 7.2 *“Standing Item - Sundry Debtors”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting.

Council Decision

Minute Number: 27/09/2022 - 118713

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 27/09/2022 - 118714

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee Meeting.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Council Decision

Minute Number: 27/09/2022 - 118715

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the

financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 *“Write Offs and Waivers 2021/22”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2021 to 30 June 2022 totaling \$388,489, the details of which are provided in Confidential Attachment 1 to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 27/09/2022 - 118716

That Council, with reference to Item 7.6 *“Write Offs and Waivers 2021/22”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2021 to 30 June 2022 totaling \$388,489, the details of which are provided in Confidential Attachment 1 to the Agenda/Minutes of the 12 September 2022 Audit (Finance and Risk) Committee Meeting.

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

COMMITTEE RECOMMENDATION 7

That Council, with reference to Item 7.7 *“Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2023”* as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:

1. That the Audit (Finance and Risk) Committee meetings for 2023 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 13 March 2023	5:00 pm	Council Chambers, Kununurra
Monday, 12 June 2023	5:00 pm	Council Chambers, Kununurra
Monday, 11 September 2023	5:00 pm	Council Chambers, Kununurra

Monday, 4 December 2023

5:00 pm

Council Chambers, Kununurra

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

Council Decision

Minute Number: 27/09/2022 - 118717

That Council, with reference to Item 7.7 “*Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2023*” as detailed in the 12 September 2022 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:

1. That the Audit (Finance and Risk) Committee meetings for 2023 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 13 March 2023	5:00 pm	Council Chambers, Kununurra
Monday, 12 June 2023	5:00 pm	Council Chambers, Kununurra
Monday, 11 September 2023	5:00 pm	Council Chambers, Kununurra
Monday, 4 December 2023	5:00 pm	Council Chambers, Kununurra

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

Moved: Cr D Menzel
Seconded: Cr T Chafer

Decision: 6/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 12 September 2022.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

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: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.

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

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 12 September 2022 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	27 September 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

Council Decision

Minute Number: 27/09/2022 - 118718

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

**Moved: Cr Brook
Seconded: Cr McNeil**

Decision: 6/0

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

Risk: Failure to meet and deliver services to Council and community expectations

Control: Maintain the Council Actions Register to ensure accountability for actioning Council decisions

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 23 August 2022 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 - 23 August 2022

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

12.2.2. Memorandum of Understanding - Gelganyem

DATE:	27 September 2022
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	ED.05.3
DISCLOSURE OF INTERESTS:	Cr T Chafer declares and interest as a paid director of Gelganyem Investments Pty Ltd.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Shire President and the Chief Executive Officer to sign, on behalf of the Shire, the Memorandum of Understanding between the Shire and Gelganyem Investments Pty Ltd.

5:19pm Cr T Chafer left room for discussion and decision regarding of this item

Council Decision

Minute Number: 27/09/2022 - 118719

That Council authorises the Shire President and the Chief Executive Officer to sign, on behalf of the Shire, the Memorandum of Understanding between the Shire and Gelganyem Investments Pty Ltd.

Moved: Cr Menzel

Seconded: Cr Hearty

Decision: 5/0

5:22pm Cr T Chafer re-entered room following discussion and decision of this item

PURPOSE

To seek Council approval for the execution of the MOU between the Shire and Gelganyem Investments Pty Ltd (Gelganyem) that will allow for a collaborative approach in advancing increased local Indigenous participation in the East Kimberley economy.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley
Facilitator - bring stakeholders together
Funder - provide funds or other resources
Leader - plan and provide direction through policy and practices
Provider - provide physical infrastructure and essential services
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In April 2021, Council authorised the Shire to enter into a Memorandum of Understanding (MOU) with the MG Corporation which represent the Traditional Owners of the land in and around Kununurra. There are other Indigenous organisations in the Shire which the Shire engages with to a greater or lesser degree. As a previous Key Performance Indicator of the CEO, the Administration regards MOU's with Indigenous Corporations as an important indicator of the Shire's commitment to engaging with organisations owned and managed by First Nations People and establishing commercial relationships that benefit the whole of the community.

Council Decision

Minute Number: 118419 - 27/04/21

That Council authorises the Shire President and the Chief Executive Officer to sign, on behalf of the Shire, the Memorandum of Understanding between the Shire and MG Corporation.

Moved: Cr J Farquhar

Seconded: Cr D Pearce

Decision: 9/0

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

The MOU gives effect to the 2021 Corporate Business Plan Action #362: Aboriginal Enterprise Development.

FINANCIAL IMPLICATIONS

Nil at this stage. The costs associated with the process of negotiating the MOU and the preparation of this report have been officers' time and so budgeted as part of the staff budget. Any further actions arising from the MOU will come to Council at a briefing for information purposes and to an Ordinary Council Meeting should a decision be required to allocate resources not budgeted for.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 3.3.3: Support greater participation of local Aboriginal people in the workforce and to undertake business ventures

Strategy 4.1.2: Foster relationships and partnerships with key stakeholders to achieve community outcomes

2021 CBP Action: #362: Aboriginal Enterprise Development

RISK IMPLICATIONS

Risk: Failure to represent all of the community by not engaging with Indigenous organisations and leaders.

Control: Meeting with Indigenous organisations and leaders to discuss current events and projects of mutual interest.

Committing Officer time to participate in forums where the main Indigenous organisations and leaders are represented.

COMMUNITY ENGAGEMENT

No community engagement is required. The Shire has however engaged extensively with the CEO of Gelganyem and the Shire CEO attended a Gelganyem Board meeting to speak on behalf of the Administration and answer questions of Board members.

COMMENTS

This MOU is the overarching document that will drive a collaborative working relationship between the Shire and Gelganyem. Individual projects that will result from the implementation of this MOU will be subject to separate agreements that will “sit” under this MOU.

