



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL MEETING

25 OCTOBER 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 AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 25 OCTOBER 2022 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 September 2022.

Note: The Minutes of the Ordinary Council Meeting held on 27 September 2022 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	25 October 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S 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.

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

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the September 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 - October 2022

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	25 October 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 July 2022 to 17 October 2022.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 18 July 2022 to 17 October 2022.

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*

- (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was 1 document for the time period of 18 July 2022 to 17 October 2022 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
11/10/2022	Grant Agreement - Kimberley Community Action Fund Kununurra CCTV Upgrade

ATTACHMENTS

NIL

12.2.3. 2023 Ordinary Council Meeting Dates

DATE:	25 October 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. adopts the Ordinary Council Meeting dates, times and locations for 2023 as detailed in the table below:

Month	Date	Location of Meeting
January	RECESS	RECESS
February	Tuesday, 21st	Wyndham
March	Tuesday, 21st	Kununurra
April	Tuesday, 18th	Kununurra
May	Tuesday, 30th	Wyndham
June	Tuesday, 27th	Kununurra
July	Tuesday, 25th	Kununurra

August	Tuesday, 22nd	Wyndham
September	Tuesday, 26th	Kununurra
October	Tuesday, 24th	Kununurra
November	Tuesday, 21st	Wyndham
December	Tuesday, 12th	Kununurra

All meetings will commence at 5.00pm.

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

PURPOSE

For Council to adopt the 2023 Ordinary Council Meeting dates, times and locations.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the 26 October 2021 Ordinary Council Meeting, Council made the following resolution:

Council Decision

Minute Number: 26/10/2021 – 118533

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

<i>Month</i>	<i>Ordinary Council Meeting</i>	<i>Location of Meeting</i>
<i>January</i>	<i>RECESS</i>	<i>N/A</i>
<i>February</i>	<i>22 February</i>	<i>Wyndham</i>
<i>March</i>	<i>22 March</i>	<i>Kununurra</i>
<i>April</i>	<i>26 April</i>	<i>Kununurra</i>
<i>May</i>	<i>31 May</i>	<i>Wyndham</i>

June	28 June	Kununurra
July	26 July	Kununurra
August	23 August	Wyndham
September	27 September	Kununurra
October	25 October	Kununurra
November	22 November	Wyndham
December	13 December	Kununurra

All meetings will commence at 5.00pm.

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

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 8/0

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

5.3. Ordinary and special council meetings

- (1) *A Council is to hold Ordinary Meetings and may hold special meetings*
- (2) *Ordinary meetings are to be held not more than three months apart.*

5.5. Convening council meetings

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

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

12 Meetings, public notice of

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings are to be held in the next 12 months.*

POLICY IMPLICATIONS

Council Policy CP/CNC-3140 Council Briefing Sessions

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs. This is provided for in the 2022/2023 Annual Budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Public notice will be given in line with legislative requirements.

COMMENTS

The proposed schedule has taken into account the following events:

- Easter
- ANZAC Day Public Holiday
- Ord Valley Muster
- Local Government Week
- WA Public Holidays
- The timing of briefings which are held fortnightly.

It is common practice in many Councils to take a recess in January due to the Christmas/New Year period, when many businesses close down and individuals take holidays (including Shire Councillors and Staff) and this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season. The recess in January 2022 did not significantly impact Shire business and would not pose a risk if repeated again in January 2023. Any issues raised can be overcome through either a delegation or the convening of a Special Council Meeting for that purpose.

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

However, when the December meeting is set too early in the month, and depending upon the date of the November meeting, there is a small gap between the two meetings, and the consequential impact on the preparation of reports and agenda. Therefore in 2023, as with prior years, it is proposed to hold the November meeting on 21 November and the December meeting three weeks later on 12 December, which is about the same time as occurred in 2021 and will occur again in 2022. Whilst no briefing is planned for December 2023, there is sufficient time for a Council briefing early in December if required.

The meeting dates/times and locations for the 2023 Audit (Finance & Risk) Committee were considered by the Committee at their meeting on 12 September 2022 and were adopted by Council at the 27 September 2022 Ordinary Council Meeting. These dates have been taken into consideration in determining the proposed Ordinary Council Meeting dates.

Regular Briefing Sessions will continue and will generally occur two weeks prior to each Ordinary Council Meeting.

ATTACHMENTS

Nil

12.2.4. Local Government Reform - Election of Shire President

DATE:	25 October 2022
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes that the Department of Local Government, Sport and Cultural Industries has advised the Shire of the need to change to a directly elected Shire President and consequently reduce the size of the elected Council by one, to eight elected Councillors;**
- 2. Direct the Chief Executive Officer to advise the Department of Local Government, Sport and Cultural Industries of its intention to undertake a voluntary process to address the local government reform of directly electing the Shire President;**
- 3. Resolves to change the method of electing the Shire President to a vote of electors of the district at the next election and reduce the number of elected Councillors by one; and**
- 4. Endorses that a ward and representation review only be undertaken if advised to do so in a reply from the Minister to correspondence requesting clarification on the need to do so.**

PURPOSE

For Council to endorse the change to the community directly electing the Shire President as opposed to the current situation where the Shire President is elected by the Council and to reduce the number of Councillors by one to eight.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Councillors would be aware that there has been an ongoing review of the Local Government Act. While the draft legislation has not been released, there are a number of announcements

that have been made and requests for action. Specifically a letter that was received by the Shire dated 20 September 2022, which is provided at Attachment 1.

The letter deals with broadly four items:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population, and
- The removal of wards for band 3 and 4 local governments.

The first two points are the only ones relevant to the Shire and the Shire does not have to consider the question of preferential voting at this Ordinary Council Meeting.

STATUTORY IMPLICATIONS

Local Government Act, 1995

Division 2

2.11. Alternative methods of filling office of mayor or president

(1) *When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —*

- (a) *elected by electors of the district under Part 4; or*
- (b) *elected by the council from amongst the councillors under Schedule 2.3, Division 1.*

(2) *A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

** Absolute majority required.*

2.18. Fixing and changing number of councillors

(1) *When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —*

- (a) *specify the number of offices of councillor on the council of the local government; and*
- (b) *if the district is to have a ward system, specify the numbers of offices of councillor for the wards.*

(2) *When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.*

(3) *The Governor, on the recommendation of the Minister, may make an order —*

- (a) *changing the number of offices of councillor on a council; or*
- (b) *specifying or changing the number of offices of councillor for a ward; or*
- (c) *as to a combination of those matters.*

(4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

Schedule 2.2

5. Local government may propose ward changes or make minor proposals

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or
 - (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;
- or
- (c) propose* to the Minister the making of an order changing the name of the district or a ward.

