

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Minutes

26 SEPTEMBER 2023



DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

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

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING
MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 26 SEPTEMBER 2023 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

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

The Shire President declared the Meeting open at 5:04pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr D Hearty	Councillor
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
N Bray	Minute Taker

Apology

Cr M McKittrick	Councillor
Cr B Kyne	Councillor
N Kearns	Director Planning & Community Development
P Webb	Director Infrastructure

Leave of Absence

Nil

3. DECLARATION OF INTEREST

- **Financial Interest** – Nil
- **Impartiality Interest**

Councillor/Officer	Item	Description of Interest
Cr D Hearty	12.3.1	Board member of EKCCI

- **Proximity Interest** - Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr M Dear has provided a written request for a leave of absence for the 24 October 2023 Ordinary Council Meeting.

OFFICER RECOMMENDATION

That Council approve a leave of absence for Cr M Dear for the 24 October 2023 Ordinary Council Meeting.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118898

Moved: Cr J Farquhar

Seconded: Cr N Brook

That Council approve a leave of absence for Cr M Dear for the 24 October 2023 Ordinary Council Meeting.

Carried / Lost: 7/0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty, Cr C McNeil

Against: Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 August 2023.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118899

Moved: Cr N Brook

Seconded: Cr T Chafer

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 August 2023.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty, Cr C McNeil

Against: Nil

Note: The Minutes of the Ordinary Council Meeting held on 22 August 2023 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

24 August 2023 - KRG and Kimberley Zone Meeting - Attended by the Shire President and the CEO.

29 August 2023 - Justice Reinvestment Workshop - Attended by the Shire President and the CEO for discussion on Justice reinvestment with Jawun secondee Cettina Raccua.

29 August 2023 - Lake Kununurra Golf Club – Shire President, Deputy Shire President and CEO met with representatives from the Golf Club to discuss necessary works to be undertaken at the Club and Shire support for works needing to be undertaken.

1 September 2023 - Yajany yarrowoo ngoondebtha Group - Attended by the Shire President and the CEO.

7 September 2023 - Official Opening of Erythrina Elders Units - Attended by the Shire President and the CEO.

7 September 2023 - Meeting with Hon John Carey MLA, Minister for Planning; Lands: Housing: Homelessness - Attended by the Shire President and the CEO to discuss key projects (ie East Kimberley Regional Airport Land, Boab Service Worker Development, Childcare Worker Housing Waterlily Place) and provide an update on the Kimberley Regional Group.

8 September 2023 - Meeting with Lotterywest - Attended by the CEO, Director Planning and Community Development and Manager Community Services.

8 September 2023 - Opening of Headspace - Attended by the Shire President, CEO and Director Planning and Community Development

8 September 2023 - KDC Meeting with Divina D'Anna - Attended by the Shire President and the KDC Board to discuss funding priorities for the next budget/electoral cycle.

8 September 2023 - Meeting with Mr Patrick Burford - Group Manager, Communities, Department of Social Services - Attended by the Shire President and the CEO.

9 September 2023 – East Kimberley Aboriginal Achievement Awards - Attended by the Shire President and CEO

15 September 2023 - Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and the CEO.

17 - 19 September 2023 - WALGA Local Government Convention 2023 and AGM – Attended by the Shire President and the CEO to network and advocate for matters affecting our community.

18 September 2023 - Local Government Convention 2023, Heads of Agency Breakfast - Attended by the CEO

18 September 2023 Meeting with Tim Fraser, Executive Director Local Government – Attended by the CEO.

18 September 2023 - Regional Stakeholder Meeting with Senator Assistant Minister Anthony Chisholm - Attended by the Acting Director Community Development and Planning and Regional Development Australia, Kimberley roundtable meeting with Senator Assistant Minister Anthony Chisholm.

19 September 2023 – North West Defence Alliance – Attended by the Shire President and the CEO.

21-22 September 2023 - Kimberley Economic Forum - Attended by the Shire President, Deputy Shire President and the CEO to discuss economic matters affecting our community.

