

COUNCIL ACTION REGISTER - In Progress - March 2023

| Meeting | Minute Number | Responsible Officer | Item | Resolution | Progress Comment | 1. Date of First Action 2. Date of Completion | Status |
|----------------|---------------------|---|---|--|---|--|-------------|
| OCM 20/12/2016 | 20/12/2016-11578 | Nick Kearns, Director Planning and Community Development | Proposed closure of Jandami Lane | That Council approves: 1. The closure of a 3.2 km section of Jandami Lane as shown on Attachment 1 – Jandami Lane, section proposed for closure November 2016, in accordance with section 3.50 of the Local Government Act 1995, until the long term future of the lane is finalised, 2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve, 3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1995 noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016. 4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the Local Government Act 1995, when necessary to facilitate the transfer of that part of the road reserve to another party, and 5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed. | The Shire has previously requested the closure of the road in accordance with the Council resolution, and is awaiting the Department of Planning, Lands and Heritage (DPLH) to complete the process to permanently close the road. Officers met with DPLH on 20 May 2022 and they advised that the road closure will be grouped with the new lease for the Gooming land and that this was likely to be finalised in the next 4 to 5 months. A new meeting is being organised for late March 2023 to get an update from the Department of Lands. March 2021 - Email issued to Planning requesting an update. April 2021 - Meeting taking place with DPLH this month. May 2021 - No further progress made with Lands. June 2021 - No further progress made with Lands. August 2021 - No further progress to report. September 2021 - Planning are discussing further with Lands. April 2022 - August 2022 - Planning is following up with the Department and is awaiting response October 2022 - DPLH will not close out the reserve. Asset has been removed from Council asset register. Administration will return the item to Council at the November 2022 OCM to rescind the resolution for DPLH to close the road reserve. February 2023 - No update | 1. 14/3/23 2. Date of Completion | In Progress |
| OCM 28/08/2018 | 28/08/2018 - 115837 | Vernon Lawrence, Chief Executive Officer | Local Law Review | That Council 1) Undertake a review of the following: a) Shire of Wyndham East Kimberley Dogs Local Law 2003 b) Shire of Wyndham East Kimberley Parking and Parking Facilities Local Law 2003 c) Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005 d) Local Government Property Local Law 2003 2) Give State-wide public notice of the proposal to review the above Local Laws. | All four local laws have been reviewed and are in drafting stage. The work on this was postponed due to Covid-19 but has resumed. The comments on the laws have been incorporated in the documents and will be reviewed by the responsible officers as the next step. April 2021 - The work that has been done on this item has been accessed. The Shire Executive will determine a process to progress this item and revert to Council at the July Council Briefing session. June 2021 - Shire Rangers have started the process to review the Dogs Local Law 2013. December 2021 - The review of the Local Government Act will have an impact on this resolution going forward. Further action will be put on hold until clarity on model Local Laws and amendments to review periods have been promulgated. April 2022 - March 2023 - No further action until Local Government Act review complete. | 1. 1/06/2019 2. Date of Completion | In Progress |
| OCM 27/08/2019 | 27/08/2019 - 118087 | Paul Webb, Director Infrastructure and Strategic Projects | 12.5.4. Landfill Management | That Council: 1. Approves the following option for Wyndham Landfill: Option 1a - New landfill on the existing site in Wyndham (by diverting the surface water running through the existing site) 2. Authorises Shire Officers to action the preferred option. | Endorsed by Council. Officers progressing item 2. Site visited by Ask Waste Management to look at how the creek can be diverted. Works have stalled at the moment due to resource constraints. The Shire is investigating whether or not to appoint a dedicated Waste Manager due to the work load in this area. Survey works have commenced. Survey works being planned and then a concept design will be produced, in parallel with this Officers are also looking at adjacent land. No further progress to report as of November 2020. 11 March 2021 - Paper to be taken to Council in the March briefing to provide an update. 15 April 2021 - Officers now pursuing 2 options, extend the existing site and a new site. 20 May 2021 - No change to report. 09 September 2021 - Council briefed on an alternative option for Wyndham. 01 November 2021 - Meeting with Balangarra to progress the land issues for the expansion of the site. February 2022 - February 2023 - Awaiting feedback from Balangarra - not time critical for this financial year. | 1. 16/09/2019 2. Date of Completion | In Progress |