* Absolute majority required.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 4.3.1: Develop customer focused corporate structure that reflects and meets the needs of the community

Strategy 4.3.4: Build internal capacity by attracting, developing and retaining the best people

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

Service Area: Governance and Executive Services
Governance

RISK IMPLICATIONS

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

Control: Reviewing and implementing changes in Local Government Act. Completing the annual Compliance Return required by the Department of Local Government.

FINANCIAL IMPLICATIONS

There will be no changes to the remuneration of Elected Members because of the change. There may be an increase in the cost of running the next election because of the changes. This will be budgeted for in the next annual budget.

Depending on the reply to a request for clarification from the Minister for Local Government, Sport and Cultural Industries on the changes, there may be costs incurred in conducting a ward and representation review. Our current belief is that these costs can be accommodated within the current budget allocations since the Shire has no wards and the representation review will not achieve much as it will be dictated by legislation.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken with respect to this matter. However, should a ward and representation review be required then community engagement will be undertaken as appropriate.

COMMENTS

The move from a Council elected Shire President to a directly elected Shire President appears to be a “captains call” by the Minister. Shire’s like ourselves that have the Shire President elected by Council are strongly being encouraged to voluntarily move to a directly elected Shire President at the next election in October 2023. The effect of the change is that Council will then consist of a Shire President and eight Councillors. A Shire President, so elected, will serve for a term of 4 years. The Shire will still have a Deputy Shire President who will still be elected by the Council.

Two options to implement this transition have been put to us. A “Voluntary Pathway” and a “Reform Election Pathway”. Should Council agree to go the “Voluntary Pathway”, Council will need to pass a resolution by absolute majority to change to a Shire President directly elected by the voters. The Shire will then need to notify the Department of Local Government by 28 October 2022 that it intends to undertake the voluntary process together with a high level plan outlining the potential changes to be implemented for the October 2023 elections. These changes are expected to be that having a directly elected Shire President means that one Councillor position will have to be abolished. This will necessitate a process whereby the Shire will have to conduct a Ward and Representation Review. This process has statutory consultation timelines and will need to be completed by 14 February 2023 to be submitted to the Local Government Advisory Board in order that statutory time frames can be met.

The alternative to the “Voluntary Pathway” is to elect to go the “Reform Election Pathway” which essentially is that the change will happen under the amended legislation at the next election. As this legislation is not available at this time the implications of this are essentially unknown. The Shire requested its legal advisors to consider the matter and to provide some advice on the matter, in particular the Ward and Representation Review aspect of the process. This advice is at Confidential Attachment 2. The advice deals with the details of the requirements of the Representation Review and sets out a draft letter to be sent to the Minister seeking clarification

on whether a Review is required (refer Confidential Attachment 2), and in line with this advice it is recommended that Council not endorse undertaking a ward and representation review unless the Minister indicates that it will be required in his reply to the letter sent to him.

ATTACHMENTS

Attachment 1 - Category 3 - Change to Direct Election and Consequent Change

Confidential Attachment 1 - Memorandum on LG reforms

Confidential Attachment 2 - Letter to the Minister for Local Government, Sport and Cultural Industries

12.2.5. East Kimberley Regional Airport Car Parking Licence

DATE:	25 October 2022
AUTHOR:	Manager Airports
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	A1000
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council licences portion of land at the East Kimberley Regional Airport (Lot 200 P066654, Peter Reid Drive Kununurra) for car parking, in association with the lease of the Airport Cafe, with an annual fee of \$1,200 per car space per year, with the licence terminating at the end of the Airport Cafe lease term unless otherwise terminated beforehand.

PURPOSE

For Council to consider entering into a licence for car parking spaces at the East Kimberley Regional Airport.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Timothy McClintock, who runs the cafe at the East Kimberley Regional Airport (EKRA), has asked for access to car parking within the EKRA (main) car parking area to park hire cars, as a variation to his lease agreement with the Shire. A copy of his request is at Attachment 1.

In line with Mr McClintock's request, a licence has been prepared, which will attach to the cafe lease and is provided at Attachment 2. The licence will provide for the following:

- Four car spaces. These car spaces are shown on a map attached to the licence.
- A term of 12 months, commencing 1 November 2022.
- A licence fee of \$1,200 per car space, which is the same as what the other hire companies pay for car parking in the main car park.

Commencement will also be dependent upon Mr McClintock obtaining an insurance policy with respect to the car parking spaces (Clause 7 of the licence).

STATUTORY IMPLICATIONS

Regulation 30 (2) of the Local Government Act (Regulations) applies and no delegation to Officers is possible for approval and must be approved by Council. The licence is, however, exempt from being advertised.

POLICY IMPLICATIONS

There are no policy implications associated with this matter.

STRATEGIC IMPLICATIONS

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

Focus Area 3: Economic Prosperity

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

Strategy 3.2.1: Support local businesses and the identification and development of investment opportunities that create jobs

RISK IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken.

COMMENTS

The proposal is a minor addition or variation to the airport cafe lease that would provide an opportunity to extend the business's offerings by way of car hire and the operator is confident of demand for the new service. In any case, the licence has been drafted for the purposes of trialling the operation, which will include next dry season. The four car spaces, furthermore, are able to be allocated for the purpose with no convenience for other users of the airport car park.

ATTACHMENTS

Attachment 1 - Letter requesting airport hire car spaces

Attachment 2 - Car Parking Licence

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Temporary Caravan Park and Camping Ground Application - Kununurra Agricultural Society

DATE:	25 October 2022
AUTHOR:	Senior Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7620
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Agricultural Society at Reserve 29799, 199 (Lot 504) Coolibah Drive, Kununurra.**

- 2. Grants a temporary caravan park licence to Kununurra Agricultural Society for 40 short stay sites at the Kununurra Agricultural Grounds from 8 July 2023 to 18 July 2023 subject to the following conditions:**
 - a. The existing licence for a Caravan Park and Camping Ground located at the site will be suspended for the duration of the Kununurra Agricultural Show.**
 - b. Only event staff associated with the Kununurra Agricultural Show are to be accommodated in the park.**
 - c. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers.**
 - d. All wastewater (including sullage water) is to be collected and removed from the site to be disposed of at an approved wastewater**

dump point.

- e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from the site.
- f. Fire extinguishers are to be located within 90 metres of every site.

PURPOSE

For Council to consider an application made by the Kununurra Agricultural Society for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Agricultural Grounds for the annual Kununurra Agricultural Show.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Agricultural Society hosts the Kununurra Agricultural Show as an annual event in July. This year the event will run on 14 and 15 July 2023.