21 September 2023 - REDS Grant announcement – Shire President met with Don Punch and Davina D'Anna for the announcement of the successful REDS Grant applicants.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 11 September 2023

DATE:	26 September 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - Planning and providing direction through policy and practices Regulator - Undertaking responsibility for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

Cr T Chafer moved that Committee Recommendations 1-6 be considered en-bloc. The motion was seconded by Cr J Farquhar.

Decision: 7/0

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “Standing Item - Rates Debtors” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118900

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.1 “Standing Item - Rates Debtors” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty, Cr C McNeil

Against: Nil

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118901

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil

Against: Nil

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118902

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil

Against: Nil

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118903

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee Meeting.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil

Against: Nil

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118904

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.5 “*Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Carried: 7 / 0

**For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil**

Against: Nil

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*ICT Maturity Assessment Update*” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the ICT Maturity Assessment report and Confidential Attachment contained within the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118905

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council, with reference to Item 7.6 “ICT Maturity Assessment Update” as detailed in the 11 September 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the ICT Maturity Assessment report and Confidential Attachment contained within the Agenda/Minutes of the 11 September 2023 Audit (Finance and Risk) Committee Meeting.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,

Cr C McNeil

Against: Nil

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 11 September 2023.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 11 September 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	26 September 2023
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.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118906

Moved: Cr D Hearty

Seconded: Cr N Brook

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

Carried: 7 / 0

**For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil**

Against: Nil

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

Various, as referenced in individual reports presented to the Council.

FINANCIAL IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the August 2023 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 - Completed - September 2023
Attachment 2 - Council Action Register - In Progress - September 2023

12.2.2. Minutes and Recommendations from the Kimberley Zone and Kimberley Regional Group of 24 August 2023

DATE:	26 September 2023
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator, Facilitator and Leader
VOTING REQUIREMENT:	Simple majority

OFFICER'S RECOMMENDATION

That Council receives and endorses the resolutions of the Kimberley Zone of WALGA and the Kimberley Regional Group as attached in the Kimberley Zone of WALGA and Kimberley Regional Group joint meeting Minutes of 24 August 2023 as provided at Attachments 1 and 2 to this report.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118907

Moved: Cr D Hearty

Seconded: Cr T Chafer

That Council receives and endorses the resolutions of the Kimberley Zone of WALGA and the Kimberley Regional Group as attached in the Kimberley Zone of WALGA and Kimberley Regional Group joint meeting Minutes of 24 August 2023 as provided at Attachments 1 and 2 to this report.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty, Cr C McNeil

Against: Nil

PURPOSE

This report, presents for Council's endorsement, the Minutes from the last joint meeting of the Kimberley Zone of WALGA and Kimberley Regional Group (KRG).

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Zone is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated.

The Shire of Wyndham East Kimberley is the Secretariat for both groups and all meetings are held jointly.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The work of the KRG and Kimberley Zone strongly reinforces the strategy of the Shire as that relates to improvements to local and regional programs and policy and for the initiation of major projects that promote economic investment and which maximise community benefit. The KRG and Kimberley Zone also promote strong collaboration around common issues and strengthen the Shire's ability to advocate around matters of interest to the community.

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A Financial Report was tabled at the meeting and is included in the Minutes of the KRG meeting (Attachment 2) at pages 23 to 25.

COMMUNITY ENGAGEMENT

Nil

COMMENTS

The Minutes of the Kimberley Zone provide positions relevant to the WALGA State Council. The Presidents Report is perhaps the best summary of matters of highest priority to the Association.

The KRG received formal presentations from Grant Robinson, Assistant Auditor General, Christy Hawker, CEO of BBY, and from Mala Hajjali, CEO West Kimberley Futures. Councillors will note that the Priority Action List has been updated and also that the KRG website is now 'live'.

The Minutes and respective background information are at Attachments 1 and 2.