| OCM 24/08/2021 | 24/08/2021 - 118520 | Felicity Heading, Director Corporate Services | 16.3. EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES | That Council 1. Resolve to exercise a power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 in relation to Rates Assessment A411 which has rates in arrears for 3 or more years (as detailed in the table below) for the recovery of outstanding rates and service charges; 2. Request the CEO or their delegate to instruct the Shire's legal representatives to commence legal proceedings in accordance with Part 6 Subdivision 6 of the Local Government Act 1995; and 3. Request the CEO or their delegate to liaise with the Department of Communities, taking into consideration the wellbeing of the occupant, prior to commencing legal proceedings. | November 2021 - Officers meeting with Department of Communities prior to Christmas. March 2022 - Letter has been sent to property occupant, Shire officers to follow up with visit to occupant. April 2022 - No response received from occupant. Shire officers to deliver letter in person. June 2022 - Progress reported to Audit Committee 13 June 2022. Letter to be delivered when officers available. August 2022 - No further progress due to other priorities September 2022 - Letter to be delivered 21 September. Department of Communities to follow up in last week of September. October 2022 - No further progress due to other priorities. November 2022 - Officers following up with Department of Communities December 2022 - Department of Communities have advised that the occupant has vacated the property. Legal process for taking possession of and securing the property continues. February - March 2023 - Legal process for taking possession of the property is completed. Process for sale continues. | 23/09/2021 2. Date of Completion | In Progress |
| OCM 21/11/2021 | 23/11/2021 - 118553 | Paul Webb, Director Infrastructure and Strategic Projects | 12.5.1. Gibb River - Kalumburu Road, disposal | That Council approves the disposal of the following roads to Main Roads Western Australia and authorises the Chief Executive Officer to write to Main Roads WA and other advocacy with relevant State Government Ministers to give effect to this resolution: 1. Gibb River - Kalumburu Road 2. Port Warrender Road. | Letters to be drafted by Manager Infrastructure and sent in January 2022 February 2022 - Letters drafted and sent awaiting response. April 2022 - Reply received from Main Roads declining the to assume responsibility for the Road. Letter now to be sent to the Minister. May 2022 - August 2022 - Matter in progress, discussions with DFES and Main Roads ongoing. Letter sent to the Department Transport and awaiting response before letter to Minister to be drafted. September 2022 - Pending meeting September 23rd 2022 with Melissa Paxton, Deputy Director DFES on funding and site safety. October 2022 - December 2022 - Meeting was held with Melissa Paxton and the Shire put its case that a Shire commitment to provide a level of service on these roads is a significant financial risk to the Shire. The next step is now to engage with the Ministers Office. The timing on this will be after Council has the opportunity to address the next tranche of works authorised by DFES. February 2023 - Pending meeting with Ministers (Proposed March 2023) to discuss these matters. March 2023 - Met with the Hon Stephen Dawson, who indicated that SWEK should make a case, along with neighbouring Shires, to the National government on our issues with the DFES program. Organising to meet with Hon Minister Saffioti request roads to be handed to MRD to to the Shires inability to funds emergency works on both roads. | 1. January 2022 2. Date of Completion | In Progress |
| OCM 21/11/2021 | 23/11/2021 - 118554 | Vernon Lawrence, Chief Executive Officer | 12.5.2 Carlton Hill Road, partial disposal | That Council approves the closure and disposal of Carlton Hill Road from 10.5km to the end of the existing road reserve at 23.71km and authorises the Chief Executive Officer to implement the road closure process. | Letters to be drafted by Manager Infrastructure and sent in January 2022 February 2022 - Letters drafted and sent awaiting response. June 2022 - July 2022 - Discussed the possibility of an easier way to give effect to this resolution with KAI. Officers are developing a proposal to present to KAI. August 2022 - Letter to KAI in draft form to be sent before next OCM. September - December 2022 - Letter sent to KAI, requesting a return letter for a gate request, which will need to progress to OCM for consideration. No response from KAI November 2022) February 2023 - Matter to Council February 2023 OCM | 1. 4/12/2021 2. Date of Completion | In Progress |

