

SHIRE OF WYNDHAM EAST KIMBERLEY

# Ordinary Council Meeting: Agenda

25 JULY 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 AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 25 JULY 2023 AT 5:00PM**

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**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**

*Cr D Menzel, Cr T Chafer and Cr D Hearty have provided written requests for a leave of absence for the 25 July 2023 Ordinary Council Meeting.*

**OFFICER RECOMMENDATION**

**That Council approve a leave of absence for the 25 July 2023 Ordinary Council Meeting for the following Councillors:**

- 1. Cr D Menzel;**
- 2. Cr T Chafer; and**
- 3. Cr D Hearty**

**7. PETITIONS**

## **8. CONFIRMATION OF MINUTES**

### **OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 27 June 2023.**

Note: The Minutes of the Ordinary Council Meeting held on 27 June 2023 are provided under separate cover via [www.swek.wa.gov.au](http://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

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	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**

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 as of July 2023.

Completed Council actions are detailed in Attachment 1.

Actions that are outstanding from previous Council resolutions are listed in Attachment 2.

## **ATTACHMENTS**

Attachment 1 - Council Action Register - In Progress July 2023

Attachment 2 - Council Action Register - Completed July 2023

## 12.2.2. Standing Item - Use of the Common Seal

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	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 27 May 2023 to 21 July 2023.**

### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 27 May 2023 to 21 July 2023.

### **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**

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

**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**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

No community engagement is required

## **COMMENTS**

There were two documents for the time period of 27 May 2023 to 21 July 2023 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
27/06/2023	Deed of Settlement - Airbus Transfer of Facility and Assets
11/07/2023	Contract of Sale Lot B, Lot 200 Peter Reid Drive Kununurra

## **ATTACHMENTS**

Nil

### 12.2.3. Policy Review - POL-1021 Occupational Safety and Health / Work Health and Safety

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Manager Human Resources and Safety
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	CM.11.2
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Rescinds CP/GOV-3110 Occupational Safety and Health Policy at Attachment 1 of this report.**
- 2. Adopts new POL-1021 Work Health and Safety Policy at Attachment 2 of this report.**

#### **PURPOSE**

To replace policy, CP/GOV-3110 Occupational Health and Safety due to legislative changes and ensure a fit for purpose policy, POL-1021 Work Health and Safety.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The *Work Health and Safety Act 2020* (WA) (WHS Act) was passed through parliament in 2020 and took effect from 31 March 2022. The new Act replaced the previous 'OSH Act' from the 1980's, which were mostly related to health and safety measures with respect to mines and petroleum. The Act is accompanied by *the Health and Safety (General) Regulations 2022*.

The WHS Act has brought a number of changes, including to expand the rules relating to primary duty of care, meaning that organisations now have a stronger obligation to ensure that their workplaces are safe and includes much stronger penalties.

As the previous policy was based on the (now) superseded policy (Attachment 1), Officers have drafted a new policy that appropriately references the new legislation and its intent, which is at Attachment 2.

## **STATUTORY IMPLICATIONS**

The *Work Health and Safety Act 2020* (WA) (WHS Act) is relevant to the matter, as are the following applicable parts:

- *Division 2, Section 19 - Primary Duty of Care*
- *Division 3, Section 20 - Further duties of persons conducting businesses or undertakings*
- *Division 4, Section 27 - Duty of officers, workers and other person*

The Act is accompanied by *the Health and Safety (General) Regulations 2022*.

## **POLICY IMPLICATIONS**

No further policy implications are made by this Policy. However, a number of Organisational Directives will be reviewed and adopted by the Administration to implement the intent of the Policy. Councillors will note, nevertheless, that the new policy conforms to changed naming convention and format.

## **FINANCIAL IMPLICATIONS**

All financial aspects relating to this policy are provided for in the annual budget. These include staff salaries, subscriptions to professional associations and other charges included under "Materials and Contracts".

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2023 - 2033*

**Focus Area 3:** Sustainability

**Goal: 10:** Community-driven leadership

**Strategy 10.4:** Integrate all planning and resource management to drive continuous improvement and innovation.

## **RISK IMPLICATIONS**

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

**Control:** Review policies and procedures in accordance with the review schedule.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The new policy has been developed in line with the new health and safety legislation (*Work Health and Safety Act 2020*) and the regulations (*Work Health and Safety (General) Regulations 2022*). It reflects the commitment that the Shire places on managing the safety, health and wellbeing of all workers, the environment and the extended community, and how the Shire provides a safe working environment that complies with legal and moral obligations.

With the implementation of this policy, the Shire will be collecting data on hazards, accidents and incidents in the workplace. A quarterly report will be presented to the Executive Management Team to ensure corrective actions are implemented as well as highlighting lead and lag indicators. It is envisaged that the Audit (Finance and Risk) Committee will receive a report at each meeting once the reporting process has been established.

As this matter relates to risk, all reporting to Council will be through the Audit (Finance and Risk) Committee and the review of the Policy on a bi-annual basis.