ATTACHMENTS

Attachment 1 - Minutes Kimberley Country Zone 24 August 2023

Attachment 2 - Minutes Kimberley Regional Group 24 August 2023

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. East Kimberley Chamber of Commerce and Industry Memorandum of Understanding

DATE:	26 September 2023
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator, Facilitator and Leader
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the Memorandum of Understanding with the East Kimberley Chamber of Commerce and Industry at Attachment 1;
2. Authorise the Chief Executive Officer to enter into the Memorandum of Understanding with East Kimberley Chamber of Commerce and Industry for a three year term; and
3. Approve the allocation of \$25,000 from the 2023/24 economic development budget to the East Kimberley Chamber of Commerce and Industry.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118908

Moved: Cr T Chafer

Seconded: Cr J Farquhar

That Council:

1. Endorse the Memorandum of Understanding with the East Kimberley Chamber of Commerce and Industry at Attachment 1;
2. Authorise the Chief Executive Officer to enter into the Memorandum of Understanding with East Kimberley Chamber of Commerce and Industry for a three year term; and
3. Approve the allocation of \$25,000 from the 2023/24 economic development budget to the East Kimberley Chamber of Commerce and Industry.

Carried: 7/0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil

Against: Nil

PURPOSE

To adopt a Memorandum of Understanding with the East Kimberley Chamber of Commerce and Industry.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire and the East Kimberley Chamber of Commerce and Industry share common goals as they relate to the business community and to matters related to the broader community that may be inhibitors or enhancements to business interests. With this in mind, a Memorandum of Understanding (MoU) has been prepared to build on these goals and support both organisations in the promotion of economic development initiatives and to exploit the synergies of both organisations by working in greater alignment, particularly in relation to:

- The delivery of business functions and events
- Better aligning strategy
- Enhancing networking opportunities
- Working closely to support place making initiatives that effect and support business
- Complementing efforts in communications and marketing
- Information sharing
- Seeking funding for new projects that support business
- Better promoting educational/training programs

The total cost of the MoU, over three years would be \$75,000, being \$25,000 annually and payments, as described in the MoU, would be paid quarterly.

A copy of the MoU is at Attachment 1.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The work of the EKCCI aligns on a number of fronts with the Shire's strategy, not just for business but for liveability and both organisations frequently undertake advocacy work relevant to major projects and initiatives in the Shire. These include:

- Responses to emergency events
- Juvenile safety and anti-social behaviour (Yajany Yarrowoo Ngoondebtha fortnightly meeting attended by the Shire president and CEO).
- Workforce development
- Housing

RISK IMPLICATIONS

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

Control: Formalisation of a legal document that specifies appropriate responsibilities and performance measures.

FINANCIAL IMPLICATIONS

There will be budget implications associated with this matter with \$25,000 to be reallocated from the economic development budget at the 2023/24 mid year budget review. Funding for 2024/25 and 2025/26 will be allocated in the future budget considerations.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire and the EKCCI both play key roles in building a prosperous community. Working together we can ensure that the region's inherent strengths are leveraged and challenges are addressed to capitalise on key opportunities within the municipality. The proposed Memorandum of Understanding (MOU), furthermore, would enable the Shire to better support the EKCCI through a financial contribution as well as its influence in the region and provide both organisations with a clear path to achieving positive collaboration, as we do presently through joint advocacy etc.

It is recommended that Council endorse the MoU as recommended.

ATTACHMENTS

Attachment 1 – Memorandum of Understanding between the Shire of Wyndham East Kimberley and the East Kimberley Chamber of Commerce and Industry

12.3.2. Transfer of management order - Reserve 32880, Victoria Highway, Kununurra

DATE:	26 September 2023
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.06.5
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. 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.**

COUNCIL DECISION

Minute Number: 26/09/2023 - 118909

Moved: Cr D Hearty

Seconded: Cr M Dear

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.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil

Against: Nil

PURPOSE

For Council to agree to the transfer of management orders for a piece of reserve land in Kununurra.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire was initially approached by Water Corporation in May 2022 seeking the Shire's interest in acquiring Reserve 32880, which has been identified as being surplus to the Corporations requirements. Water Corporation has provided its in-principle support for relinquishment of its management order for the subject land to be revested/transferred to the Shire, subject to the Shire's agreement. A copy of the Water Corporation correspondence is at Attachment 1.

Reserve 32880 is located at Lot 1202 on Deposited Plan 180763, Victoria Highway, approximately three kilometres south-east of the Kununurra townsite, fronting the Victoria Highway.