The Kununurra Agricultural Society has applied for a temporary caravan park and camping ground licence from 8 July 2023 to 18 July 2023 at the Kununurra Agricultural Grounds in order to meet the accommodation needs of site holders.

This extended period around the actual event dates is to allow amusement vendors and staff to arrive in Kununurra from other venues, as well as time for the set up and dismantling of their amusement rides and stalls after the event. The need for the temporary camping onsite is to allow amusement vendors and other travelling site holders to stay in proximity to their equipment for security reasons, and outlying station staff to stay in proximity of their animals.

The Kununurra Agricultural Society already holds a caravan park and camping ground licence for the site which will be temporarily suspended for the duration of the event as the grounds layout will be significantly altered for this purpose. Only staff/site holders associated with the event will be permitted to be accommodated on site.

A copy of the Temporary Caravan Park and Camping Ground application is provided as Attachment 1.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that -

- (a) the applicant has complied with the requirements of this Act;
- (b) The applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Ground Regulations 1997 (the Regulations)

r. 47 Applications not dealt with within time are taken to be refused

- (1) *If within -*
- (a) *63 days of receiving an application for a licence; or*
 - (b) *35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.*
- (2) *If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.*

r. 54 Temporary Licence

- (1) *A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.*
- (2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence -*
- (a) *the maximum number of sites of particular types that may be used at the facility and*
 - (b) *The services and facilities that are to be provided.*

POLICY IMPLICATIONS

Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds provides guidelines for the approval of temporary licences. The Policy provides for a reduction in amenity and requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

Focus Area 2: PLACE - Enhancing the environment

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

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

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

Strategy 2.3.5: Enforce effective public health and safety

Service Area: Regulatory Services Environmental Health

RISK IMPLICATIONS

Risk: Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.

Control: Inspection by Shire officers and compliance with minimum requirements based on legislative requirements for Nature Based Parks.

FINANCIAL IMPLICATIONS

If the Kununurra Agricultural Society is granted a temporary licence, they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For the proposed licence, the minimum fee of \$100 will be applicable.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed licence meets the requirements and intentions of *Council Policy CP-HTH-3762 Licencing of Temporary Caravan Parks and Camping Grounds*. The area will be occupied only by event staff/exhibitors, and amusement vendors who will stay on site with their equipment or animals and is recommended for approval.

Ablution facilities that are to be provided for the temporary camping onsite are in accordance with the Nature Based Parks minimum requirements detailed in the regulations for the proposed number of sites, being for 40 sites. Other conditions are also recommended within regards to waste water disposal, rubbish bins and fire extinguishers in accordance with the regulations.

ATTACHMENTS

Attachment 1 - Temporary Caravan Park Application - Kununurra Agricultural Society

12.3.2. Proposed Hotel Redevelopment at Lot 655 (47) Victoria Highway and Messmate Way Road Reserve, Kununurra

DATE:	25 October 2022
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A1195
FILE NO:	A1195P
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council grants development approval for the staged redevelopment and extension of an existing Hotel at Lot 655 (47) Victoria Highway, and part Road Reserve (Messmate Way) Kununurra, subject to the following conditions:

- 1) Development must be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.**
- 2) Prior to the commencement of construction, a stormwater management plan must be submitted to and approved by the Shire. Stormwater will not be permitted to pond on the site or against any building or structure and shall not cause additional runoff to adjacent properties. The approved stormwater management plan is to be implemented during construction, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the Shire.**
- 3) Prior to the occupation of Stage 2 of the redevelopment:**
 - a) A Parking Management Plan must be prepared and submitted to the Shire for approval. Once approved the Parking Management Plan must**

be implemented and adhered to. The Parking Management Plan must detail, at a minimum, Parking management arrangements during:

- (i) Peak occupation and tourist periods; and
- (ii) Localised events where patrons attending the site may not be staying within the accommodation.

4) The approved Parking Management Plan:

a) Must be reviewed:

- (i) After twelve (12) months of operation of stage 2 and 3 of development on a rolling basis; and/or
- (ii) After twelve (12) months of operation following final completion of the development in the event that development is not staged.

b) Following each review, the Parking Management Plan must be revised (Revised Parking Management Plan) to include recommendations to address any car parking deficiencies or other traffic issues which may have arisen during operation of the facility, and be submitted to the Shire for approval.

c) The Shire may, in its absolute discretion, include any further review conditions it deems necessary as part of the approval of the Revised Parking Management Plan including, but not limited to, requiring a further revised parking management plan if it deems further reviewing is required.

5) A deed of agreement must be prepared and executed, at the owners cost, between the owner and the Shire prior to the commencement of works within the Messmate Way road reserve, under which the owner agrees and acknowledge the following:

- a) The owner agrees to maintain the car parking, landscaping and any construction within the road reserve;**
- b) The owner agrees to indemnify the Shire over any claim arising from the improvements in the road reserve and agrees to take out and maintain public liability insurance for a minimum amount of \$10 million for any one claim, and**
- c) The deed of agreement is to permit the Shire to lodge a caveat against the Certificate of Title to the land to secure the performance of the obligations of the Deed**

6) Areas set aside for parked vehicles and access lanes, as shown on the approved plans, must be:

- a) Finished to a sealed standard (either asphalt, two-coat bitumen seal or concrete), drained and kerbed in accordance with the approved plan;**
- b) Fully drained in accordance in line with approved specifications;**
- c) Line marked and signed, including disabled bays in line with relevant standards;**

- d) Include any required changes to landscaping including footpaths and street fittings within the Messmate Way road reserve, and
- e) Be maintained by the owner and kept available for these purposes.
- 7) Waste collection for the development must be provided by agreement between the owner and/or operator of the site and an external provider. All waste and refuse collection must be conducted within the site. Rubbish bins must not be placed on the verge/kerb for collection and the site must be managed at all times to ensure amenity is maintained.
- 8) All unloading and loading must be conducted within the site.
- 9) External lighting must be designed, baffled and located to not have a detrimental effect on adjoining land or road to the satisfaction of the Shire.

PURPOSE

For Council to consider a development application for approval to redevelop and extend an existing hotel at Lot 655 (47) Victoria Highway, and part road reserve (Messmate Way) Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received a development application for the staged redevelopment and extension of the existing hotel on the corner of Messmate Way and Victoria Highway, Kununurra (refer locality plan). The application is to expand the onsite (guest) accommodation from 60 beds to 95 beds and to rebuild the restaurant, bar and function centre, along with sundry areas including a new swimming pool and associated infrastructure. The proposal also includes the construction of car parking within the Messmate Way road reserve.