## **ATTACHMENTS**

Attachment 1 - Draft CP/GOV-3110 Occupational Health and Safety (policy to be rescinded)  
Attachment 2 - Draft POL-1021 Work Health and Safety (new policy)

#### 12.2.4. Policy Review - POL-1009 Council Elections - Caretaker Period

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator - advocate and support initiatives on behalf of the community Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council adopts the revised CP GOV - 3106 Council Elections Caretaker Period Policy at Attachment 1.**

#### **PURPOSE**

The purpose of this policy is to provide elected members and employees with guidance to ensure the Shire acts impartially in relation to Local Government elections and candidates.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

This Policy was first adopted in February 2017 and was reviewed in 2021. As Local Government elections are being conducted in October of this year it is appropriate that Councillors review the Policy.

At the 27 July 2021 Ordinary Council Meeting, Council resolved:

#### **Council Decision**

*Minute Number: 27/07/2021 – 118477*

*That Council adopts the revised CP GOV - 3106 Council Elections Caretaker Period Policy at Attachment 1.*

*Moved: Cr J Farquhar*

*Seconded: Cr T Chafer*

*Decision: 9/0*

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 Part 4*

*Local Government (Elections) Regulations 1997*

## **POLICY IMPLICATIONS**

There are no policy implications although Councillors will note that the new policy follows new naming conventions and format previously advised.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the adoption of this policy

## **STRATEGIC IMPLICATIONS**

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

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

**Goal outcome 10.1:** Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

**Goal outcome 10.3:** Advocacy - Strong and consistent advocacy for local needs and priorities

**Strategy 10.1:** The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

**Strategy 10.3:** The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

## **RISK IMPLICATIONS**

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

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

**Control:** Ensure all Elected Members and applicable Shire staff are aware of the contents of the Policy and its application.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

This policy is seen as best practice in ensuring a clear and comprehensive statement by Council regarding the expectations for Shire employees and elected members in relation to activities undertaken in the period leading up this year's Local Government Elections. The period that the policy applies to is from the date nominations close, being 4:00pm 7 September 2023 to 6:00pm on Election day, being 21 October 2023. In terms of the policy, the CEO must

make all Elected Members and staff aware of the policy 30 days prior to the start of the caretaker period.

### **ATTACHMENTS**

Attachment 1 - CP-GOV-3106 Council Elections - Caretaker Period- Tracked Changes

Attachment 2 - POL-1009 Council Elections - Caretaker Period

Attachment 3 - 2023 LGE Postal Timetable

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Corporate Business Plan 2023-2027

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.10.16
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Absolute Majority

### OFFICER'S RECOMMENDATION

That Council:

- 1) **Adopts the Corporate Business Plan (2023 - 2027) at Attachment 1.**
- 2) **Directs the Chief Executive Officer to give local public notice that the Corporate Business Plan (2023 - 2027) has been adopted**

### PURPOSE

This report presents for adoption, the Corporate Business Plan 2023 - 2027, prioritising Council's planned services, projects and actions for the next four years.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Corporate Business Plan (CBP) is an integrated business plan that outlines all of the services and projects included in business unit plans for the delivery of outcomes and objectives in the Strategic Community Plan (SCP). It is developed within the Shire's financial, workforce and asset management capability, and in turn informs resourcing across those areas.

The previous CBP for 2022/23 was adopted by Council at the September 2022 Ordinary Council Meeting and was a minor review and update of the 2021/22 Plan. The 2023/24 version attached for adoption has now been updated and:

- Reflects the new SCP adopted by Council and linking projects and activities to the new focus areas and goals.
- Sets out Council's strategies for each goal
- Groups similar Shire activities into a strategic project plan
- Begins the process of place planning by considering Shire projects by place



## Council's Strategies

The new SCP captures a number of strategies that will direct the organisation in how it addresses community goals. The new CBP also identifies the key activities that the Shire will undertake in applying Council's strategies for each goal.

## Shire activities and projects

The Shire has developed a set of projects and activities it will undertake to work towards the achievement of the priorities set by the SCP. These are the major steps or milestones that the Shire will undertake to implement its strategies. These are in turn broken down into manageable and realistic actions. These are then the specific and detailed tasks that the Shire Officers will perform to complete each activity and which will be reported on.

The Shire aims to adopt a systematic and strategic approach to project identification, selection and management. This involves defining the goals and criteria for success, conducting a thorough analysis of the situation and the alternatives, designing a plan that optimises the use of resources and minimises risks; implementing the plan with agility and flexibility, and monitoring and evaluating the results and outcomes. The following Strategic Projects are grouped into activities and plans linked to the organisational structure and each project aims to achieve multiple goals in various focus areas, being:

- Community Safety
- Recreation
- Economic Development
- East Kimberley Regional Airport (EKRA) - upgrades to
- Strategic Resource Planning
- Arts and Culture
- Strategic Land use Planning
- Environmental Management
- Partnership and Innovation

## Projects by place

Traditionally the Shire has divided up projects and services based on a variety of different disciplines driven by the organisational structure. This siloed approach inevitably leads to activities and projects being delivered in a way that misses opportunities to deliver more desirable outcomes for places. To counter this, the Shire will apply a place based approach in the development of future Corporate Business Plans to get more liveable, connected and sustainable places.