Water Corporation is currently the Responsible Agency and the Minister for Water Resources (Water Corporation) holds the Management order for the reserve, which has been set aside for the purpose of 'High Frequency Radio Transmitter Public Works Dept'. The telecommunication equipment was removed from the site several years ago and the Reserve is currently vacant land. A locality plan of the site is at Attachment 2.

The Corporation has advised that the transfer of the management order is subject to the following:

- Department of Planning, Lands and Heritage (DPLH) consent,
- Reserve 32880 is relinquished on an 'as-is' basis, with no remediation works implied or offered,
- the Water Corporation makes no representation in relation to the condition, capability or suitability of the reserve for any intended use; and
- DPLH and/or the Shire agree to cover all costs associated with the proposed relinquishment and subsequent transfer of the subject land.

STATUTORY IMPLICATIONS

Land Administration Act 1997 and Land Administration Regulations 1998.

Anticipated costs would be the DPLH document preparation fees, which are estimated to be around \$400.

STRATEGIC IMPLICATIONS

Local Planning Strategy

The Local Planning Strategy (Strategy) identifies Reserve 32880 and the surrounding Reserve 30356 (Lot 556 on DP69425) as being for future urban development, subject to structure planning. The Strategy further notes that short-term urban expansion should focus on East Lily Creek and Drovers Rest, as immediate development sites to the southeast of Kununurra and that medium to longer term expansion opportunities include continued growth to the south, towards the Racecourse and Old Darwin Road.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

While structure planning for the Drovers Rest future urban development area will need to occur prior to any development, the acquisition of Reserve 32880 will ensure the Shire remains at the fore with future residential planning for the southeast of Kununurra.

The Water Corporation requires several conditions, largely that the proposed is subject to the consent of DPLH; that the reserve is relinquished on an 'as is' basis; there is no representation in relation to the condition or suitability of the reserve for any intended use, and that the Shire or DPLH agree to cover all costs associated with the relinquishment and subsequent transfer of the land.

The land is currently vacant, with no infrastructure other than a well used sandy track and barbed wire fence which runs along the southern boundary. The remainder of the reserve is unfenced and features scattered vegetation.

There is no immediate plan to utilise the reserve or to install any infrastructure and the costs associated with the transfer of the management order are considered to be negligible.

ATTACHMENTS

Attachment 1 – Water Corporation Correspondence
Attachment 2 - Locality Plan

12.3.3. Regional Precincts and Partnerships Program

DATE:	26 September 2023
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator, Facilitator and Leader
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

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.

COUNCIL DECISION

Minute Number: 26/09/2023 - 118910

Moved: Cr T Chafer

Seconded: Cr M Dear

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.

Carried: 7 / 0

**For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,
Cr C McNeil**

Against: Nil

PURPOSE

For Council to reallocate funding to support an application under a Federal Government program.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

A potential opportunity has been identified to support the implementation of existing Shire projects through federal funding, being the Federal Government's new Regional Precincts and Partnerships Program (RPPP).

The Regional Precincts and Partnerships Program (RPPP) was launched last month. The program has a total funding commitment of \$400M. It was created to '*support transformative investment in regional, rural and remote Australia based on the principles of unifying regional places, growing economies and serving communities*'. It has a clear partnership approach, with an emphasis on supporting 'transformative projects'.

The RPPP is an always open grant (application) process that provides funding through two streams:

- Stream One: Precinct development and planning. Grants of between \$500,000 to \$5 million are available for master planning, consultation, design, business cases and partnership establishment (\$80M available).
- Stream Two: Precinct delivery. Grants of between \$5 million and \$50 million are available to help deliver one or more elements of a precinct. This could include 'enabling infrastructure' (roads, pathways, underground infrastructure), public infrastructure, or open spaces between elements or a particular building that activates other investment (\$320M available).

The new program aligns closely with the Federal Government's Regional Investment Framework, which identifies four priority focus areas:

1. Investing in people
2. Investing in places
3. Investing in services
4. Investing in industries and local economies

Underpinning the framework is an approach that highlights local input (in decision making), adaptation, new investment, opportunities for Aboriginal people, and net zero economy and decarbonisation and achieving gender equality.