Gelganyem has in various forms been involved with the rehabilitation of the Argyle Diamond Mine site. In this process a large number of Indigenous owned and operated businesses are providing services to these processes. A great number of these processes require skills that are valuable to the Shire and our community. The Shire sees opportunity to engage with these suppliers in the future when the work at the mine decreases to influence them to engage with business opportunities in the Shire and the Kimberley as a whole. It should be noted that Gelganyem works in essentially a different economic space than the MG Corporation.

It is important that the Shire and Gelganyem work collaboratively to foster the participation of Indigenous people in the East Kimberley economy, in particular those who have set up business organisations that the Shire could support in future. These outcomes are also key policy settings for the Federal and State governments.

ATTACHMENTS

(Confidential Attachment provided under separate cover)

Confidential Attachment 1 - Draft Memorandum of Understanding - Gelganyem

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Annual Community Grants

DATE:	27 September 2022
AUTHOR:	Community Grants and Events Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources
VOTING REQUIREMENT:	Simple Majority

PURPOSE

For Council to consider applications for funding lodged under the Community Grant Program.

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the allocation of funding under the Community Grant Program for 2022/23 for Events as follows:**
 - a. Wunan for the East Kimberley Aboriginal Achievement Awards - \$15,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
 - b. East Kimberley Chamber of Commerce and Industry for the East Kimberley Business Excellence Awards - \$20,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**

- iv. All necessary approvals and insurances are obtained prior to the event.
- 2. Approves the allocation of funding under the Community Grant Program for Community Programs to the Kununurra Gymnastics Club for the Gymnastics Coaching Clinic - \$5,000 subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Funding acquittal;
 - iii. Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.
- 3. Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:
 - a. Wyndham Historical Society - \$5,000 for Solar Infrastructure. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Funding acquittal;
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - b. Kununurra Visitor Centre - \$4,500 for creating a new display in the Argyle Homestead Museum. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Funding acquittal;
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - c. Kununurra Picture Gardens - \$9,091 for a garden shed infrastructure. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Funding acquittal;
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
- 4. Defers a decision with respect to the application lodged by the Kalumburu Aboriginal Corporation to allow Shire officers to liaise further with the corporation in relation to their funding needs and options for support that may be available to them.
- 5. Approves a second round of annual community grants to be open for application in the third quarter of the 2022/2023 financial year to expend remaining funds.
- 6. Requests the Chief Executive Officer to advise unsuccessful Community Program Grant applicants that their applications were not successful and to provide relevant feedback to them.
- 7. Requests the Chief Executive Officer to give public notice to advise of successful and unsuccessful applicants.

Council Decision

Minute Number: 27/09/2022 - 118720

That Council:

- 1. Approves the allocation of funding under the Community Grant Program for 2022/23 for Events as follows:**
 - a. Wunan for the East Kimberley Aboriginal Achievement Awards - \$15,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
 - b. East Kimberley Chamber of Commerce and Industry for the East Kimberley Business Excellence Awards - \$20,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
- 2. Approves the allocation of funding under the Community Grant Program for Community Programs to the Kununurra Gymnastics Club for the Gymnastics Coaching Clinic - \$5,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**
- 3. Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:**
 - a. Wyndham Historical Society - \$5,000 for Solar Infrastructure. Subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - b. Kununurra Visitor Centre - \$4,500 for creating a new display in the Argyle Homestead Museum. Subject to the following conditions:**

- i. **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. **Funding acquittal;**
 - iii. **Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - c. **Kununurra Picture Gardens - \$9,091 for a garden shed infrastructure. Subject to the following conditions:**
 - i. **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. **Funding acquittal;**
 - iii. **Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- 4. Defers a decision with respect to the application lodged by the Kalumburu Aboriginal Corporation to allow Shire officers to liaise further with the corporation in relation to their funding needs and options for support that may be available to them.**
- 5. Approves a second round of annual community grants to be open for application in the third quarter of the 2022/2023 financial year to expend remaining funds.**
- 6. Requests the Chief Executive Officer to advise unsuccessful Community Program Grant applicants that their applications were not successful and to provide relevant feedback to them.**
- 7. Requests the Chief Executive Officer to give public notice to advise of successful and unsuccessful applicants.**

Moved: Cr Chafer

Seconded: Cr Brook

Decision: 6/0

BACKGROUND

The Shire's Community Grant Program supports not for profit, community based organisations and groups that provide sporting, cultural, environmental, and community services within the Shire. This support is to foster high-quality programs, community events, facilities and services that provide benefit to the community in alignment with the Council's Strategic Community Plan.

The aim of the Community Grant Program is to provide financial assistance to local community groups and organisations that make positive contributions to the quality of life within the local government area.

The Community Grant Program, as that relates to the current round, has three funding streams: Events; Community Programs and for Buildings and Facilities. In July 2020, Council adopted an updated Community Grant Program Policy and Guidelines which enabled approval for up to three years of funding for the Events and Community Programs streams and this limits the amount of funding that is available in this round, which is explained in the Financial Implications section of this report. In addition to this, the Shire also provides Quick Grants (up to \$500), the Future Leaders Award and Community Support

Grants – the latter being directly related to the financial impacts of the current State of Emergency.

This year, the Shire received seven applications for funding under the Community Grant Program. Three are for events, one is for a community program and three relate to buildings and facilities.

Event applications

Three applications were lodged under the Community Programs event funding stream. These were from the East Kimberley Chamber of Commerce and Industries, Wunan Foundation and Kalumburu Aboriginal Corporation.

Kalumburu Aboriginal Corporation

Kalumburu Aboriginal Corporation requested \$48,000 (100% of total cost) to hold Kalumburu Day (Our Lady Feast Day) which is a four day weekend annual event marking the anniversary of when the Catholic Church relocated to where Kalumburu resides today. The weekend includes free food, a presentation night, sporting events and entertainment including dancers and live music. It was indicated that the \$48,000 requested would be used to fund entertainment fees, equipment and airfares, food, sporting equipment and community awards and prizes.