Place Plans provide a 'place filter' for the Shire's activities to create a clear 'work list' for each nominated location within the Shire, being the projects that the Council has prioritised. 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. In this context, it is proposed that place plans, structured around priority projects, will be prepared for Kununurra, Wyndham and Lake Argyle with the main priority areas being Kununurra Town Centre, Lake Kununurra Foreshore, Wyndham Port (Foreshore) and Wyndham Three Mile.

### Compliance

The CBP has been prepared to achieve compliance with relevant legislative requirements. It is informed by a range of strategic documents including the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy, and more particularly captures the key actions and initiatives to meet with the community's goals as articulated in the Shire's SCP. It also takes into account external influences on the municipality.

The updated Corporate Business Plan is more focused and summarises those projects, activities and actions required to be undertaken during the first four years in order to meet the community's goals in the most recently adopted Strategic Community Plan.

### **STATUTORY IMPLICATIONS**

Local governments must plan for the future in accordance with Section 5.56 of the *Local Government Act 1995*.

The development of a CBP, covering a minimum of 4 financial years, is a requirement of regulation 19DA(1) and 19DA(2) of the *Local Government (Administration) Regulations 1996*. Regulation 19DA(3) also requires a CBP to:

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district;*
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

### **POLICY IMPLICATIONS**

#### CP/COM-3100 - Community Engagement Policy

The Corporate Business Plan supports the intent of Council's Community Engagement Policy, including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

## **STRATEGIC IMPLICATIONS**

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

**Focus Area:** SUSTAINABILITY

**Goal outcome 10.1:** Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

**Strategy 10.1:** The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

## **RISK IMPLICATIONS**

**Risk:** Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements.

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

**Risk:** Failure to undertake effective community engagement strategies which develop the Shire's understanding of the needs and aspirations of the community, grow community capacity and ensure supportable outcomes are reached with stakeholders.

**Control:** Ensure community engagement takes place to provide community an opportunity to contribute to the development of the CBP

## **FINANCIAL IMPLICATIONS**

Costs associated with the activities identified within the Corporate Business Plan are reflected in the annual budget and long term financial plan and these are monitored and reported on quarterly.

## **COMMUNITY ENGAGEMENT**

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

- Website
  - Dedicated page on the organisation's website for the community to view and comment on the Corporate Business Plan.
- Print
  - Advertising in local news print (Kimberley Echo and The Bastion)
  - Public notice boards (Shire offices, Library, leisure centres)
- Social Media and other online mediums
  - Posts on Facebook (including paid ads), an article in the Shire's E-Newsletter and emails sent to Shire's Community Contact list.
  - Shire email Newsletter and text alerts. These were directed to people who had nominated to provide additional input.

- Survey
  - Shire created an online survey for the community to provide feedback
- Public Open House Events
  - Wyndham Council Chambers on a weekday between 12pm and 5pm. The event was designed to allow residents to pop in during their lunch break or after picking up children from school or after work.
  - Kununurra Library on a weekday between 12pm and 5pm. The event was designed to allow residents to pop in during their lunch break or after picking up children from school as well as users of the library
  - Kununurra Saturday markets Between 8am and 12pm. The event was designed to provide an opportunity for people to have their say outside of work hours.
  - Kununurra Neighbourhood House on a Wednesday between 9am and 12pm. The event coincided with the Young at Heart Group (Community group for over 55's) to gain input from older residents
  - Ord River Sports Club ('Sporties') in Kununurra, Thursday 22 June, between 4pm and 7pm.

Attachment 2, *Community Engagement - Comments and Ideas*, documents some of the community input received during the engagement and responsible officer consideration in development of the Shires activities (year one in the annual budget and outyears in the CBP). In addition to these comments, the Officers received additional input from other key stakeholders as well as from Shire Officers, who will be responsible for the delivery of the plan.

## **COMMENTS**

The Draft Corporate Business Plan has been prepared to achieve compliance with relevant legislative requirements and describes services, actions and projects relevant to the updated Strategic Community Plan, in a manner that is clearer for the community. It sets out the goals of the community, the strategies of elected representatives (Council), and the priority projects and actions that will be undertaken by the Shire and according to place and is recommended for adoption.

## **ATTACHMENTS**

Attachment 1 – Corporate Business Plan 2023-2027

Attachment 2 - Community engagement comments and ideas

### 12.3.2. Rates Assistance Grant Applications

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Community Grants and Events Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A8073, A7620, A8072, A8136, A5616, A6991, A1072, A2859, A5621, A8164, A7566, A4993, A8094, A2866, A7561, A1160, A501, A502
<b>FILE NO:</b>	GS.05.66
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Funder - provide funds or other resources
<b>VOTING REQUIREMENT:</b>	Simple Majority

### OFFICER'S RECOMMENDATION

That Council:

- Approves the allocation of funding from the Community Grant Program - Rates Assistance to the following community groups as shown in the table below:

<b>Applicant</b>	<b>2023/24 Levied Rates</b>	<b>Percentage Assistance Recommended</b>	<b>Recommended Rates Assistance to be paid</b>
Kimberley Action Sports	\$1,951.60	100%	\$1,951.60
Kununurra Agricultural Society	\$3,824.45	100%	\$3,824.45
Kununurra Campdraft and Rodeo Association	\$2,041.80	100%	\$2,041.80
Kununurra Motocross Club	\$1,672.80	100%	\$1,672.80
Kununurra Neighbourhood House	\$10,772.66	100%	\$10,772.66
Kununurra Picture Gardens	\$11,385.00	100%	\$11,385.00
Kununurra Race Club	\$2,722.40	100%	\$2,722.40
Kununurra Speedway	\$1,672.80	100%	\$1,672.80
Kununurra Visitor Centre	\$5,628.14	100%	\$5,628.14