The program has a focus on a partnership approach that includes the different tiers of government and a range of other bodies and refers to Regional Precincts - user-defined geographic areas with a specific need or theme, which may be business districts, activity centres and/or community and recreation areas.

The program specifies detailed criterion that would need to be met to succeed in an application, which has to be 'investment ready'. This is taken to mean that the proposal will need to:

- align with plans and community priorities - not just the Shire but from the State
- provide an integrated place-based solution
- provide clear economic benefits
- be environmentally friendly
- achieve Federal Government policy as that relates to the Regional Investment Framework, Closing the Gap etc.
- address an infrastructure gap
- be evidence based
- have community support as evidenced by clear input into the decision making

- be properly managed

The application will need to be supported by a preliminary plan or preliminary project outline as well as:

- draft budget
- supporting documentation that demonstrates the intended partnership and governance structure
- detailed evidence that supports the assessment criterion (above)

The preliminary plans or project outline, along with relevant evidence, would be supported in the form of a business case, which would accompany the application. If the project was funded and proceeded, this would form the basis for an application under Stream Two of the program. It is suggested that the Shire would be well placed to lodge an application given the newly adopted place-based approach embedded in the Corporate Business Plan and the Council's desire to attract new investment that builds upon the region's strengths and opportunities while addressing existing shortcomings in infrastructure, built-form and services. To achieve this, it is proposed to engage an expert professional in planning and economics to prepare the relevant documentation required to fulfil the application requirements in line with a brief that would need to be prepared by Officers. That brief (on a preliminary basis) is likely to include the need to provide a methodology that supports the development of the supporting documentation, (potentially) to include:

- Formation of a project management group, which may include a terms of reference and agreement of governance structures
- Preparation of a project scope, in line with available evidence and consideration for current local, state and federal policy and strategy
- Required business case that principally defines priorities according to a precinct (structure plan) approach
- Community and stakeholder engagement. A community based review committee may be useful to support the development of the preliminary proposal.

The larger (funded) project would be managed internally by an external project manager with instruction from the economic development and planning portfolios, overseen by the CEO and the executive.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

There are no policy impacts, however, Officers will need to be cognisant of various State and Federal strategies and policies relevant to meeting the criteria of the application process. Those include:

Our North, Our Future: White Paper on Developing Northern Australia

This sets out the Federal Government's long-term policy vision for northern Australia's sustainable economic development and encompasses all of the Shire. The White Paper

provides the framework to build a strong, prosperous economy and a safe, secure Australia. The north's natural and cultural assets can be sustainably developed to flatten boom and bust cycles, retain benefits in the region and build community amenity.

Regional Investment Framework

The Framework defines a broad approach to how the Australian Government delivers regional investment and refers to 'valuing local voices and priorities, being informed by and building the evidence, operating with flexibility, integrity and transparency, and coordinating across governments to make investments work better for regions'. The Frameworks refers to 'providing an integrated and coordinated framework for regional development regardless of a region's economic circumstances'. It is explicitly referred to in the context of lodging an application under the program.

State Regional Development Strategy

This strategy applies to a number of regions across the state and aligns with the regional 'blueprint' for the Kimberley. This is administered by the Kimberley Development Commission (KDC).

WA Planning Manual - Guidance for Structure Plans

The Department of Planning, Lands and Heritage (DPLH) have prepared the 'Guidance for Structure Plans' document to assist in the preparation of structure plans, to ensure consistency and efficiency.

The preparation of future precinct planning documents should be aligned and consistent with the Guidance document and its requirements.

Design WA

Design WA is a suite of policies that aim to create built environments that reflect the distinctive characteristics of a local area and which enhance streetscapes and neighbourhoods by promoting developments that contribute to the creation of vibrant and liveable communities. Future planning within the Shire should consider, as a minimum, the following Design WA policies:

- State Planning Policy 7.0 'Design of the built environment
- State Planning Policy 7.2 'Precinct design'
- Liveable neighbourhoods
- Safer places by design

State Planning Policy 7.0 'Design of the Built Environment' (SPP 7.0)

SPP 7.0 'Design of the Built Environment' was gazetted and became operational in May 2019 and is relevant as the design principles outlined in the policy apply to the precinct planning process. The ten design principles include:

- context and character
- landscape quality
- built form and scale
- functionality and build quality
- sustainability
- amenity
- legibility
- safety

- community
- aesthetics

Each of these design principles should be considered in the preparation of precinct planning documents for the Shire.