East Kimberley Chamber of Commerce and industry (EKCCI)

The East Kimberley Chamber of Commerce and Industry (EKCCI) requested \$20,000 (50% of total cost) to the East Kimberley Business Excellence Awards which will be a three-course sit down dinner for the 2022 Award ceremony. The event will be exclusive to local business owners and will act as a networking event. It was indicated that the \$20,000 requested would be used to fund event planner, catering, entertainment, venue hire and decorations.

Wunan Foundation Inc.

Wunan Foundation Inc. requested \$15,000 (approximately 15% of total cost) for the East Kimberley Aboriginal Achievement Awards to celebrate Aboriginal achievement in the East Kimberley. It was indicated that the \$15,000 requested would be used to fund catering, entertainment, event and venue hire and decoration and labour.

The total funding requested in this years' budget for event applications submitted is \$83,000.

Community Programs Grant applications

One application was lodged under the Community Programs funding stream. This was from the Kununurra Gymnastics Club. They requested \$5,000 to hold a coaching clinic. The clinic will be offered to current coaches and students, as well as the whole community. The total project cost in the application is estimated at \$17,850. The Shire funding would cover the airfares and accommodation for instructors to come to Kununurra, training costs and hall hire costs.

Facilities Grant - Building and Property applications

Three applications were received under the Facilities Grant - Building and Property. They were lodged by Wyndham Historical Society, the Kununurra Visitor Centre and Kununurra Picture Gardens.

Wyndham Historical Society

Wyndham Historical Society requested funding for the installation of 18 solar panels and a three-phase inverter to provide energy for air conditioning which they have said will preserve the museum's paper based archives. The total project cost in the application is estimated at \$10,709, of which the Shire would provide \$5,000 (approximately 50%). The balance of funding is proposed to come from the Wyndham Historical Society.

Kununurra Visitor Centre

The Kununurra Visitor Centre requested funding to create a display in one of the currently unused rooms in the Argyle Homestead Museum. The display will highlight the Aboriginal connection to the Durack family. The total project cost in the application is estimated at \$28,500, of which the Shire would provide \$4,500 (approximately 15%). The balance of funding is proposed to come from an Australian Government Grant and in-kind project management.

Kununurra Picture Gardens

Kununurra Picture Gardens requested funding to purchase and install a garden shed to store their ride-on mower. The mower is stored currently in the canteen area and creating a risk for volunteers. The total project cost in the application is estimated at \$27,644, of which the Shire would provide \$9,091. The balance of funding is proposed to come from a Horizon Power grant and Kununurra Picture Gardens funds.

The total funding requested under the Facilities Grant - Buildings and Property stream, across all projects, is \$18,591.

The total funding requested across all funding streams is \$106,591.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building, event approval or to authorise works in a road or reserve may be required.

POLICY IMPLICATIONS

CP/COM-3582 Community Grant Program is applicable to the consideration of this matter.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

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

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

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

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

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

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

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

Strategy 1.3.2: Support and assist community organisations to positively impact social wellbeing

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

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

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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project: #107 Deliver a Community Grant Program

RISK IMPLICATIONS

Risk: Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

Control: Community Grant Program aims to support community lead community development initiatives through financial assistance.

FINANCIAL IMPLICATIONS

The total budget allocation for all funding streams within the Community Grant Program is \$350,000. Of this, Council has previously committed three-year funding (ending in the 2022/23 financial period) of \$200,360.42 for:

Events

Ord Valley Muster:	\$50,000
Kimberley Action Sports (Lake Argyle Adventure Race):	\$12,000
Kununurra Campdraft and Rodeo Association:	\$15,000
Lake Argyle Swim:	\$20,000
Kununurra Agricultural Society	\$10,000
Dam to Dam	\$10,000

Community Programs

Kununurra Neighbourhood House	\$15,000
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In addition to the three year funding commitments, Council has also paid \$68,360.42 in the form of Rates Assistance Grants.

With respect to the balance of the fund, Officer's suggest that the following should be set aside:

- \$10,000 for quick grants
- \$5,000 for Future Leaders Award
- \$10,000 for Community Support Grants

Taking out those funds already committed and the balance of the fund set aside for other (related) programs, this leaves approximately \$149,000 to allocate. All applications are able to be 100% funded and there would still be ≈ \$30,000 left in the budget.

COMMUNITY ENGAGEMENT

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

- Sharing a Community Grants flyer on Facebook and on the Shire's website.
- Directly contacting 41 local not-for-profit groups by email to ensure they were aware the Shire's Annual Grants round was open
- Making appointments available on request to discuss local groups projects in person
- A Community Grants Information Session was held after hours for interested groups

COMMENTS

All of the applications received are considered eligible under the Community Grant Program. Some, however, better align with the Shire's main strategy and have associated (wider) benefits with respect to addressing core community issues and which support partnerships and collaboration. This includes the following events; Wunan's *East Kimberley Aboriginal Achievement Awards* and the East Kimberley Chamber of Commerce and Industry's *East Kimberley Business Excellence Awards*. For programs, the Gymnastics Club's Coaching Program and for Property and Building, the Wyndham Historical Society's solar infrastructure, Kununurra Visitor Centre's display in Homestead Museum and the Kununurra Picture Garden's new shed.

It is recommended that Shire officers liaise with the Kalumburu Aboriginal Corporation to determine their funding requirements and options. It is also recommended that the Shire opens a second grant round in the new calendar year to expend the remaining funds. Councillors will note that Officers are not recommending to fund Kalumburu Day, therefore, Council would grant \$58,591 of the available grant budget and have \$80,000 remaining for the second grant round.