<b>Kununurra Water Ski Club</b>	<b>\$1,722.00</b>	<b>100%</b>	<b>\$1,722.00</b>
<b>Lake Kununurra Golf Club</b>	<b>\$5,215.20</b>	<b>100%</b>	<b>\$5,215.20</b>
<b>Magpies Football Club</b>	<b>\$7,931.55</b>	<b>100%</b>	<b>\$7,931.55</b>
<b>Ord River Paddlers</b>	<b>\$1,763.00</b>	<b>100%</b>	<b>\$1,763.00</b>
<b>Ord River Pistol Club</b>	<b>\$1,886.00</b>	<b>100%</b>	<b>\$1,886.00</b>
<b>Ord River Sailing Club</b>	<b>\$2,378.00</b>	<b>100%</b>	<b>\$2,378.00</b>
<b>Ord River Sports Club</b>	<b>\$10,851.57</b>	<b>100%</b>	<b>\$10,851.57</b>
<b>Wyndham Picture Gardens</b>	<b>\$1,894.46</b>	<b>100%</b>	<b>\$1,894.46</b>
<b>Wyndham Community Club</b>	<b>\$4,079.63</b>	<b>100%</b>	<b>\$4,079.63</b>
<b>Total</b>	<b>\$79,393.43</b>	<b>Total Recommended</b>	<b>\$79,393.43</b>

2. **Advises successful applicants.**  
3. **Gives relevant public notice.**

## **PURPOSE**

To seek approval from Council for the allocation of Rates Assistance under the Shire's Community Grant Program.

## **BACKGROUND**

The provision of rates assistance to community groups provides an obvious benefit for the community and not for profit organisations occupying rateable land and also assists the Shire in properly recognising the financial quantum of its contribution to those organisations. It also helps the Shire to capture this (funding) assistance for the purpose of determining a component of its Financial Assistance Grants. This assistance, nevertheless, only covers rates and not service charges, waste charges or the emergency services levy.

For the purpose of determining the annual rates assistance, the Shire's Community Grants and Events Officer contacted existing locally based community groups and this year 17 applications were received, from:

- Kimberley Action Sports
- Kununurra Agricultural Society
- Kununurra Campdraft and Rodeo Association
- Kununurra Motocross Club
- Kununurra Neighbourhood House
- Kununurra Picture Gardens
- Kununurra Race Club
- Kununurra Speedway

- Kununurra Visitor Centre
- Kununurra Water Ski Club
- Lake Kununurra Golf Club
- Magpies Football Club
- Ord River Paddlers
- Ord River Pistol Club
- Ord River Sailing Club
- Ord River Sports Club
- Wyndham Picture Gardens

The Wyndham Community Club were not contactable and they did not submit a rates assistance grant application but is included within the Officer recommendation and the relevant Officer will follow up with the organisation to obtain the application.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

PC/COM-3582 Community Grant Program and guidelines apply with respect to the eligibility criteria and for the allocation of funding for this financial year. That eligibility includes:

- The organisation must be a registered charity and/or not-for-profit sporting, social or cultural organisation providing community services or benefits
- The organisation must be based within the Shire and registered to an address within this local government area.
- There must not be any arrears to the Shire.
- Residential properties not used in the primary service delivery of the community group or association's activities or services are not eligible.
- The provision of commercial services where any revenue and surplus received is for the benefit of the group or organisation, such as a bar does not disqualify eligibility.
- The percentage of rates assistance will be less than 100% if part of the rateable property is used for a commercial purpose with the revenue and surplus being retained by a third party, and/or residential purpose.
  - This has been included to ensure that where a commercial activity is undertaken by a third party business they don't have an unfair advantage over other businesses paying rates.

The Community Grant Guidelines state "*To minimise the administrative burden on community groups that have previously received the Rates Assistance Grant the Shire will provide an annual renewal process for up to three (3) years, depending on the time of your application.*" This means that if Council approves the organisations from the 2023/24 financial year, providing there are no changes in circumstances, the clubs will also be able to be approved

from the 2024/25 and 2025/26 financial years budgets without being subject to an additional Council decision.

Council can, of course, decide to approve rates assistance for an organisation that does not meet the eligibility or to vary the amounts or percentages provided.

## **STRATEGIC IMPLICATIONS**

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

**Focus Area:** CONNECTION

**Focus Area:** LIVEABILITY

**Focus Area:** SUSTAINABILITY

**Goal 4:** Access to education - Education and training opportunities for everyone

**Goal 8:** Connecting our cultures - Celebrating our rich culture and heritage

**Goal outcome 2.2:** Access to sport and recreation facilities and services - Sport and recreation facilities and services are accessible and well maintained

**Goal outcome 2.3:** Access to community groups and clubs - Access to strong supportive community groups and clubs

**Goal outcome 4.2:** Inclusive education pathways - Residents can access a broad range of educational opportunities, including alternative education pathways

**Goal outcome 8.1:** Community participation - Active and resilient community groups and volunteers

**goal outcome 8.2:** Culture and art - Celebrate the East Kimberley's art, culture and heritage

**Strategy 2.2:** The Shire will collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities

**Strategy 2.3:** Shire will support and build the capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

**Strategy 8.1:** Support an increase in community participation in community groups and volunteering

## **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:** The Community Grant Program aims to support community lead community development initiatives through financial assistance.