Car parking was highlighted as a concern, with a shortfall of 132 parking bays identified following initial assessment. Following discussions with the applicant, a revised Site Plan (Drawing No. A110, Revision 12, Date: 22/09/2022) and Traffic Impact Assessment was submitted. Amongst other things, the revised Traffic Impact Assessment provided the following as justification for the reduction in parking requirements:

- Provision of bicycle bays in excess of scheme requirements;
- It is expected that a high percentage of guests will either fly into Kununurra or visit as part of a bus/coach style tour and therefore may not have access to a personal vehicle;
- Restaurant to be used predominantly by hotel guests;

- A capacity of the conference would not be held without reserving a portion of the restaurant area for their meals;
- There is a designated area to the front of the proposed development offering pickup and set-down location for guests; and
- It is expected that the restaurant and function rooms of the hotel will be typically used by guests, and a booking system will be used to control numbers utilising the restaurant.

The revised site plan now forms part of the development application documents, which is at Attachment 1 and the revised Traffic Impact Statement is provided at Attachment 2.



Locality Plan: Lot 655 (47) Victoria Highway, Kununurra.

Assessment against planning scheme requirements

In line with the planning scheme, the parking requirement has been determined at 195 car bays, based on 1 car space for every guest room and 1 bay for every 6 square metres of floor area for the restaurant, conference room and bar/alfresco. The revised site plan (Drawing No. A110, Revision 12, Date: 22/09/2022) shows 63 parking bays which equates to a shortfall of 132 car parking bays. The revised plans also include the construction of 34 car bays offsite within the adjoining Messmate Way Road reserve.

The proposal, otherwise, generally meets all other applicable requirements of the planning scheme.

Comparison of Parking at Similar Uses

Table 1 provides a parking comparison for similar hotel/tourism developments in Kununurra. It is important to note that at the time of construction there were no planning requirements for the

Kimberley Grande and Hotel Kununurra, which were approved under Building legislation only, which is similar to the Hotel on the subject site. A shortfall in parking was approved at the 29 June 2021 Ordinary Council Meeting for the Lily Lagoon Resort, subject to the submission of a Parking Management Plan. Based on this, a car parking shortfall of 132 spaces for the proposed development is consistent with similar developments and substantiates that the parking guidelines stipulated in the local planning scheme, may not always be practical or reasonable.

	Kimberley Grande	Lily Lagoon Resort	Hotel Kununurra
Total Parking Required	283	235	327
Total Parking Demonstrated	144	92	63
Shortfall	139	143	264

Table 1: Comparison of Parking at Similar Uses

STATUTORY IMPLICATIONS

Local Planning Strategy

The Local Planning Strategy identifies that one key planning purpose for land within the Kununurra Townsite is to support local business, tourism and employment opportunities.

Local Planning Scheme No.9 (LPS 9)

“Hotel” is a permitted use (‘P’) within the Tourism zone, it is only permitted where the use complies with all relevant development standards and the requirements of LPS9.

Clause 64 of the Deemed Provisions requires the application to be advertised and Council is afforded discretion to vary parking requirements and to approve car parking within the road reserve.

POLICY IMPLICATIONS

There are no policy implications.

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

This site was identified in the Kununurra Strategic Directions strategy and suggests an 'iconic' architectural response given its unique location at the gateway to the town centre.

RISK IMPLICATIONS

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

Control: Assessment against relative legislation and development controls to ensure informed decisions.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposal.

COMMUNITY ENGAGEMENT

Advertising was undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 deemed provisions, and included:

- Notification letters being sent to surrounding landowners;
- Notice being advertised in the Kimberley Echo;
- Notice on the Shire's website and facebook page, and
- Copies of plans at the Shire offices in Kununurra.

No submissions were received.

COMMENTS

Overall, the proposed development is considered to be consistent with the Local Planning Scheme and meets the objectives of the Tourism zone by providing alternative accommodation options that are not currently well provided for in Kununurra and the development takes advantage of the natural viewpoint overlooking Lily Creek Lagoon. The proposal meets the development standards of LPS9 which include providing for pickup and set-down areas, waste and/or materials being stored out of view and away from the street frontage and the provision of at least 10% landscaping. The proposed development will improve the visual outlook from both within and outside the site, providing a high standard of architectural design which matches the desire to provide an iconic development at this gateway to the Kununurra town centre.

Officers accept the argument provided with respect to justifying a reduction of onsite car parking and the application of a 'discount' for the extension of the use, however, there is still a shortfall of parking bays. The revised site plan indicates the provision of 34 parking bays within the adjoining Messmate Way road reserve, to address the shortfall of parking bays and to provide visitor parking that is convenient to the site. The development of a parking bays within the adjoining road reserve will be subject to meeting Shire (engineering) specifications, including for landscaping, footpaths and street fixtures, and require a deed of agreement to address construction requirements and ongoing maintenance. It is understood the applicant is continuing to negotiate

with Main Roads around the possibility of access to the Victoria Highway, which may provide future car parking and access possibilities, however, this does not form part of the current development application.

There is still the potential that if all accommodation is occupied and additional events are being held which are open to the public/visitors, that there could be a need for more car parking spaces. To address this, as a conditional requirement, the applicant will require a Parking Management Plan addressing parking management and arrangements during peak periods and localised events. The approved plan will require an annual review following completion of both Stage 2 and 3, to address any needs.

In all other respects, the development proposal represents a substantial upgrade of the facility, providing high quality accommodation in an attractive and landscaped setting. It furthermore, meets relevant objectives of the zone and can be appropriately conditioned to preserve amenity values surrounding the site.

ATTACHMENTS

Attachment 1 - Development Application Plans

Attachment 2 - Traffic Impact Statement

12.4. CORPORATE SERVICES

12.4.1. Review of Procurement Policies

DATE:	25 October 2022
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulate - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts the following revised policies with amendments as provided in attachments 1 to 5:**
 - a. CP/FIN-3204 Purchasing;**
 - b. CP/FIN-3213 Corporate Credit Cards;**
 - c. CP/FIN-3217 Regional Price Preference;**
 - d. CP/FIN-3218 Pre-Qualified Supplier Panel; and**
- 2. Note that the Shire has reviewed procurement processes as per Electors Motion 5 and Council Resolution 118625.**

PURPOSE

For Council to consider adopting amended policies as provided in Attachments 1 - 5.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

A review of all Shire purchasing processes was requested at the Annual Meeting of Electors held 17 March 2022 and subsequently resolved by Council on 26 April 2022:

Council Decision

Minute Number: 26/04/2022 - 118625

Elector Motion 5

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

Moved: Cr D Menzel

Seconded: Cr J Farquhar

Decision: 8/0

STATUTORY IMPLICATIONS

The *Local Government Act 1995* does not specifically mention the use of corporate credit cards by officers in a local government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations. In addition, Regulation 11(1)(a) of the *Local Government (Financial Management) Regulations 1996* requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

A local government is to adopt a purchasing policy in accordance with Regulation 11A, *Local Government (Functions and General) Regulations 1996*. Sections 2.7 and 2.8 of the *Local Government Act 1995* are also relevant to the policies being revised.