ATTACHMENTS

Attachment 1 - Annual Grants Assessment Matrix 2022-23

12.3.2. Local Planning Policy Review

DATE:	27 September 2022
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.01.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to:

1. Adopt and publish notice of:
 - Local Planning Policy 11 (LPP 11) - Workforce Accommodation with modifications; and
 - Local Planning Policy 12 (LPP 12) - Temporary Workforce Accommodation Camp

in accordance with the requirements of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Council Decision

Minute Number: 27/09/2022 - 118721

That Council authorises the Chief Executive Officer to:

1. Adopt and publish notice of:
 - Local Planning Policy 11 (LPP 11) - Workforce Accommodation with modifications; and
 - Local Planning Policy 12 (LPP 12) - Temporary Workforce Accommodation Camp

in accordance with the requirements of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Moved: Cr Dear

Seconded: Cr McNeil

Decision: 6/0

PURPOSE

For Council to consider changes to local planning policies.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Since the commencement of the review of Local Planning Policies in 2020, seven Local Planning Policies have been reviewed, with Council resolving at the 30 March 2021 Ordinary Council Meeting to adopt amended Local Planning Policy 5 (LPP 5), and revoke Local Planning Policy 1 (LPP 1) and Local Planning Policy 3 (LPP 3) and replace with planning information sheets, and more recently resolving at the August 2022 meeting to advertise revocation of Local Planning Policy 4 (LPP 4) and Policy CP/PMG-3783 'Communication Antennae'.

At the July 2022 Ordinary Meeting, Council resolved to advertise proposed amendments to Local Planning Policy 11 and Local Planning Policy 12. The amendments proposed to Local Planning Policy 11 'Transient Accommodation' and Local Planning Policy 12 'Temporary Workers Accommodation (Camp)' are largely to reflect the new planning scheme, definitions and relevant standards.

Both policies were advertised, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, between 2 August and 26 August 2022. A notice was included in the Kimberley Echo Newspaper, on the Shire's website and Shire Officers emailed a number of medium-large scale farmers and agricultural organisations within the Shire for additional comment.

Following the advertising period, two submissions were received both in relation to the proposed amendments to Local Planning Policy 11 proposed 'Workforce Accommodation'. One supporting the proposed policy and offering some suggestions and the other raising concerns around the potential numbers allowed for properties greater than 12 hectares in area. The submissions are summarised in the table below:

Name	Summary of submission	Response
Bothkamp Australia Farm (Christian Bloecker)	<p>Letter of support for the proposed amendment to Local Planning Policy 11. Suggested some points may require further explanation/clarity:</p> <ul style="list-style-type: none">• Buildings not being sited on existing productive agricultural land• Objective requiring reasonable level of amenity for workers - noting that where accommodations provided under the PALM scheme government policy is in place for OH&S	<ul style="list-style-type: none">• Acknowledge the PALM seasonal worker programme requirements, which are mandated by the government. However, recommend maintaining specific Building Code of Australia and Environmental and Health legislation requirements in the Policy. It may double up information, however not all workers will be covered by or work under the PALM programme.• Further explanation can be provided to provide clarity around the siting of buildings. Recommend revised wording to clarify buildings should be located to avoid the loss or fragmentation of productive agricultural land. <p><u>Response:</u> It is recommended that the amended Policy maintain reference to Building Code of Australia and Environmental and Health</p>

	standards and requirements	<p>legislative requirements.</p> <p>Recommend revision of 2.3.4, dot point 2 to further clarify the siting of workforce accommodation buildings.</p>
Ian Hocking	<p>Submission expressing concern regarding:</p> <ul style="list-style-type: none"> • Potential worker numbers (up to 30) on land greater than 12ha could negatively impact on: <ul style="list-style-type: none"> ○ Visual appeal of areas; ○ Potential of smaller scale farming lots having developments comprising 30 people in close proximity to each other; and ○ Concerns regarding compliance of the Policy and how it would be monitored. 	<ul style="list-style-type: none"> • All applications for workforce accommodation (where allowed under the Planning Scheme) will be considered on merit and on an individual basis. • Applicants will be required to demonstrate and justify need and requirement for the number of rooms proposed, which must be relevant to the farming operations located on the property or if justified on another property managed by the property owner. • All applications require consideration to visual amenity and boundary setbacks. • Where workforce accommodation is listed as an 'A' land use, applications will require advertising to adjoining land owners for comment. • Acknowledge compliance with the Policy may be difficult to achieve, however there are aspects of the Policy designed to support and assist in compliance matters, particularly potential of requiring a statutory declaration which is a legally binding document. <p><u>Response:</u> Submission is acknowledged and points raised can be adequately addressed through consideration of applications, advertising and conditions. Recommend revision of point 2.1.2 to require justification for number of workers.</p>

Copies of the submissions and a summary of submissions is provided at Attachment 1.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2.

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management Policy requires that policies be reviewed at a minimum of every five years and a report presented to Council detailing any proposed changes.

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: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

Control: Policies updated in accordance with an agreed schedule and operational requirements.

FINANCIAL IMPLICATIONS

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, creation of new and any major amendments to, or revocation of, a Local Planning Policy, requires advertising.

There are no financial implications associated with the policy review, with the exception of any advertising costs. It is the intention that advertising of policies will be undertaken concurrently to reduce financial costs.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the requirements of Schedule 2, Part 2, Clause 4 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and in line with the Shire's Community Engagement Policy (CP COM-3100).

COMMENTS

The proposed changes to both LPP 11 and LPP 12 are considered to be relatively minor and mainly being to ensure compliance with Local Planning Scheme No. 9 (LPS 9). Following advertising, a minor editing revision was made to LPP 11 to clarify that lighting proposed for townsite workforce accommodation should be designed to not impact neighbouring properties.