## **FINANCIAL IMPLICATIONS**

There are no financial implications as the amounts inclusive of the rates assistance are fully provided for in the 2023/24 budget.



## **COMMUNITY ENGAGEMENT**

Shire Officers have engaged directly with the organisations that will be referred to in the Officer's recommendation to Council, with the exception of the Wyndham Community Club, however efforts are being made in this regard to ensure compliance with the Shire's guidelines.

## **COMMENTS**

All of these organisations that have applied for rates assistance or have otherwise been identified as eligible (subject to Council approval) are community based and contribute to a liveable, sustainable and connected community as well as support for economic development and the Shire has previously shown them support through funding and assistance with their facilities. Each organisation strongly supports a broad range of goals and strategies within the Strategic Community Plan. Each organisation, furthermore, meets relevant eligibility criteria, noting that Council can choose to decide outside the bounds of this criteria.

Officers have reviewed the applications received having regard to any potential reduction of assistance on the basis of a commercial (third-party) purpose. Last year, the Shire reduced assistance by 10% to the Lake Kununurra Golf Club and by 3% for the Ord River Sports Club on this basis, however, have since determined that neither organisation is accommodating a third-party business at this time and the Officer recommendation is that they be now granted a 100% allocation. This is reflected in the Officer recommendation.

## **ATTACHMENTS**

Nil

### 12.3.3. Local Planning Strategy Review

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	LP.05.6
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

The Council endorses the Report of Review and in accordance with Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that the Shire of Wyndham East Kimberley:

1. Local Planning Scheme No. 9 should be amended; and
2. That the Local Planning Strategy should be repealed and a new one prepared in its place.

#### **PURPOSE**

For Council to consider a matter related to the Shire's principal planning documents.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Local governments are responsible for planning their communities by ensuring appropriate planning controls exist for land use and development, which is achieved through the preparation of a Local Planning Scheme and Local Planning Strategy.

##### Local Planning Strategy

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) require the preparation of a Local Planning Strategy (the strategy) for each local planning scheme and specify that a local planning strategy must:

- be prepared in a manner and form approved by the Western Australian Planning Commission (WAPC);
- set out the long-term planning directions for the local government;

- apply any State or regional planning policy that is relevant to the strategy; and
- provide the rationale for any zoning or classification of the land under the local planning scheme.

The Local Planning Strategy (the Strategy) is the principal guiding framework for land use and development in the Shire, providing long-term planning directions and actions to manage land use change and development, generally over a 10-15 year period.

The Strategy consists of two parts, Part 1 provides strategic responses to address key issues across the Shire and should be read in conjunction with Part 2, which provides the background information and analysis that informs the Strategy.

The Strategy is a guiding tool in the assessment of development applications and also informs future rezoning, by identifying land uses, zones or areas that are intended to change over the timeframe of a strategy and identifying strategies to manage the change. The Strategy should also have regard to the vision, aspirations and objectives of the strategic community plan, where they are relevant to land use planning.

The Shire's current Local Planning Strategy was endorsed by the Western Australian Planning Commission on 21 August 2019.

#### Local Planning Scheme No. 9 (LPS 9)

Local Planning Scheme No. 9 (LPS 9) sets out the way land is to be used and developed, classifies areas for land use and includes provisions to coordinate infrastructure and development within the local government area. LPS 9 comprises the Scheme text, outlining development requirements, and the Scheme maps which provide locational zoning.

LPS 9 was gazetted 19 February 2019, and since then a formal review has not been undertaken. One amendment, Amendment 1 (Omnibus) was gazetted 6 May 2022, which included minor amendments to text and maps, in accordance with legislative requirements.

#### Review of the Local Planning Strategy and Local Planning Scheme

A local government must carry out a review of its local planning scheme in the fifth year after the scheme was first gazetted. Whilst, Local Planning Scheme No. 9 (LPS 9) was gazetted in 2019, which is less than the fifth-year review requirement, the State Government has provided funding to the Shire to undertake a review in 2023 under its Local Government Assistance Program.

In accordance with the legislative requirements of Regulation 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Shire is required to prepare a Report of Review as the first step. The report of review must make a recommendation in relation to the Scheme, whether:

1. The Scheme is satisfactory in its current form;
2. The Scheme should be amended, or
3. The Scheme should be repealed and a new Scheme prepared in its place.

Likewise, the report of review must make similar recommendations about the Local Planning Strategy.

The report of review must then be forwarded to the Western Australian Planning Commission (WAPC) for consideration and endorsement.