A local government may adopt a regional price preference policy and a pre-qualified supplier panel policy as per Division 3 and Part 4A of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of these policies.

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

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

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Relevant policies updated in accordance with schedule and operational requirements ensuring that the Shire's financial management framework, internal control procedures and restrictions over investments continue to be maintained and adhered to, and meet all statutory requirements.

COMMUNITY ENGAGEMENT

No community engagement is required as no major changes have been made to the policies from previous versions.

COMMENTS

Officers have reviewed existing procurement policies to incorporate recommendations from the Western Australian Auditor General's Report dated 7 May 2018 relating to Controls Over Corporate Credit Cards, recommendations from the 2021 Regulation 17 Review, and to align with the most recent WALGA Industry Standard Templates and Electors Motion 5. Officers also utilised their local knowledge of conducting procurement activities in regional areas and additionally considered the impacts on operational efficiencies prior to making recommendations for amendments.

Only minor amendments have been suggested as shown in the attached policies. Additional explanatory comments have also been summarised below.

Explanatory Comments

CP FIN-3213 Corporate Credit Cards

Amendment 1

Old review dates have been removed with only the current adoption date and two other review dates required. An audit trail can be followed by viewing previous versions of the Policy and/or in the Shire's record keeping system.

Amendment 2

Amended to streamline process and provide timely accountability of purchases. This amendment is in line with the Western Australian Auditor General's Report dated 7 May 2018 relating to Controls Over Corporate Credit Cards and the recommendations of the recent Regulation 17 review. Section 9 of this Policy ensures that credit card usage is reported on to Council as per Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

CP/FIN-3204 Purchasing

The Shire is updating this Policy to be better aligned with the Industry Standard Western Australia Local Government's Template Purchasing Policy. The new Standard Template is designed to provide increased support for local businesses. Any amendments that change the intent of the previous purchasing policy are explained in subsequent comments.

Amendment 1

Old review dates have been removed with only the current adoption date and two other review dates required. An audit trail can be followed by viewing previous versions of the Policy and/or in the Shire record keeping system.

Amendment 2

Removed definitions that have a common meaning or term for the purpose of creating a more succinct Policy.

Amendment 3

Entire Policy updated to the WALGA Industry Standard template. The new standard Policy is substantially the same as the existing Shire Purchasing Policy. The new WALGA template provides better comprehension and direction for purchasing activities. The changes also provide a Priority Ranking Scale that encourages local governments to purchase from local suppliers which in turn encourages circular economies.

Amendment 4

The new 'Table of Purchasing Thresholds' provides better direction around purchasing practices by setting an order of priority for assessments. The new order of priorities sections will support local businesses. First priority is to use our own Panel Contracts. Panel Contracts are most commonly formed from local suppliers. The second priority is to support local business. This new section will allow officers to set assessment criteria that reflect these priorities.

Secondly, we have recommended to increase the lower purchasing threshold from \$1,000 to \$5,000 as it will improve operational efficiencies when making low spend low risk purchases. It will also help small local businesses as they will no longer be required to complete a lengthy written quote process for small value gains. Shire officers will be able to source in person directly from local business premises and or via verbal quotes for all purchases under \$5,000.

Amendment 5

Minor amendments have been made to improve operational efficiencies by increasing the 'Purchasing Values' and making sections of the Policy non-mandatory. Shire officers conduct risk assessments as part of their processes in the procurement planning stage. The comprehensive risk assessment undertaken stipulates any required mitigation tasks and responsibilities.

Amendment 6

The Policy allows Shire officers to purchase directly from businesses that are considered to be either sole suppliers and or are businesses that support socioeconomic challenged demographics, as allowable by Regulation 11(2)(i) *Local Government (Functions and General) Regulations 1996*. The Policy has been amended to ensure that where these arrangements have been approved, Shire officers must review the arrangement annually and ensure that:

- a) The business still meets the eligibility requirements; and
- b) The purchasing decision still provides value for money to the community.

Amendment 7

The Shire has a subset of 'Operational Risks' included in the organisations 'Risk Framework'. The Shire's Risk Framework is monitored and reported on to ensure that the organisation understands its current risk appetite which in turn allows us to make assessment of what level of risk is tolerable when implementing new projects. The below operational risk has been added to the Policy as it is applicable to this Policy;

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 Plans and Annual Budget.*

Control: *Monthly and quarterly progress and financial reporting against Corporate Business Plan and Annual Budget.*

CP/FIN-3217 Regional Price Preference

Amendment 1

Old review dates have been removed with only the current adoption date and two other review dates required. An audit trail can be followed by viewing previous versions of the Policy and/or in the Shire record keeping system.

Amendment 2

Highlights that the regional price preference rates set in the Policy are a legislated requirement that have been set at the maximum amount allowable.

CP/FIN 3218 Pre-Qualified Supplier Panels

Amendment 1

Historically, the Shire has had issues with attracting enough responses to form a panel from the initial round of advertising. This amendment will allow officers to re-advertise a panel if the first round of advertising does not attract enough panel members to fill vacant panel positions.

Amendment 2

New heading added to provide better direction and clarity around legislated advertising requirements for Panels.

Amendment 3

Policy amended to allow Shire officers to re-advertise panel positions annually where vacant positions exist on the Panel. This amendment will provide better opportunities for new local businesses to join the Panel each year.

Amendment 4

New heading added and section separated to provide clarity around the legislated requirements for the establishment of Contracts. A Contract can only be formed for a period of 1 year with no extensions.