In response to submissions received in relation to LPP 11, point 2.1.2 has been revised to require applicants to detail and justify the number of workers proposed to be accommodated, in relation to both the relevant definition and business operations at the property. This provides means to regulate worker accommodation numbers in relation to business operations and property size.

Additionally, in section 2.3.4, dot point 2 has been revised to provide clarity that buildings should not result in the loss of productive land and that buildings should be sited together in an area that is not actively being farmed.

The proposed amendments are in line with the applicable legislative requirements and the content and format of the updated policies has been modified to be cleared and to conform with more up-to-date standards as provided by WALGA.

ATTACHMENTS

Attachment 1 - Submissions and Summary of Submissions

Attachment 2 - Revised LPP 11 - Workforce Accommodation

Attachment 3 - Proposed LPP 12 - Temporary Workforce Accommodation Camp

12.3.3. Corporate Business Plan 2022 - 2025

DATE:	27 September 2022
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	CM.10.16
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community and the Kimberley Facilitator - bring stakeholders together Funder - provide funds or other resources Leader - plan and provide direction through policy and practices Provider - provide physical infrastructure and essential services Regulator - enforce state legislation and local laws
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the Corporate Business Plan 2022 - 2025 at Attachment 1.

Cr D Hearty requested an amended motion to acknowledge that the Corporate Business Plan will be refreshed once the data from the Strategic Community Engagement process is finalised.

AMENDED MOTION

Council Decision

Minute Number: 27/09/2022 - 118722

That Council:

- 1. Adopts the Corporate Business Plan 2022 - 2025 at Attachment 1.**
- 2. Prepares a new Corporate Business Plan which incorporates the new themes and details of the updated Strategic Community Plan once that is adopted, with the new Corporate Business Plan to be adopted by Council in 2023 for budget setting purposes.**

Moved: Cr Hearty

Seconded: Cr Chafer

Decision: 6/0

SUBSTANTIVE MOTION

Council Decision

Minute Number: 27/09/2022 - 118723

That Council:

- 1. Adopts the Corporate Business Plan 2022 - 2025 at Attachment 1.**
- 2. Prepares a new Corporate Business Plan which incorporates the new themes and details of the updated Strategic Community Plan once that is adopted, with the new Corporate Business Plan to be adopted by Council in 2023 for budget setting purposes.**

Moved: Cr Chafer

Seconded: Cr Hearty

Decision: 6/0

PURPOSE

For Council to consider and adopt the annual Corporate Business Plan.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Local Government Act 1995 requires local governments to plan for the future. This includes establishing a 10 year Strategic Community Plan and an associated four year Corporate Business Plan.

The purpose of a four year corporate business plan is to set out the ways in which a local government will deliver the priorities identified in the strategic community plan. According to Regulation 19DA of the Local Government (Administration) Regulations 1996, corporate business plans are to be reviewed every year.

Council adopted the Shire's last Corporate Business Plan at its Ordinary Meeting on 27 July 2021 (**Minute No.27/7/21-118478**), the updated Corporate Business Plan has been prepared to achieve compliance with relevant legislative requirements and is updated by inclusion of the current budgeted actions in line with the next four years of the Long Term Financial Plan, so there are no material changes to what has been previously proposed, other than with respect to its appearance, being:
More summary information with respect to:

- Purpose
- Alignment with the Strategic Community Plan
- Services
- Actions
- Projects

Inclusion of Chief Executive Officer (CEO) Key Performance Indicators (KPI's) as 'Key Projects' which had been missing from previous versions even though they had been allocated to Officers.

The plan remains informed by a range of strategic (informing) documents and in addition to the Long Term Financial Plan, this includes the Asset Management Strategy and Workforce Management Strategy.

A copy of the updated Corporate Business Plan is provided at Attachment 1.

STATUTORY IMPLICATIONS

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of its district. One of these components is through the development of the CBP.

Regulation 19DA of *Local Government (Administration) Regulations 1996* determines the standards with which a CBP must comply, including undertaking an annual review.

POLICY IMPLICATIONS

There are no policy implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - 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*

Strategy 4.2.3: *Ensure community awareness of issues, activities and decisions affecting the Shire*

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

Strategy 4.3.2: *Integrate all planning, resources and reporting in accordance with best practice and statutory requirements*

Corporate Business Plan

CBP Action: #53 *Coordinate the Integrated Planning and Reporting Framework*

Task: *Annual review of the Corporate Business Plan*

RISK IMPLICATIONS

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

Control: Undertake an annual review of the CBP and Annual Budget.

FINANCIAL IMPLICATIONS

Costs associated with the activities identified within the Corporate Business Plan are reflected in annual budgets.

COMMUNITY ENGAGEMENT

Engagement has been undertaken in conjunction with the workshops and forums associated with the new Strategic Community Plan and in line with Shire's Community Engagement Guidelines. Once adopted, the plan will be advertised and displayed at main offices and libraries and any comments will be used for the purpose of further refinement of the plan which is due to a major review following the adoption of the new Strategic Community Plan that is being prepared.

COMMENTS

The Corporate Business Plan has been prepared to achieve compliance with relevant legislative requirements and describes services, actions and projects relevant to the current Strategic Community Plan which are essentially unchanged from the previous version of the document. The inclusion of the CEO KPI's, nevertheless, is a useful inclusion for reporting purposes.

It is recommended that Council adopts the updated Corporate Business Plan at Attachment 1.

ATTACHMENTS

Attachment 1 - Corporate Business Plan 2022-25

12.3.4. Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grants

DATE:	27 September 2022
AUTHOR:	Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council ranks applications in priority order for the Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grants (September 2022), being (in ranked order with 1 being highest):

1. Ord River Magpies Football Club application for upgrades and expansion to change rooms at the Kununurra Agricultural Society Ground (oval).
2. Kununurra Campdraft and Rodeo Association as priority two for a new holding pen at the Kununurra Campdraft and Rodeo ground, Drovers Road, Kununurra.
3. Kalumburu Aboriginal Corporation application to upgrade outdoor basketball facilities. Kalumburu.