While LPS 9 and the Strategy were both endorsed in 2019, in reality preparation of both documents commenced many years prior to that. Council initially resolved in 2009 to prepare a new Local Planning Scheme, LPS 8, and commenced advertising for this in 2012. However, the WAPC advised that the new local planning scheme needed to be prepared and advertised concurrently with a new Local Planning Strategy. Council then resolved in March 2014 to not proceed with draft LPS 8 and to prepare a new local planning scheme, LPS 9, to be prepared concurrently with a new Local Planning Strategy. Advertising again commenced in March 2016, with both documents submitted for approval to the WAPC in 2018, before finally approvals being granted in 2019.

Officers, with assistance from the Department of Planning, Lands and Heritage (DPLH), have now prepared a draft report of review for consideration by Council, with a view for submission to the WAPC for endorsement. The recommendations are that the Strategy should be repealed and a new Strategy prepared in its place, and that LPS 9 be amended to address issues raised as part of the Strategy review. A copy of the draft report of review is at Attachment 1.

In line with the recommendation of the report of review, a Request for Quotation (RFQ) and associated project brief is being prepared to appoint a suitably qualified consultant(s) to assist with the formal review and preparation of a new Local Planning Strategy and make recommendations in relation to a future planning scheme amendment.

### **STATUTORY IMPLICATIONS**

The *Planning and Development Act* and *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) are relevant to this matter.

Part 3 of the Regulations outlines the requirements for Local Planning Strategies and Part 5 of the Regulations outlines the requirements for Amending a Local Planning Scheme.

The State Planning Framework must also be considered in the preparation of a new Local Planning Strategy and amendment to the Local Planning Scheme.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The review of the Scheme and Strategy supports the *Strategic Community Plan 2023-2033* in relation to:

- Enabling greater investment in housing and industry
- Enabling greater access to employment opportunities

- Promoting a safe and healthy community
- Promoting connections to culture and the world
- Driving sustainability, through conservation of country and community driven leadership

### **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:** Planning documents to be prepared in accordance with legislative requirements and consistent with the State Planning Policy Framework.

### **FINANCIAL IMPLICATIONS**

The Shire received funding under the Regional North Local Government Assistance Program, from the Department of Planning, Lands and Heritage for \$200,000, and the Shire is contributing \$25,000 to the project.

### **COMMUNITY ENGAGEMENT**

Initial community consultation has been undertaken in conjunction with the engagement for the update to the Corporate Business Plan and comment received to date has confirmed some of the main areas for attention, being with respect to land release, housing and improvements to commercial areas and ideas with respect to improving the look and feel of the towns.

Additional engagement will of course be critical to this project and will be undertaken in accordance with the legislative requirements of the main approving body, being the Department of Planning, Lands and Heritage (DPLH). That engagement will be largely described by and operationalised by the selected consultant to undertake the project and will need to conform with the Shire's engagement guidelines as well as those prepared by the WAPC, being their Community Engagement Guidelines. Other engagement will also need to meet legislative requirements such as for public notices and the like.

### **COMMENTS**

Legislative requirements dictate that a local government must review its local planning scheme every five years and despite it not being quite five years since gazettal of Local Planning Scheme No. 9 (LPS 9), the Department of Planning, Lands and Heritage (DPLH) has requested the Shire to undertake a review. The review will ensure the Shire is meeting the requirements of the *Planning and Development Act 2005*, and the preparation of a report of review (report) is the initial step. The aim of the report is to consider whether the local planning scheme and local planning strategy are up-to-date.

The review is almost fully funded by the State Government and strongly supports the Strategic Community Plan, particularly having regard to enabling greater investment in housing and industry, leading to greater employment opportunities and promoting sustainability and connectivity within the Shire.

Some engagement and community input has already been sought and partly informs the report of review however a more extensive community and stakeholder engagement process will be followed in order to appropriately address all the details required to undertake the broader review and Shire Officers will provide assistance in this regard to the appointed consultant/s.

The time delay between preparation and the formal endorsement of the Local Planning Strategy (strategy), meant that the Shire's priorities had changed and much of the data which informed the document was out-of-date. In line with this, the report recommends a review of the current strategy to explore and address current issues and community aspirations, with a view to creating a new and innovative strategy, consistent with the long-term planning directions of the Shire. LPS 9, however, is considered to be in relatively good operational health, and amendment/s to can be undertaken to implement legislative updates and changes and recommendations of the new strategy, without the need to prepare a new local planning scheme.

## **ATTACHMENTS**

Attachment 1 – Draft Report of Review

#### 12.3.4. Wuggubun Settlement Layout Plan

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Manager Planning and Regulatory Services
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A7770, A511
<b>FILE NO:</b>	A7770P, A511
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator - advocate and support initiatives on behalf of the community Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Endorses the Wuggubun Layout Plan 1 (LP1), including the amendment to SL - Lot 1 for "commercial" land use, and subject to the land tenure details being updated in the LP1 Report.**
- 2. Authorises the execution of the documentation to be forwarded to the Department of Planning, Lands and Heritage for endorsement by the Western Australian Planning Commission.**

#### **PURPOSE**

For Council to consider to endorse a Settlement Layout Plan and to authorise associated actions.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire has been approached by Tourism WA to endorse the draft Wuggubun Settlement Layout Plan 1 (LP1), including an amendment to facilitate the establishment of a campground comprising approximately 30 low-impact, unpowered camp sites in a natural setting. A draft concept campground site plan is provided at Attachment 1. The draft Wuggubun Settlement LP1 report and map set are provided at Attachment 2 and 3 respectively.