ATTACHMENTS

Attachment 1 - CP/FIN-3213 Corporate Credit Cards - Draft with track changes

Attachment 2 - CP/FIN-3204 Purchasing - Draft with track changes

Attachment 3 - CP/FIN-3204 Purchasing - Draft without track changes

Attachment 4 - CP/FIN-3217 Regional Price Preference - Draft with track changes

Attachment 5 - CP/FIN-3218 Pre-Qualified Supplier Panels - Draft with track changes

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

DATE:	25 October 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 September 2022, being:	
Municipal EFT 143953 - 144178 (02/09/2022 - 29/09/2022)	\$
1,292,259.31	
Trust EFT 52028 - 52028 (05/09/2022 - 30/09/2022)	\$
2,696.40	
Payroll (07/09/2022 - 21/09/2022)	\$
491,685.26	
Direct Bank Debits (01/09/2022 - 30/09/2022)	\$
123,535.13	
Total	\$
1,910,176.10	

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 September 2022, 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 September 2022

12.4.3. Monthly Financial Report

DATE:	25 October 2022
AUTHOR:	Manager Finance
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 receives the Monthly Financial Reports for the periods ended 31 August 2022 and 30 September 2022.

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the periods ended 31 August 2022 and 30 September 2022.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

At the 28 June 2022 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 28/06/2022 - 118681

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

Moved: Cr M Dear

Seconded: Cr J Farquhar

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

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

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

CP/FIN-3201 *Significant Accounting Policies* has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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 Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans 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

The Shire has engaged Moore Australia to prepare the Monthly Financial Report on an ongoing basis. The basis of the report is the same as for previous Monthly Financial Reports but in addition to the Statements of Financial Activity by Program and by Nature or Type, the report includes summary information in the form of graphs showing budgets versus actuals, an executive summary of key financial activities, and additional explanatory notes to the financial statements.

Comments in relation to budget versus actual variances are included at note 14 in the Financial Statements.

Council should note that the report is an interim report as year end procedures need to be processed before a final position for 30 June 2022 is arrived at. These year end processes include adjustments to provisions, transfers to and from reserves and assessments for fair value of assets.

ATTACHMENTS

Attachment 1 - Monthly Financial Report August 2022

Attachment 2 - Monthly Financial Report September 2022

12.5. INFRASTRUCTURE

12.5.1. Firebreak Order 2022 - 2023

DATE:	17th May 2022
AUTHOR:	Senior Ranger and Emergency Services Coordinator
RESPONSIBLE OFFICER:	Simon HAWES
FILE NO:	ES.03.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community 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:	Simple Majority

OFFICER'S RECOMMENDATION

That Council;

- 1. In accordance with *Part III, Division 6, Section 33 of the Bush Fires Act 1954*, adopt the Shire of Wyndham East Kimberley Firebreak Order, effective immediately and adopt reviewed Policy CP/REM - 3620 Firebreaks.**
- 2. Give notice of this order in a newspaper circulating in the local district as well as through social media and pamphlet distribution.**
- 3. Advertise the Firebreak Order effective immediately in the Government Gazette.**

PURPOSE

For Council to adopt the 2022 Firebreak Order for the Shire of Wyndham East Kimberley that is to apply until further notice or review and adopt reviewed Policy CP/REM - 3620 Firebreaks.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In order to enable the annual Firebreak Order to be gazetted and formally issued to all property owners, Council is required to consider and adopt the Firebreak Order and adopt reviewed Policy CP/REM - 3620 Firebreaks.

STATUTORY IMPLICATIONS

The recommendation of this report has been prepared in accordance with the *Bush Fires Act 1954*.

Part III – Prevention of Bushfires

Division 6 – General Restrictions, Prohibitions and Offences

Section 33 – Local Government May Require Occupier of Land to Plough or Clear Firebreak

POLICY IMPLICATIONS

This matter has been assessed in accordance with Policy CP/REM – 3620 - Firebreaks.

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 2.1: Conserve the Shire's unique natural environment for the enjoyment of current and future generations

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

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

Goal 4.2: Good decision making through engagement with the community

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

Strategy 2.1.1: Work in partnership to implement cooperative programs to manage land, fire, introduced animals and weeds

Strategy 2.1.2: Advocate for better access to country and increase opportunities for people to experience the Shire's natural and cultural wonders

Strategy 2.3.2: Maintain a partnership approach for emergency management planning, preparedness, response and recovery

Strategy 2.3.5: Enforce effective public health and safety

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

RISK IMPLICATIONS

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

Control: Annual Compliance Return to Department of Local Government and a review policies and procedures in accordance with the review schedule.

Risk: Environmental damage and consequential financial liability from poor bushfire management.

Control: Compliance with Emergency Management Act and Bushfire Control Act Administer through local laws, policies and practices. Bushfire prevention measures undertaken e.g. firebreaks.

Risk: Non-compliance with the Emergency Service Act resulting in litigation from affected parties.

Control: Manager Emergency Services appointed. Compliance with Annual Report submission to the District Emergency Management Committee (DEMC).

Risk: Loss of life or serious injury during youth program delivery due to staff not following policies and procedures.

Control: Policies and procedures that meet legislative requirements. Staff training and induction.

FINANCIAL IMPLICATIONS

There are minor administrative fees associated with Government Gazette advertising as well as costs associated with producing the Firebreak and Householder Hazard Reduction Notice, Newspaper advertising and a Post Office Box drop. These costs can be accommodated within the yearly budget.

COMMUNITY ENGAGEMENT

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

Public notification by newspaper advertising, social media, Shire website, Post Office Box drop and Government Gazette advertising.

COMMENTS

In the interests of good management and to improve fire control measures throughout the Shire, it is recommended that the Council adopt the firebreak order, "*Shire of Wyndham East Kimberley Firebreak Order and Bushfire Information effective from 2022*" and adopt reviewed Policy CP/REM - 3620 Firebreaks, for the Shire which will apply until further notice or review.

Public notices will be placed in the local newspaper, social media, Shire website and a mail drop will be arranged. The Firebreak Order will also be advertised in the Government Gazette.

ATTACHMENTS

Attachment 1 – Firebreak Order 2022

Attachment 2 – CP-REM 3620 - Firebreaks

Attachment 3 – *Section 33 Bush Fires Act 1954* (Extract)

12.5.2. Wyndham Boat Ramp Jetty Redesign

DATE:	20 October 2022
AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	LP.02.53
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Absolute Majority

OFFICER'S RECOMMENDATION

That Council;

1. Approve investigation and costing of an alternative design for the Wyndham boat ramp jetty.
2. Consider allocation of design funding in future budget deliberations

PURPOSE

This proposal, subject to budget allocation, will require the administration to investigate alternative designs based on reductions in construction and whole of life costs.

This matter will supersede consideration OCM - 118086

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Ordinary Meeting of Council, 27 August 2019

Council Decision

Minute Number: 27/08/2019 - 118086

That Council:

1. Endorse Shire Officers to proceed with the process to plan for the replacement of the floating pontoon jetty and boat ramp facilities at the existing Wyndham location.
2. Endorse continued future applications to the Recreational Boating

Facility Scheme in subsequent financial years with co-contributions from the Shire to progressively redevelop the Wyndham Boat Launching Facilities.