Council Decision

Minute Number: 27/09/2022 - 118724

That Council ranks applications in priority order for the Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grants (September 2022), being (in ranked order with 1 being highest):

1. Ord River Magpies Football Club application for upgrades and expansion to change rooms at the Kununurra Agricultural Society Ground (oval).
2. Kununurra Campdraft and Rodeo Association as priority two for a new holding pen at the Kununurra Campdraft and Rodeo ground, Drovers Road, Kununurra.
3. Kalumburu Aboriginal Corporation application to upgrade outdoor basketball facilities. Kalumburu.

Moved: Cr Dear

Seconded: Cr McNeil

PURPOSE

For Council to endorse and rank in priority order the funding submissions for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grants September 2022 round.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the Community Sport and Recreation Facilities Fund (CSRFF) is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries.

Under the CSRFF program's selection criteria, local government authorities are required to consider applications and advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications, and if supported to rank the application in priority order - assuming there is more than one.

The CSRFF Annual Forward Planning Grants are awarded to projects greater than \$300,000. The grants can be claimed up to three financial years following the date of approval.

The closing date for the current small rounds grants to be submitted to the Department of Local Government, Sport and Cultural Industries is 30 September 2022. Submissions were therefore required by the Shire by COB 31 August 2022 for Council to consider at this meeting.

Two applications were originally received, Kalumburu Aboriginal Corporation, to undertake upgrades to their outdoor basketball court including: resurfacing; roofing; renewing the ablution block and BBQ area as well as for office space. The second, from the Ord River Magpies Football Club to extend their clubrooms located at the Kununurra Agricultural Society Ground (oval). The project would expand the current clubroom to include new change room facilities to cater for women's participation as well as a separate ablution area that will be accessible to other oval users when not in use by the Ord River Magpies Football Club.

Copies of the applications are at Attachments 1 and 2.

The Ord River Magpies Football Club had advised Shire officers some months ago about their application and the association's desire to improve their leased facility as well as incorporate a portion of change rooms that could be made available for other codes and clubs. The total projected cost of the project is \$481,298 of which the club would need to provide 50% of funding either through volunteer labour, club cash or other funding sources. Currently the club has indicated that they would contribute \$70,000 cash, \$18,000 in kind/volunteer labour as well as seeking funds from other funding bodies. A full breakdown of the sources of funding was included as part of their application.

The Kalumburu Aboriginal Corporation has not provided a detailed budget estimate within their application. Shire officers contacted the CEO for this information but has not been received for this meeting.

The Kununurra Campdraft and Rodeo Association contacted the Shire on 21 September 2022 to advise of their intent to apply for funding within this round. The association intends to apply for funding for a new holding pen to ensure that campdrafts and rodeos can continue at the facility. Their need for this infrastructure has come about due to the State Government no longer allowing the association use of the existing quarantine yards on Drovers Road..

The Shire is yet to receive a formal application however the association has sent officers an email describing the project and establishing the need for funding (refer to Attachment 3). The proposed works are estimated to cost over \$500,000 of which the association has indicated that they would contribute \$250,000. A copy of their quote can be found in attachment 4.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project: 102 - Provide suitable venues for current and future events

Service Area: Community Development

RISK IMPLICATIONS

Risk: Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

Control: Review of funding applications to determine and rank in order with respect to supporting positive social outcomes and needs.

FINANCIAL IMPLICATIONS

There is no direct financial impact to the Shire which relates to the application from any of the applications. However, if the application from Ord River Magpies Football Club is

successful and the upgrades take place there may be some cleaning costs associated with the ablution area which will be made available for public hire.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Each of the proposed projects are considered priority projects in accordance with the Department of Local Government, Sport and Cultural Industries and address key areas such as improving facilities for junior and female participation. .

The Ord River Magpies Football Club change room upgrade could address two major issues; the lack of change room facilities at the oval that cater for codes other than East Kimberley Football League as well as making the facilities more appropriate for women's and junior sport. Modifications would need to be made to increase the existing lease area to incorporate an extension. Attachment 5 shows photos of the current clubrooms and Attachment 6 shows the proposed new floorplan.

Kalumburu Aboriginal Corporation's application to upgrade the basketball court currently lacks an updated budget and quotes however they have addressed why there is an immediate need for the project to be funded.

With the State Government restricting the use of the Quarantine Yards for Campdraft and Rodeo events the Kununurra Campdraft Rodeo Association project for the construction of yards within their current lease area will ensure that the future events can continue at the venue. Attachment 7 shows the proposed location of the yards and holding shed.

Officers recommend that Council support all applications, ranking Ord River Magpies Football Club's application as priority one, Kununurra Campdraft Rodeo Association as priority two and Kalumburu Aboriginal Corporation as priority three.