Tourism WA is assisting Aboriginal land owners/operators to develop campgrounds across the State, for economic ownership and cultural benefit, including, in this case, for the Wuggubun community.

The Wuggubun community is located off of the Great Northern Highway, approximately 55 kilometres from Kununurra, on a portion of the Doon Doon pastoral lease (PL N049571 over Lot 3007 on DP 419016), which is held by the Aboriginal Lands Trust (ALT). The community is managed through its incorporated body, the Wuggubun Aboriginal Corporation (WAC). As the land is currently on an ALT pastoral lease, any development application or application to register a campground over a portion of the Doon Doon pastoral lease will require the consent of the Minister for Lands, as landowner, and the ALT, as pastoral lessee. The Department of Planning, Lands and Heritage (DPLH) has advised that it is willing to provide landowner consent on behalf of the Minister for Lands under delegation, but will first need to obtain the support of the ALT, as the Doon Doon pastoral lessee.

Wuggubun is also seeking section 91 *Land Administration Act 1997* (s.91 LAA) licence from the Department of Planning, Lands and Heritage (DPLH) to enable tenure over the land and the licence will be for the tourism uses (including the campground). Once Wuggubun obtains that licence, they will be able to register the campground with the Shire.

DPLH has advised that they can prepare a submission to the ALT to seek their support for the registration of the campground, which can be included in the same ALT submission to seek their support for the grant of a licence. To obtain support from the ALT, however, the WAC must submit an Aboriginal Lands Trust Land Use and Development Application to be approved and the application needs to be consistent with the Settlement layout plan for the Wuggubun community. To this end, the proposed amendment to draft LP1 is to identify a Settlement Layout (SL) Lot for the campground area to support development application first to the ALT and then to the Shire.

A feature survey has been prepared to map the proposed amended Settlement Layout (SL) - Lot 1, and Endorsement Text prepared to endorse the Wuggubun Settlement Layout Plan 1 with an amendment to include the "Commercial" land use for SL-Lot 1, in order to support the application to formalise the campground. The Endorsement Text and associated map, provided at Attachments 4 and 5, has been endorsed by the Wuggubun Aboriginal Corporation. Once the Endorsement Text document has been endorsed by the Shire, all the necessary documents will be forwarded to the Department of Planning, Lands and Heritage (DPLH) to progress the amendment to the Wuggubun Settlement layout plan.

## **STATUTORY IMPLICATIONS**

### **State Planning Policy 3.2 - Aboriginal Settlements (SPP 3.2)**

The objectives of the *State Planning Policy 3.2 - Aboriginal Settlements* are to provide for the recognition of Aboriginal settlements through local planning schemes and strategies and to collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

Under SPP 3.2 consultation is required to be undertaken with the resident community, traditional owners, local government and relevant key agencies and stakeholders in the preparation of Layout Plans. While the local government was not consulted during the preparation of the draft LP1, the document including the proposed amendment has been forwarded to the Shire of Wyndham East Kimberley for comment and endorsement. The LP1 references the Shire of Wyndham East Kimberley Local Planning Scheme No. 9 and the Local Planning Strategy.



### Layout Plans

All Aboriginal settlements are required to have an endorsed Layout Plan (LP). A Layout Plan is a land-use plan that reflects the growth aspirations of the resident community and traditional owners based on sound planning principles, including the consideration of known cultural, environmental, economic, tenure and infrastructure constraints, opportunities and requirements.

The main purpose of the Layout Plan 1 is to guide the growth and development of the Wuggubun settlement by providing a layout of existing and future land uses in the community. The LP1 addresses future growth issues in the context of constraints to development including available land for growth of the living area and the location of essential services infrastructure.

State agencies and authorities require a validated spatial framework for Wuggubun to ensure that services are provided efficiently. To provide this the Western Australian Planning Commission (WAPC) ratified Version 1 of Wuggubun Layout Plan 1 (LP1) on 12 February 2013.

The WAPC endorsed Version 2 of LP1 in January 2020. Version 2 incorporates administrative changes to the map-set and includes the addition of the background report. LP1 remains a draft until such time as it has been endorsed by the resident community and other relevant parties, including the WAPC.

It is noted that although the Wuggubun Community is still located on a portion of the Doon Doon pastoral lease, some of the Lot and Certificate of Title details have changed due to the approval of Deposited Plan 419016 in September 2020.

An objective of LP1 is to help bring about the self-support of its members by the development of economic projects and industries, and encourage members to manage their affairs on their land.

An identified community aspiration of the Wuggubun Aboriginal Corporation in the LP1 is for land in the north portion of the community living area used for campers to be formally defined as land use classification 'Visitor Camping'.

### Local Planning Scheme No. 9 (LPS 9)

The Wuggubun settlement is zoned as 'settlement' under LPS 9, for which the objectives are: To identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places by –

- (a) requiring preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2; and
- (b) ensuring that development accords with a layout plan.