State Planning Policy 7.2 - Precinct Design (SPP 7.2)

SPP 7.2 'Precinct Design' was gazetted and became operational in February 2021, and guides the preparation and assessment of planning proposals for areas that require a high level of planning and design.

The policy and associated guidelines, which were approved December 2020, apply to areas that require a high level of design focus due to complexity and require a tailored, performance-based approach to precinct design, supported by design review and a high level of community participation.

The ten design principles of good design, outlined in SPP 7.0 'Design of the Built Environment', apply to precinct planning by introducing the concept of design review through six performance-based design elements, which include: urban ecology, urban structure, public realm, movement, land use and built form.

All future precinct planning documents prepared by the Shire should be prepared in alignment with the elements of SPP 7.2 and the associated guidelines.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area 1 Liveability

The development of investment- ready precinct plans will support the Shire in achieving the Community Goals of Focus Area 1 Liveability, Improving liveability through social, recreational and economic opportunities and addressing quality of life factors.

Focus Area 2 Connection

The development of investment- ready precinct plans will support the Shire in achieving the Community Goals of Focus Area 2 Connection, Improving physical and social connectivity within the Shire. Utilising strong communication and travel links to improve connectivity with family, friends and services in Perth and beyond. Specifically **Goal 6 Accessible Places** and **Strategy 6.2 Plan** and deliver vibrant, attractive town centres that support services for residents and visitors.

The Strategic Community Plan 2023-2033 and Corporate Business Plan 2023-2027 identify a need for the Shire to adopt a place-based approach. This place-based approach seeks to understand the current challenges, needs and opportunities of each place and works to connect and integrate priority projects, services and resources across the Shire to ensure that each place is considered holistically. This helps to ensure that all activities and projects are delivered in a way that promotes the place's liveability, connectivity and sustainability.

Kununurra Foreshore Plan

The review of the Kununurra Foreshore Plan is nearing completion, which will serve as a guide for the development and management of the Lake Kununurra foreshore and its associated lands, and how it is to be managed and administered. The draft plan is formed around the concept of identifying a number of focus areas or sub-precincts.

Local Planning Strategy/Scheme (LPS9) Review

The Shire has recently commenced a review of the local planning strategy, which will result in a new, more innovative strategy which will inform future amendments to the local planning scheme.

The current strategy and scheme were approved in 2019, and although the documents meet all relevant statutory requirements and follow the model scheme text, they are based on largely outdated and superseded documentation which was prepared well in advance of the approval date. Similarly, the priorities at that time are likely to have shifted and they also don't reflect the current vision of the Council or the community.

RISK IMPLICATIONS

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

Control: Allocate funds for forward planning for the development of community focused spaces that improve liveability, connectivity and sustainability.

Risk: Failure to resource a change in material funding from State and Federal funding arrangements.

Control: Actively identify potential state and federal funding to support the delivery of Shire projects that support the delivery of the Strategic Community Plan. The Regional Precincts and Partnerships Program (RPPP) offers the Shire a significant potential funding source for place based projects.

FINANCIAL IMPLICATIONS

There will be a financial cost associated with the development of documentation to support an application for funding through the Federal Government's Regional Precincts and Partnerships Program. Subject to Council's agreement of the priority focus, this may be funded from existing reserves or from funds within the economic development portfolio.

A maximum project budget of approximately \$60,000 is suggested and can be supported from the current budget allocated for economic development.

COMMUNITY ENGAGEMENT

The preparation of preliminary proposals and plans will need considerable community and other stakeholder input to gauge support, as otherwise the application is unlikely to be supported. This would be undertaken by the expert engaged for the project with assistance from the Planning and Community Development team.