ATTACHMENTS

Attachment 1 - Kalumburu Aboriginal Corporation - CSRFF Application
Attachment 2 - Ord River Magpies Football Club (ORMFC) - CSRFF Application
Attachment 3 - Email from KCRA
Attachment 4 - KCRA Quote
Attachment 5 - Current photos of the ORMFC Clubrooms
Attachment 6 - Proposed ORMFC Clubroom Floor Plan
Attachment 7 - KCRA Proposed Yard location

12.4. CORPORATE SERVICES

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

DATE:	27 September 2022
AUTHOR:	Finance Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for August 2022, being:

Municipal EFT 143785 - 143952 (04/08/2022 - 31/08/2022)	\$ 1,714,906.87
Municipal Cheques 52026 - 52026 (29/08/2022)	\$ 43.70
Trust EFT 52027 - 52027 (01/08/2022 - 29/08/2022)	\$ 10,526.45
Payroll (10/08/2022 - 24/08/2022)	\$ 513,974.22
Direct Bank Debits (01/08/2022 - 31/08/2022)	\$ 130,522.60
Total	\$ 2,369,973.84

Council Decision

Minute Number: 27/09/2022 - 118725

That Council receive the lists of accounts paid from the Municipal and Trust funds for August 2022, being:

Municipal EFT 143785 - 143952 (04/08/2022 - 31/08/2022)	\$ 1,714,906.87
Municipal Cheques 52026 - 52026 (29/08/2022)	\$ 43.70
Trust EFT 52027 - 52027 (01/08/2022 - 29/08/2022)	\$ 10,526.45
Payroll (10/08/2022 - 24/08/2022)	\$ 513,974.22
Direct Bank Debits (01/08/2022 - 31/08/2022)	\$ 130,522.60
Total	\$ 2,369,973.84

Moved: Cr Chafer
Seconded: Cr Dear

Decision: 6/0

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 2022/23 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 August 2022

12.4.2. Annual Review of Council Delegations

DATE:	27 September 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
DISCLOSURE OF INTERESTS:	Vernon Lawrence, Chief Executive Officer
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. adopts the Register of Delegations 2022/23, at Attachment**
- 2. delegates the functions and responsibilities in the Delegations Register 2022/23.**

Council Decision

Minute Number: 27/09/2022 - 118726

That Council:

- 1. adopts the Register of Delegations 2022/23, at Attachment 2**
- 2. delegates the functions and responsibilities in the Delegations Register 2022/23.**

Moved: Cr Chafer
Seconded: Cr Dear

Decision: 6/0

PURPOSE

To consider amendments to the Shire's Delegation Register, following a review as required under the Local Government Act 1995 (Act).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Local Government Act 1995 provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of certain powers or the discharge of any of its duties under the Act. It also provides that the CEO may sub-delegate any of their powers to another employee. This is to occur once the delegations to the CEO are adopted. These sub-delegations are in writing and included in the final Delegations Register.

In accordance with other legislation, Council may not be able to delegate the responsibility for appointing authorised persons to the CEO. In these instances, appointment of authorised persons must be approved directly by Council. Although these authorisations do not have delegated authority, they are included in the Register for ease of reference and review.

The recent Regulation 17 Audit (including Regulation 5(2)(c) - Financial Management) included a comprehensive review of the Delegation Register and identified a number of delegations that required amendment or removal. To assist with this, Officers engaged legal advisors to review and redraft the document to make the changes recommended in the Regulation 17 and Financial Management review as well as to better align with the template prepared by WA Local Government Association (WALGA) which is considered to be best practice.

Councillors will note that the new register is much more descriptive with respect to the introductory section which outlines the powers and limitations attached to Council delegations as well as the greater explanation (within the separate delegations) of the function attributed to each. The new document, in addition, also includes delegations from external agencies, which has been missing from previous iterations of the document.

Council Decision:

Minute Number: 27/10/2020 - 118319

That Council adopts the revised Delegations Register for the 2020/2021 financial year

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 9/0

A copy of the Delegations Register adopted by Council on 27 October 2020 is provided at Attachment 1.

In August 2021, the Shire engaged Moore Australia to undertake a review of the Shire's Financial Management, Risk Management, Legislative Compliance and Internal Controls as required under the *Local Government (Audit) Regulations 1997 Regulation 17* and the *Local Government (Financial Management) Regulations 1996 Regulation 5(2)(c)*.

This review was completed in March 2022 and adopted by Council at the 22 March 2022 Ordinary Council Meeting and informs this matter.

Council Decision

Minute Number: 22/03/2022 - 118597

That Council, with reference to Item 7.6 "Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls" as detailed in the 14 March 2022 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 14 March 2022 Audit (Finance and Risk) Committee Meeting:

- 1. Note the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 in the report at Attachment 2; and***
- 2. Note the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 in the report at Attachment 2; and***

3. Endorse that the implementation of the improvements outlined within the report will be prioritised and implemented in a staged approach and reported to future Audit (Finance and Risk) Committee meetings.

Moved: Cr J Farquhar

Seconded: Cr M Dear

Decision: 8/0

A copy of the (updated) Delegations Register for 2022/23 is provided at Attachment 2.

STATUTORY IMPLICATIONS

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

- (b) *the exercise of that power or the discharge of that duty by the CEO's delegate are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing —*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

POLICY IMPLICATIONS

The Delegations Register links to Council Policies and internal Organisational Directives and references to relevant policies are documented in each delegation.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently governs and embraces good governance practices.

Control: Review of the Delegations Register against legislation and organisational requirements annually.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The aim of delegated authority is to assist with improving Council decision-making efficiency within the constraints allowed by relevant legislation. Without delegated authority, there would be a significant increase in items presented to Council for decision at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the CEO, who in turn can sub-delegate these to other staff if appropriate. In this instance, opportunity has been taken to not only address those items identified in the recent Regulation 17 and Financial Management Audit, but to aim to achieve best practice with respect to the better explanation of (delegated) functions, legislative cross-referencing, nomination of sub-delegates and conditions, including statutory delegations from external agencies and the document is modelled on best practice.

ATTACHMENTS

Attachment 1 - Shire of Wyndham East Kimberley 2020/21 Delegations Register

Attachment 2 - Shire of Wyndham East Kimberley 2022/23 Delegations Register

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

Cr D Menzel moved a motion that Council move in camera to discuss Confidential Attachment 12.2.2 & item 16. 'Matters behind closed doors', the motion was seconded by Cr T Chafer.

Council Decision:

Minute Number: 27/09/2022 - 118727

That Council move-in camera at 5:40pm to discuss items in 16. Matters Behind Closed Doors.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 6/0

The Gallery was asked to leave the room.