The development requirements for the Settlement Zone outline that development is to accord with an endorsed Layout Plan and provide for:

- (a) a mix of land uses typically found in Aboriginal Settlements, including light industrial, tourism, residential, commercial, community, recreation and public utility; protecting sensitive areas such as No Go areas and drinking water source protection areas from inappropriate development.
- (b) traditional law and culture

The proposed nature based camping will require a development application to be made to the Shire, and the proposed amendment will ensure that the development is consistent with the layout plan and support this application. The WAC will also be required to apply to the Shire for an annual licence as a Nature Based Park under the Caravan Parks and Camping Grounds Act and Regulations.

#### Local Planning Strategy

The Local Planning Strategy notes that Layout Plans should be prepared for all remote settlements, and should incorporate planning for infrastructure within and to these settlements and that existing Layout Plans within the Shire should be reviewed for currency. There will be further opportunity to revisit the layout plan in line with the upcoming review of the planning strategy and scheme, in consultation with the WAC.

### **POLICY IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

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

**Focus area:** LIVEABILITY

**Goal outcome 5.2:** Residents actively participate in the local economy - All residents who want to can participate in the workforce and undertake business ventures

**Strategy 5.2:** The Shire will support greater participation of local residents in the workforce and to undertake business ventures

### **RISK IMPLICATIONS**

**Risk:** Failure to provide effective advocacy for the Shire and the Region to develop projects, support industry and provide opportunities for all.

**Control:** Support projects that improve sustainability and liveability for Aboriginal people and their communities.

### **FINANCIAL IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

Tourism WA has been liaising with the Shire in regard to the planning, building and environmental health requirements and approval processes and are in the process of assisting the Wuggubun Aboriginal Corporation with making application to the Aboriginal Lands Trust for a Land Use and Development approval for a campground adjoining the Wuggubun community settlement.

Officers are supportive of the Wuggubun Community's proposal to establish a campground at the site, subject to the approval of all required licences, including future planning, building and health applications to the Shire, and the proposed amendment to, and endorsement of, the draft LP1 is the first step required to facilitate this.

As the LP has never been endorsed it is currently a 'Ratified Draft', however if all endorsements are obtained the document can be formalised as a regular Layout Plan. If all endorsements are not obtained it will be another Draft Version (Ratified Draft Version 3).

As some of the land tenure (lot and certificate of title) details have changed, it is recommended that endorsement on behalf of the Shire is subject to the land tenure details in the Wuggubun Layout Plan 1 Report be updated and this reflected in the Officer recommendation.

## **ATTACHMENTS**

Attachment 1 – Wuggubun Campground Site Plan

Attachment 2 – Wuggubun Layout Plan 1 - report

Attachment 3 – Wuggubun Layout Plan 1 - map set

Attachment 4 – Wuggubun LP1 Endorsement Text

Attachment 5 – Wuggubun Campground and proposed SL Lot 1

## 12.4. CORPORATE SERVICES

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

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.32
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for May 2023 and for June 2023 being:

#### May 2023

Municipal EFT 145379 - 145593 (03/05/23 - 24/05/23)	\$1,116,098.16
Trust EFT 52106 - 52120 (02/05/23 - 31/05/23)	\$ 5,828.50
Payroll (03/05/23 - 31/05/23)	\$ 785,493.75
Direct Bank Debits (01/05/23 - 23/05/23)	\$ 238,532.31
<b>Total</b>	<b>\$2,145,952.72</b>

#### June 2023

Municipal EFT 145594 - 145989 (01/06/23 - 30/06/23)	\$2,152,232.33
Trust EFT 52122 - 52131 (02/06/23 - 30/06/23)	\$ 4,697.00
Payroll (14/06/23 - 28/06/23)	\$ 510,404.86
Direct Bank Debits (01/06/23 - 20/05/23)	\$ 319,942.65
<b>Total</b>	<b>\$2,987,276.84</b>

### 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**

*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 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.

**Control:** 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.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid May 2023

Attachment 2 - List of Accounts Paid June 2023

## 12.4.2. Monthly Financial Reports

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Manager Finance
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.32
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives the Monthly Financial Reports for the periods ended 31 May 2023 and 30 June 2023.**

### **PURPOSE**

For Council to receive the Monthly Financial Reports for the periods ended 31 May 2023 and 30 June 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 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**

**Decision 7/0**

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 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 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.

**Control:** 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. 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 15 in the Financial Statements.

## **ATTACHMENTS**

Attachment 1 - Monthly Financial Report May 2023  
Attachment 2 - Monthly Financial Report June 2023

**12.5. INFRASTRUCTURE**

**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 FOR TENDER T14-22/23: CLARRIE CASSIDY OVAL CHANGE ROOMS & ASSOCIATED INFRASTRUCTURE

<b>DATE:</b>	25 July 2023
<b>AUTHOR:</b>	Senior Procurement and Contracts Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	CM.16.465
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>VOTING REQUIREMENT:</b>	Simple Majority

This item is to be considered behind closed doors as per the *Local Government Act 1995*.

### Section 5.23(2)(c) applies to this report

#### 5.23. Meetings generally open to public

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

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

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **PURPOSE**

To consider tenders received for T14-22/23 and to award the contract for the Request for Tender T14-22/23: Clarrie Cassidy Oval Change Rooms & Associated Infrastructure.

## 17. CLOSURE