COMMENTS

The Shire has, previously, been on a similar path in promoting a collaborative approach to plan for the growth of Kununurra, which included:

- Kimberley Development Commission
- Binarri-binyja Yarrawoo
- East Kimberley Chamber of Commerce and Industry
- Department of Regional Development
- Landcorp (now DevelopmentWA)
- Department of Planning

This project differs in that it explicitly proposes to fund discrete 'transformational' proposals. In this case, Officers suggest that the greatest potential, which would complement current strategic work, would be to focus the initial priority location(s) as being associated with the Lake Kununurra foreshore. The community has already provided input with respect to the foreshore area that suggests the need for greater access and activation as well as the inclusion of a diverse range of land uses - commercial, community and residential. It is also an area that the Shire could exploit potential revenues that would benefit the maintenance and enhancement of infrastructure at this location. Councillors will also note major projects associated with improvements to Celebrity Tree Park, being for an all-abilities playground and interest to develop tourist accommodation along the water's edge and to remodel the Lake Kununurra Golf Course. The foreshore also links to the area being investigated for a new Discovery and Interpretive (welcome) centre, between Messmate Way and Weaber Plain Road which is already identified as a priority project of the Shire's Corporate Business Plan. All the same, this would be confirmed by the partners to the project.

The Regional Precincts and Partnerships Program, via the development of preliminary plans and business cases, will provide an opportunity for the Shire to progress place planning in priority locations and to prepare investment-ready precinct proposals. While a main focus has been suggested for the Lake Kununurra foreshore, this work will also establish precincts in Wyndham and inform the strategy and scheme review and further embed place-based principles to support land release, major development projects, rezonings and/or subdivision into the future.

ATTACHMENTS

Nil

12.3.4. CSRFF Application

DATE:	26 September 2023
AUTHOR:	Acting Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/A
FILE NO:	GS.05.01
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Recommends the following application to the Community Sport and Recreation Facilities Fund 2023-24 Forward Planning Grants Program (September 2023) for funding:**
 - **Applicant: Kalumburu Aboriginal Corporation**
 - **Project: Kalumburu Basketball Court Refurbishment**
- 2. Requests that the Chief Executive Officer inform the Department of Local Government, Sport and Cultural Industries of Council's decision in accordance with recommendation 1 above.**

COUNCIL DECISION

Minute Number:

Moved: Cr J Farquhar

Seconded: Cr D Hearty

That Council:

- 1. Recommends the following application to the Community Sport and Recreation Facilities Fund 2023-24 Forward Planning Grants Program (September 2023) for funding:**
 - **Applicant: Kalumburu Aboriginal Corporation**
 - **Project: Kalumburu Basketball Court Refurbishment**
- 2. Requests that the Chief Executive Officer inform the Department of Local Government, Sport and Cultural Industries of Council's decision in accordance with recommendation 1 above.**

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty, Cr C McNeil

Against: Nil

PURPOSE

For Council to endorse the funding submissions for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Forward Planning Grants September 2023 round.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

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

The closing date for the current small rounds grants to be submitted to the Department of Local Government, Sport and Cultural Industries is 30 September 2023. Submissions were therefore required by the Shire by COB 13 September 2023 for Council to consider at this meeting.

Only one application was received from Kalumburu Aboriginal Corporation, to undertake upgrades to their outdoor basketball court including: weather protection, resurfacing, building an ablution facility, office and medical area, kitchen, change rooms and water fountain, installing taps, a fire hose, new poles and electrical upgrades, redoing the paintwork and including CCTV. The application is provided at Attachment 1.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

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

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

Service Area: Community Development

RISK IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

There is no direct financial impact to the Shire which relates to the application.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed project is considered a 'priority consideration' in accordance with the Department of Local Government, Sport and Cultural Industries guidelines and addresses key areas such as improving facilities for junior and female participation.

Officers recommend that Council support the Kalumburu Aboriginal Corporation's application.

ATTACHMENTS

Attachment 1 – CSRFF Grant Application

Attachment 1 – Kalumburu General Purpose Financial Report

Attachment 2 – Quote and Supporting Documentation

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report

DATE:	26 September 2023
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.36
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 Report for the period ended 31 July 2023

COUNCIL DECISION

Minute Number: 26/09/2023 - 118912

Moved: Cr D Hearty

Seconded: Cr T Chafer

That Council receives the Monthly Financial Report for the period ended 31 July 2023.

