

COUNCIL ACTION REGISTER - In Progress - October 2023

Meeting	Responsible Officer	Minute Number	Item	Resolution	Progress Comment	1. Date of First Action 2. Date of Completion	Status	
OCM 20/12/2016	Nick Kearns, Director Planning and Community Development	20/12/2016	11578	Proposed closure of Jandami Lane	That Council approves: 1. The closure of a 3.2 km section of Jandami Lane as shown on Attachment 1 – Jandami Lane, section proposed for closure November 2016, in accordance with section 3.50 of the Local Government Act 1995, until the long term future of the lane is finalised. 2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve. 3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016. 4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the Local Government Act 1995, when necessary to facilitate the transfer of that part of the road reserve to another party, and 5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed.	The Shire has previously requested the closure of the road in accordance with the Council resolution, and is awaiting the Department of Planning, Lands and Heritage (DPLH) to complete the process to permanently close the road. Officers met with DPLH on 20 May 2022 and they advised that the road closure will be grouped with the new lease for the Goomy land and that this was likely to be finalised in the next 4 to 5 months. A new meeting is being organised for late March 2023 to get an update from the Department of Lands. March 2021 - Email issued to Planning requesting an update. April 2021 - Meeting taking place with DPLH this month. May 2021 - No further progress made with Lands. June 2021 - No further progress made with Lands. August 2021 - No further progress to report. September 2021 - Planning are discussing further with Lands. April 2022 - August 2022 - Planning is following up with the Department and is awaiting response October 2022 - DPLH will not close out the reserve. Asset has been removed from Council asset register. Administration will return the item to Council at the November 2022 OCM to rescind the resolution for DPLH to close the road reserve. February - August 2023 - No update	1. Date of First Action - 14 March 2023 2. Date of Completion -	In Progress
OCM 22/03/2022	Nick Kearns, Director Planning and Community Development	22/03/2022	118611	16.1 EXPRESSION OF INTEREST TO PURCHASE LOTS 401 AND 402 PEARSE STREET, WYNDHAM	That Council: 1. Accepts the offer from Paul Cavanagh for Lots 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham (land) for the combined price of \$22,400 in accordance with the Expression of Interest lodged and subject to local public notice of the proposed disposition being given in accordance with the Local Government Act 1995. 2. On the basis of the valuation dated 17th of September 2020, where the market value of the land was determined to be \$10,000 (exc GST) for vacant possession, Council adopts this amount to be a true indication of the fair market value of the land as at 22 March 2022. 3. Notifies other applicants, in writing, that they were unsuccessful in their submission to purchase the land and that the successful applicant was Paul Cavanagh. 4. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising contract of sale documentation and a deed of agreement being to ensure that the following conditions are formally documented (formal agreement): a. Lots 401 and 402 on Deposited Plan 144222 are amalgamated (amalgamated land); and b. The required road access to the amalgamated land is constructed at the purchaser's sole cost (road construction obligation) and to design and construct specifications approved by the Shire; and c. The amalgamation of Lots 401 and 402 on Deposited Plan 144222 condition and the road construction obligation will transfer to any subsequent purchaser of the land who will be required to enter into a replacement deed in the same terms as the original formal agreement between the subsequent purchaser and the Shire (replacement deed); and d. The purchaser will consent to a caveat being lodged on lots 401 and 402 on Deposited Plan 144222 to secure the obligations in the formal agreement and any replacement deed, such caveat to be removed to allow for compliant dealings on the land by the purchaser.	July 2022 - Advertising for disposition of land has been completed and no submissions received. Contract of sale documents being finalised. June 2022 - Notice of proposed disposal of land is currently being advertised and closing date for submissions is 1 July 2022. August 2022 - No update September 2022 - Contract of Sale documents have been issued to successful applicant for signing November 2022 - Purchaser is seeking legal advice February 2023 - Officers awaiting the applicant to undertake additional survey and title consolidation prior to finalising the contract of sale. July - August 2023 - Officers are still waiting for the applicant to undertake additional survey and title consolidation prior to finalising the contract of sale. January 2023 - Applicant was advised of Council decision and Officers reviewed a draft Heads of Agreement in December. This was returned to the applicant prior to Christmas with requested changes. February 2023 - Applicant advised a revised Heads of Agreement would be returned to the Shire by March or April 2023 for consideration. Following this a Crown Land Enquiry was lodged with the State Land Office to commence tenure arrangements in April 2023 July - August 2023 - Officer's have contacted DPLH and they have advised that the matter is still being processed. Officers will seek further updates. October 2023 - Officers have contacted the contractor managing the project who advises that land matters are close to being resolved	1. Date of First Action - 20 February 2023 2. Date of Completion -	In Progress