Information provided at Briefing of Council, 09 February 2021

Minute No: 26/09/2017-117805

Commissioner resolved:

That Council;

- 1. Receive the Wyndham Boat Launching Facility Planning and Concept Design Report;**
- 2. Acknowledge the Community engagement highest voted concept is Option 1: Floating Pontoon Option;**
- 3. Adopt Option 1: Floating Pontoon Option as the preferred redevelopment option for the Wyndham Boat Launching Facility subject to confirmation of whole of life costs over required 25 design life and associated maintenance costs.**
- 4. Endorse continued future application submissions to the Recreational Boating Facility Scheme in subsequent financial years with co-contributions from the Shire to progressively redevelop the Wyndham Boat Launching Facility.**
- 5. Clarify the Department of Transport's requirements in relation to a management plan for Option 1.**

STATUTORY IMPLICATIONS

AS 4997-2005: Guidelines for the design of maritime structures

POLICY IMPLICATIONS

CP OPS-3649 Maintenance of Shire Assets

STRATEGIC IMPLICATIONS

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

Focus Area 3: PROSPERITY - Economic Prosperity

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

Strategy 3.1.2: Improve access and transport links to the East Kimberley (air, road and sea)

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

Shire Project: 205 - Boat Ramp and Jetty Renewal Program

Service Area: Asset Management and Capital Works
Asset Management

RISK IMPLICATIONS

Risk: Failure to manage and implement a Council wide framework for sustainable whole of life Asset management which provides the desired level of service to the community.

Control: Provide sustainable design that consider construction, and whole of life costs in line with financial capabilities

FINANCIAL IMPLICATIONS

Future considerations for funding of design works in the 2023/24 Budget deliberations.

COMMUNITY ENGAGEMENT

No community engagement is required for a change in resolution.

COMMENTS

As part of the most recent design report and costing for the Wyndham boat ramp jetty, construction of a Department of Transport approved maritime structure will be in the order of \$8,410,000. This costing was supplied by Rider Levett Bucknall December 2020. Recent inflationary pressure is having a tangible impact on construction and maintenance costs, and as such construction of the current approved design for the Wyndham boat ramp jetty may be considerably higher than the provided construction estimate.

Due to the exceedingly high cost of construction, and very likely high whole of life costs, the briefing of Council requested that this matter be brought before Council for reconsideration of design of the Wyndham boat ramp jetty.

If this matter is supported by the Council, a future budget consideration will be required, and the redesign put to tender, including community consultation on the revised design. Heritage, geotech and bed and banks have already been completed for this location so design *should* be related to the structure proper only, subject to any additional information request from the successful design applicant.

Subject to Council supporting this document, research will be progressed to determine possible redesign costing for the Wyndham Boat Ramp Jetty on a new set of Council approved design parameters, and that costing to be presented for consideration at the 2023/24 budget deliberations.

Request for funding for redesign works for the Wyndham boat ramp jetty has been made to the Department of Transport, which they have denied, subject to a competent design already being funded and supplied to the Shire of Wyndham East Kimberley.

ATTACHMENTS

Attachment 1 - Wyndham Community Boat Launching Facility - Draft RLB Order of Cost Estimate

12.5.3. Police Protection Barrier design, Intersection of Weaber Plain Road and Erythrina Street.

DATE:	25 October 2022
AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	GS.05.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community Funder - provide funds or other resources Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approve construction works for the 'Kununurra Disruptive and Protective Hardcover' at the intersection of Weaber Plain Road and Erythrina Street as demonstrated on the attached plan; and**
- 2. Approve the allocation of a total budget of \$99,000 for GL Account 04120333 Kununurra Disruptive & Protective Hardcovers, funded as follows:**
 - a. Kimberley Community Action Fund Grant \$49,500; and**
 - b. Reallocation of budget from GL Account 02040248 Security Trial \$49,500.**

PURPOSE

The administration seeks a formal decision on the installation of hardcover points in the Kununurra townsite to assist in disabling stolen vehicles, reduce risk to pedestrians and other road users, and reduce ram raid events that can affect businesses in town.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council Decision

Minute Number: 23/08/2022 - 118701

That Council approve the Administration to:

- 1. Commence with the design for construction of 'Disruptive and Protective Hardcover installations', in consultation with Local Police, the consideration of the placement being subject to appropriate engineering standards to reduce run off road impact object crash speeds to 40kmh or lower and the installation being aesthetic fit for purpose to the satisfaction of Council;**
- 2. Accept the receipt of grant funding in the amount of \$49,500 to be allocated to this project;**
- 3. Determine detailed costings for the project; and**
- 4. Seek Council approval for the final project design and costings before project commencement.**

This matter was discussed at Briefing of Council 12 July 2022, with police report 'Kununurra Disruptive and Protective Hardcover proposal 2022'. This matter was further discussed at Briefing of Council 09 August 2022, with clarifications from Kununurra Police.

STATUTORY IMPLICATIONS

Local Government Act 1995, Part 3, Division 1, 3.1 (1) the general function of a local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS

CP/OPS-3661 Shire Road Network

This policy provides guidance on the extent of the Shire public road network.

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

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

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

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

Shire Project: 212 - Implement a Community Safety and Crime Prevention Plan

Service Area: Asset Management and Capital Works
Asset Management
Engineering Services

RISK IMPLICATIONS

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

Control: Work with local agencies to progress warranted sustainable projects that provide tangible benefits to the community

FINANCIAL IMPLICATIONS

If Council approves the reallocation of budget, the project will be fully funded through the Kimberley Community Action Fund grant of \$49,500 and the reallocation of funds from the security trial of \$49,500. At the Mid Year Budget Review the funds for the security trial will be reallocated to replenish the account.

COMMUNITY ENGAGEMENT

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

- Liaison with Local Police on installation type and locations.
- Further communications with Council on preliminary installation to ensure compatibility with town aesthetic
- Letter of support from MG Corporation

COMMENTS

Shire staff have over the last few months been approached by business owners seeking information on how to install substantial bollards at the perimeter of their business, in order to deter or prohibit damage to their property by stolen vehicles performing ram raids. Staff have been working with business in an advisory capacity to provide supporting information. In conversation with Local Police, it was highlighted that bollard installation would be largely unnecessary if stolen vehicles could be disabled earlier in a 'police pursuit'.

Our local Police have provided a document that proposes the installation of heavy duty gates and hardcover protection areas that would be used to coral, and then disable stolen vehicles.