Council Decision:

Minute Number: 27/09/2022 - 118730

That Council move-out of camera at 5:51pm

**Moved: Cr D Menzel
Seconded: Cr N Brook**

Decision: 6/0

16. MATTERS BEHIND CLOSED DOORS

16.1. T02-22/23 BITUMINOUS SEALING AND LINE MARKING

DATE:	27 September 2022
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	CM.02.231
DISCLOSURE OF INTERESTS:	Nil.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Accepts the appointment of the following Panel Members to Pre-Qualified Supplier Panel Categories for T02-22/23 Bituminous Sealing and Line Marking Services, in accordance with the tendered schedule of rates (Attachment 2), for a one (1) year period:
 - a. Category 1 – Bituminous Sealing Works (Only);
 - i. Ranked 1 – Downer Infrastructure
 - ii. Ranked 2 – Bitumen Sealing Services
 - b. Category 2 – Line Marking Works (Only)
 - i. Ranked 1 – KO Contracting
 - ii. Bitumen Sealing Services
 - c. Category 3 – Bituminous Sealing and Line Marking Works;
 - i. Ranked 1 – Bitumen Sealing Services
2. Delegates the formation and execution of the Contracts to the Chief Executive Officer.

Council Decision

Minute Number: 27/09/2022 - 118728

That Council:

1. Accepts the appointment of the following Panel Members to Pre-Qualified Supplier Panel Categories for T02-22/23 Bituminous Sealing and Line Marking Services, in accordance with the tendered schedule of rates (Attachment 2), for a one (1) year period:
 - a. Category 1 – Bituminous Sealing Works (Only);
 - i. Ranked 1 – Downer Infrastructure
 - ii. Ranked 2 – Bitumen Sealing Services
 - b. Category 2 – Line Marking Works (Only)
 - i. Ranked 1 – KO Contracting

- ii. Bitumen Sealing Services
- c. Category 3 – Bituminous Sealing and Line Marking Works;
 - i. Ranked 1 – Bitumen Sealing Services

2. Delegates the formation and execution of the Contracts to the Chief Executive Officer.

Moved: Cr Chafer

Seconded: Cr Hearty

Decision: 6/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* section 5.23(2)(c):

5.23. Meetings generally open to public

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

PURPOSE

To consider applications received for T02-22/23 Bituminous Sealing and Line Marking and to appoint a panel of pre-qualified suppliers for the provision. The Panel will be in effect for a period of one (1) year with one (1) possible 12-month contract extension. In accordance with the *Local Government (Function and General) Regulations 1996* (Regulation 24AJ), the Panel will be re-evaluated after the first initial 12-month period.

Bituminous Sealing and Line Marking Works in various locations throughout Kununurra and Wyndham. The Works required include; supply of materials, design and application of

sprayed seals for roads and other related applications, and the following types of sprayed treatments:

- (a) Primes;
- (b) Conventional Seals and Reseals;
- (c) Line Marking; and
- (d) Seal repairs (including but not limited to potholes, crack sealing, crazed areas, bleeding surfaces, rutting, raveling, shape correction, shoving and stripping).

Individual Pre-Qualified Supplier Panel Contracts will be established with successful Respondents who are ranked from most to least advantageous across the following three (3) categories:

1. Bituminous Sealing Works (Only);
2. Line Marking Works (Only); and
3. Bituminous Sealing and Line Marking Works.

16.2. REQUEST FOR TENDER T11-21/22: SUPPLY, INSTALLATION AND COMMISSIONING OF CABIN BAGGAGE CT SCREENING EQUIPMENT FOR THE EAST KIMBERLEY REGIONAL AIRPORT

DATE:	27 September 2022
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	CM.16.436
DISCLOSURE OF INTERESTS:	Nil.
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Accepts the submission from Smiths Detection (Australia) Pty Ltd (ABN: 66 088 868 062) of Unit 5, Botany Grove Estate, 14A Baker Street, Botany NSW 2019 for Tender T11-21/22: Supply, Installation and Commissioning of Cabin Baggage CT Screening Equipment for the East Kimberley Regional Airport, for the fixed lump sum cost of:
 - a. \$658,000.00 excluding GST for the CTiX iLane Pro inclusive of freight, training and 12 months of support and maintenance; and
 - b. \$199,404.00 excluding GST for the 5-year Comprehensive Maintenance Plan.
2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and
3. Approves the transfer of \$108,000 from the Airport Reserve to the East Kimberley Regional Airport - Cabin Baggage CT Machine GL: 1041207550.

Council Decision

Minute Number: 27/09/2022 - 118729

That Council:

1. Accepts the submission from Smiths Detection (Australia) Pty Ltd (ABN: 66 088 868 062) of Unit 5, Botany Grove Estate, 14A Baker Street, Botany NSW 2019 for Tender T11-21/22: Supply, Installation and Commissioning of Cabin Baggage CT Screening Equipment for the East Kimberley Regional Airport, for the fixed lump sum cost of:
 - a. \$658,000.00 excluding GST for the CTiX iLane Pro inclusive of freight, training and 12 months of support and maintenance; and

b. \$199,404.00 excluding GST for the 5-year Comprehensive Maintenance Plan.

- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and**
- 3. Approves the transfer of \$108,000 from the Airport Reserve to the East Kimberley Regional Airport - Cabin Baggage CT Machine GL: 1041207550.**

Moved: Cr Dear

Seconded: Cr Chafer

Decision: 6/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* section 5.23(2)(c):

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

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

PURPOSE

To consider tenders received for T11-21/22 and to award the contract for the supply, installation and commissioning of cabin baggage CT screening equipment for the East Kimberley Regional Airport.

17. CLOSURE

Cr D Menzel declared the meeting closed at 5:52pm