OCM 13/12/2022	Nick Kearns, Director Planning and Community Development	13/12/2022	118768	12.3.1. Proposed excision of portion of Reserve 51750, Crossing Falls Road - Telecommunications Tower	The Council: (1) Resolves to excise a portion of Reserve 51750, Lot 555 on DP402308, Crossing Falls Road, Kununurra for the purposes of 'installation, maintenance and operation of telecommunications network facility'; and (2) Authorises the Chief Executive Officer to complete any necessary negotiations to enable: (a) the excision of the land site from Reserve 51750; (b) lease from the State of WA; and (c) sublease between the Shire and the carrier.	July - August 2023 - Officers are still waiting for the applicant to undertake additional survey and title consolidation prior to finalising the contract of sale. January 2023 - Applicant was advised of Council decision and Officers reviewed a draft Heads of Agreement in December. This was returned to the applicant prior to Christmas with requested changes. February 2023 - Applicant advised a revised Heads of Agreement would be returned to the Shire by March or April 2023 for consideration. Following this a Crown Land Enquiry was lodged with the State Land Office to commence tenure arrangements in April 2023 July - August 2023 - Officer's have contacted DPLH and they have advised that the matter is still being processed. Officers will seek further updates. October 2023 - Officers have contacted the contractor managing the project who advises that land matters are close to being resolved	1. Date of First Action - 16 December 2022 2. Date of Completion - April 2023	In Progress
OCM 13/12/2022	Nick Kearns, Director Planning and Community Development	13/12/2022	118774	16.2. Disposal of Land (Lease and Sale) - Airport Land	That Council requests the Chief Executive Officer to: 1. Obtain current market valuations for the lease of land (per square metre) at the East Kimberley Regional Airport and Wyndham Airport; 2. Advertise for expressions of interest for suitable aviation businesses to lease or purchase as indicated below, airside land at the East Kimberley Regional Airport at the following locations as listed in Attachment 2; a. Lot marked 1A for lease or purchase comprising 3108 square metres; b. Lot marked 1B for lease comprising 3108 square metres; c. Lot marked 1C for lease comprising 4908 square metres; and d. Lot marked 1D for lease comprising 4908 square metres; 3. Advertise for expressions of interest for a suitable aviation business to lease airside land at the Wyndham Airport at the following location as listed in Attachment 3; a. Demarcated area comprising 570 square metres.	February 2023 - EOI was released for public consideration 9 February 2023. Deadline for submissions 10 March 2023 which will then be referred to the March Ordinary Meeting, (these relate only to East Kimberley Regional Airport). The EOI related to the Wyndham Airport is still being prepared. June/July 2023 - The Deed of Sale and Development Lease for proposed Lot 1A has now been executed by both parties and is now subject to the subdivision being undertaken. Application has made for subdivision approval for which a decision should be made in the next few weeks. No action has commenced with the other proposed Lots (1C & 1D) to be leased at the East Kimberley Regional Airport as yet, as there was not the time sensitivity required. A quote for preparation of the draft lease agreement was obtained, however has not commenced to date. October 2023 -	1. Date of First Action - 15 December 22 2. Date of Completion -	In Progress
OCM 30/05/2023	Nick Kearns, Director Planning and Community Development	30/05/2023	118833	12.3.4. Local Planning Policy - Heritage Places	The Council: 1. Adopts and publishes notice of Local Planning Policy 16 'Heritage Places' at Attachment 4 with modifications in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015; and 2. Undertakes community and stakeholder engagement in response to the requests to amend the adopted Heritage List and Local Heritage Survey.	June/July 2023 - Adoption of Heritage Places policy was advertised from 29 June in Kimberley Echo and Shire website. Consultation for requests to amend the Heritage List and Local Heritage Survey is being undertaken from 29 June. This has included a notice in Kimberley Echo, Shire website and Bastion newsletter (Wyndham) and letters to both Wyndham and Kununurra Historical Societies and the Shire's Heritage Consultant. Officers have since been contacted by the Kununurra Historical Society to confirm that they will review the proposal, the matter is proposed to be reported to the August 2023 ordinary Meeting. October 2023 - To be reported to Council's November 23 Meeting for decision	1. Date of First Action 2. Date of Comp	In Progress
OCM 22/08/2023	Nick Kearns, Director Planning and Community Development	22/08/2023	118889	12.3.1. Proposal to Lease portion of Lot 707 Drovers Road, Kununurra	That Council: 1. Offers the Gourmet Camp Oven Experience a 10 year lease over a portion of Reserve 30290, Lot 707 Drovers Road, Kununurra to the Gourmet Camp Oven Experience subject to: (a) consent from the Minister for Lands; (b) local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and (c) lease rent to be in accordance with a current market rental valuation. 2. Authorises the Chief Executive Officer to negotiate the lease agreement, finalise and affix the common seal.	October 2023 - Officers are awaiting a valuation and in the process of preparing a draft lease to send to DPLH for initial consent.	1. Date of First Action 25/8/23 2. Date of Completion:	In Progress
OCM 26/09/2023	Nick Kearns, Director Planning and Community Development	26/09/2023	118910	12.3.3. Regional Precincts and Partnerships Program	That Council endorse an appropriation of funds from the 2023/24 Annual Budget for the appointment of a suitable consultant to prepare an application for funding under the Regional Precinct and Partnership Program.	October 2023 - Request for quotation issued	1. Date of First Action 19/10/23 2. Date of Completion:	In Progress
OCM 26/09/2023	Nick Kearns, Director Planning and Community Development	26/09/2023	118909	12.3.2. Transfer of management order - Reserve 32880, Victoria Highway, Kununurra	That Council: 1. Agrees to proceed with the transfer of Reserve 32880, Lot 1202 on DP180763, Victoria Highway, Kununurra to the Shire subject to the consent of the Minister for Lands and on the basis that: (a) the reserve is relinquished on an 'as-is' basis; (b) the Water Corporation makes no representation in relation to the condition, capability or suitability of the reserve for any intended use; and (c) that the Shire agrees to pay all costs associated with the transfer. 2. Authorises Shire Officers to undertake the necessary requirements to facilitate the transfer of management order.	October 2023 - Officers sent a letter was sent to Water Corporation (10/10/2023) confirming the Council Resolution from the September Ordinary Council Meeting and authorising them to proceed with the proposal.	1. Date of First Action 10/10/23 2. Date of Completion:	In Progress