The deployment of 'stingers' or spike strips, requires police officers to stand in proximity to the device (and the trafficable path), and as a result they are at times allegedly targeted by the operator of the stolen vehicle. Police therefore seek locations that provide protection from potential vehicle hits, such as behind substantial trees, impassable terrain or other

miscellaneous robust roadside elements. This does limit possible current shelter locations, and due the limited number of locations, these are generally known by criminals and mostly avoided. The provided report attempts to identify strategic locations to install hardcover protection points, to deny town access, or to disable stolen vehicles as early as possible, and to deny access to tracks that act as “rat runs” or vehicle disposal points. It should be noted that the solution proposed in the document are not a panacea. This is a part solution, that may require fine tuning to yield better future results, in combination with other wider efforts.

Proposed roadside installations serve three purposes;

- Protect officers whilst deploying stingers
- Force vehicles to use the trafficable path (the road) and onto deployed devices.
- Keep vehicles on the trafficable path at intersections to protect pedestrians

In an attempt to soften the visual amenity of hardcover protection locations and in consultation with Police, Shire officers are proposing installation of substantial sized boulders, embedded in ground at 1.8m spacings. Local rock would be a better fit to our local aesthetic, deny access to the verge and provide the required shelter to police officers.

There are risks associated with the installation on non-frangible objects in the road, these being identified in no particular hierarchy of importance;

- **Non-frangible object in road**

The Austroads Safe System Assessment Framework identifies crashes with potential to result in fatal or serious injury can occur in the following crash types;

Head-on crashes (>70km/h)

Right angle crashes (>50km/h)

Run off road impact object crashes (>40km/h)

Crashes involving vulnerable road users (>30km/h)

The placement locations should not be considered on open road high speed environments. Either by design or good fortune, the proposed locations are at intersections, on the slow leg entry where vehicles would need to be travelling slower to navigate the corner into town, or slowing to enter the exit leg of the intersection (the vertical leg of the ‘T’ junction). In these instances, the vehicle should be travelling slower than 40km/h, and as such hitting a non-fragile object likely outcome is property damage and minor injury to the vehicle occupant. As this relates to all road users, the risk needs to also be associated with other road users, whose speed should be much slower than a 40km/h corner navigation. There is a risk of vehicles hitting a non-frangible object at high speed. In those instances, the vehicle would not safely navigate the intersection and would in most probability enter a private property or other roadside infrastructure outside the road reserve. It is likely that this would occur in any event, regardless of prohibitive infrastructure installations.

- **Police Officer protection**

Officers in the road reserve deploying stingers need to shelter behind a non-frangible object from errant, or deliberately controlled vehicles attempting to target them whilst they are performing duties to protect our community. Any attempt to lessen the structural integrity of the protection device would put the officers at risk, and as such negate safety protected by the devices. Conditional on hardcover locations being placed in low speed environments (exit point of an intersection) the risk to officers outweigh any benefit to weakening these structures. Non-frangible objects at low speed locations will protect the lives of our local police officers.

- **Local businesses**

Local businesses are at very real risk of repeated ram raid attacks by criminals in stolen vehicles. This is causing reputational risk and very real harm to our community. The Shire has very limited to nil capacity to deal with this directly. It is difficult in an engineering perspective to put a cost benefit ratio on cash to community benefit. As such, this matter is put to the briefing as a gauge of support for this process to ascertain the value of progressing with the program in some form (contribution of \$50,000 by the Shire to a \$100,000 project) vs the loss of local businesses and their livelihood. Rapidly disabling or prohibiting access to the townsite by stolen vehicles will reduce the number of ram raids in the town.

- **Pedestrian safety**

In discussion with Police on this project, it was identified that drivers of stolen vehicles have no respect for the vehicle, limits of the road or other users including pedestrians. Anecdotally, there have been near misses of vehicles cutting corners and nearly hitting pedestrians who are out at night. Locations identified in the report may not just be associated with stinger deployment, but keeping the vehicles on the roadway proper to avoid conflict with pedestrians. Additionally, rapidly disabling these vehicles will reduce contact time on road with pedestrians (and other road users).

- **Reputational risk**

There is very real risk to the community's reputation when local or visitor vehicles are stolen. Shire staff have left and clearly stated that they are leaving due to high crime levels in town. This may not be an isolated occurrence. Cars of tourists being stolen are extremely likely to feed negative perceptions of our town turning away potential visitors or residents. If this is the case, it will have a tangible financial impact to our community and potential population growth. Whilst the proposal may not reduce car theft, rapidly disabling a vehicle may reduce damage to the vehicle, and if the proposal limits the time of a rampaging vehicle on road, this will most likely discourage ongoing future theft.

- **Safety of stolen vehicle occupants**

Thieves in stolen vehicles and other occupants are at risk, potentially in deployment of stingers, and also in impact with non-frangible objects. Placing hardcover at most likely slow points will reduce occupant risk, and potentially end the activity as quickly as possible, further reducing that risk to the occupants and other vulnerable community members.

- **Legal risk**

If a stolen (or other) vehicle hit a non-frangible object in the road reserve, there is liability risk to the Council. To a lesser extent, there is a risk to the Shire if a stolen vehicle causes damage or death and the Shire has been seen to do nothing. The option that offers the least risk to the Shire is to do nothing, and would be the most probable advice if sought by legal means. This risk could in the majority be mitigated if structures were put in place 'by order' of WAPOL. The ability to obtain an order from WAPOL cannot be substantiated to any degree.

The administration will further liaise with WAPOL to discuss suitable locations for installation of heavy duty gates, which have been requested to prohibit access to off road escape routes and access to car dumping locations.

This part of the project relates to component of resolution **118701**

3. Determine detailed costings for the project; and

4. Seek Council approval for the final project design and costings before project commencement.

This document provides costing and design for the intersection of Weaber Plains Road and Erythrina Street, installation of hard cover protection.

ATTACHMENTS

Attachment 1 - Weaber and Erythrina

Attachment 2 - Police protection barriers Email

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. REQUEST TO WAIVE INTEREST

DATE:	25 October 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
ASSESSMENT NO:	A6855
FILE NO:	FM.11.56
DISCLOSURE OF INTERESTS:	Nil
VOTING REQUIREMENT:	Absolute Majority
COUNCILS ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements

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

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

For Council to consider the request to waive penalty Interest with a total value of \$281.41 for rates assessment A6855.

16.2. T03 - 22/23 WASTE MANAGEMENT FACILITIES STRATEGIC DEVELOPMENT AND PLANNING

DATE:	25 October 2022
AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	CM.16.439
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Absolute Majority

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

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.*

17. CLOSURE