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,

Cr C McNeil

Against: Nil

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 31 July 2023.

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 27 June 2023 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/06/2023 - 118865

That Council, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$50,000 at financial statement level.

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

Decision 8/0

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 the previous month (the **relevant 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 relevant month; and

(c) actual amounts of expenditure, revenue and income to the end of the relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.

(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

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

(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 must be shown according to nature classification.

(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 relevant month; 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.

[Regulation 34 inserted: Gazette 31 Mar 2005 p. 1049-50; amended: Gazette 20 Jun 2008 p. 2724; SL 2022/88 r. 8; SL 2023/106 r. 19.]

35. Financial position statement required each month

(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —

(a) the financial position of the local government as at the last day of the previous financial year; or

(b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.

(2) A statement of financial position must be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and

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

[Regulation 35 inserted: SL 2023/106 r. 20.]

POLICY IMPLICATIONS

The Significant Accounting Policies incorporated within the 2023/24 annual budget have 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 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

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

The Shire of Wyndham East Kimberley's *POL-3000 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required in relation to this item.

COMMENTS

Changes to the *Local Government (Financial Management) Regulations 1996* effective for the 2023/24 financial year mean the reporting requirements for the Monthly Financial Reports have changed with additional information required to be reported including a Statement of Financial Position (Balance Sheet) and an explanation of Net Current Assets.

Moore Australia has prepared the attached Monthly Financial Report for July 2023 in accordance with the amended regulations.

ATTACHMENTS

Attachment 1 - Monthly Financial Report July 2023

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

DATE:	26 September 2023
AUTHOR:	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 receives the lists of accounts paid from the Municipal and Trust funds for August 2023 being:

Municipal EFT 146252 - 146437 (03/07/23 - 28/07/23)	\$ 3,987,824.73
Payroll (03/07/23 - 26/07/23)	\$ 544,242.74
Direct Bank Debits (03/07/23 - 24/07/23)	\$ 16,419.45
Total	\$ 4,548,486.92

COUNCIL DECISION

Minute Number: 26/09/2023 - 118913

Moved: Cr C McNeil

Seconded: Cr D Hearty

That Council receives the lists of accounts paid from the Municipal and Trust funds for August 2023 being:

Municipal EFT 146252 - 146437 (03/07/23 - 28/07/23)	\$ 3,987,824.73
Payroll (03/07/23 - 26/07/23)	\$ 544,242.74
Direct Bank Debits (03/07/23 - 24/07/23)	\$ 16,419.45
Total	\$ 4,548,486.92

Carried: 7 / 0

For: Cr D Menzel, Cr T Chafer, Cr N Brook, Cr M Dear, Cr J Farquhar, Cr D Hearty,

Cr C McNeil

Against: Nil

PURPOSE

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet 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

Amendments to the *Local Government (Financial Management) Regulations 1996* (Regulation 13A) now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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

Local Government (Financial Management) Regulations 1996 - Regulation 5. CEO's duties as to financial management (in part)

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

Regulation 11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and

(b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(3) Payments made by a local government —

(a) subject to subregulation (4), are not to be made in cash;

and

(b) are to be made in a manner which allows identification of —

(i) the method of payment; and

(ii) the authority for the payment; and

(iii) the identity of the person who authorised the payment.

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by resolution of the council.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

- (i) the payee's name; and
- (ii) the amount of the payment; and
- (iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

[Regulation 13A inserted: SL 2023/106 r. 6.]

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2022-2023 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy POL-2004 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 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, as well as to comply with legislative requirements.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

FOCUS AREA: Sustainability

GOAL 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

GOAL OUTCOME 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

STRATEGY 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

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 Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached List of Accounts Paid includes these payments.

ATTACHMENTS

Attachment 1 - List of Accounts Paid August 2023

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

The Shire President and the CEO took the opportunity prior to closing the meeting to thank the departing Cr Farquhar, Cr Brook and Cr McKittrick for their service to the community and to wish them well in their future endeavors.

17. CLOSURE

The Shire President closed the meeting at 5:54pm