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| OCM 22/03/2022 | 22/03/2022 – 118611 | Nick Keams, Director Planning and Community Development | 16.1.EXPRESSION OF INTEREST TO PURCHASE LOTS 401 AND 402 PEARSE STREET, WYNDHAM | That Council: 1.Accepts the offer from Paul Cavanagh for Lots 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham (land) for the combined price of \$22,400 in accordance with the Expression of Interest lodged and subject to local public notice of the proposed disposition being given in accordance with the Local Government Act 1995. 2.On the basis of the valuation dated 17th of September 2020, where the market value of the land was determined to be \$10,000 (exc GST) for vacant possession, Council adopts this amount to be a true indication of the fair market value of the land as at 22 March 2022. 3.Notifies other applicants, in writing, that they were unsuccessful in their submission to purchase the land and that the successful applicant was Paul Cavanagh. 4.Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising contract of sale documentation and a deed of agreement being to ensure that the following conditions are formally documented (formal agreement): a.Lots 401 and 402 on Deposited Plan 144222 are amalgamated (amalgamated land); and b.The required road access to the amalgamated land is constructed at the purchaser's sole cost (road construction obligation) and to design and construct specifications approved by the Shire; and c.The amalgamation of Lots 401 and 402 on Deposited Plan 144222 condition and the road construction obligation will transfer to any subsequent purchaser of the land who will be required to enter into a replacement deed in the same terms as the original formal agreement between the subsequent purchaser and the Shire (replacement deed); and d.The purchaser will consent to a caveat being lodged on lots 401 and 402 on Deposited Plan 144222 to secure the obligations in the formal agreement and any replacement deed, such caveat to be removed to allow for compliant dealings on the land by the purchaser. | July 2022 - Advertising for disposition of land has been completed and no submissions received. Contract of sale documents being finalised. June 2022 - Notice of proposed disposal of land is currently being advertised and closing date for submissions is 1 July 2022. August 2022 - No update September 2022 - Contract of Sale documents have been issued to successful applicant for signing November 2022 - Purchaser is seeking legal advice February 2023 - Officers awaiting the applicant to undertake additional survey and title consolidation prior to finalising the contract of sale. | 1. 20/2/23 2. Date of Completion | In Progress |
| OCM 26/04/2022 | 26/04/2022 – 118626 | Paul Webb, Director Infrastructure and Strategic Projects | 12.2.3. Annual General Meeting of Electors - 17 March 2022 | That Council reviews drainage in Wyndham with particular reference to Gully Road, Baker Street and the service roads off Great Northern Highway. | July 2022 - Shire staff to visit site and report on work necessary and schedule works into the program. August 2022 - Director Infrastructure and CR McKittrick met to agree on works to be undertaken. Staff will progress works when equipment next goes to Wyndham. September 2022 - November 2022 - Pending swing of grader in Wyndham to grade out silted drains in Gully Road, Baker Street now inspected and awaiting works. We have made contact with the owner of the caravan park, and will be meeting 01-10 December to discuss Baker Street drainage. Issues appear to be related an undersized culvert, which will be ?? February 2023 - Investigation at the Baker Street location progressed. Pending comment from Water Corporation on upgrade of culverts causing obstruction to flow, at the driveway access to pump station. Meeting booked with WC site visit 23/03/2023 | 1. 27/04/2022 2. Date of Completion | In Progress |
| OCM 31/05/2022 | 31/05/2022 – 118641 | Nick Keams, Director Planning and Community Development | 12.3.2. Proposed closure of portions of Moonamang Road | 1.Advertises the proposed closure of portion(s) of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, in accordance with section 58 of the Land Administration Act 1997. 2.Resolves to close portion(s) of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, subject to no objections being received during the advertising period. 3.Following completion of the advertising period (subject to no objections), requests the Department of Planning, Lands and Heritage to close portions of Moonamang Road, being Lots 602 and Lot 603 on Deposited Plan 410592, to be reverted to unallocated Crown land. | June 2022 - Notice of the proposed closure is currently being advertised with submissions to be received by 22 July 2022. Referral letters have also been sent to relevant departments and agencies for comment. August 2022 - Notice completed and no submissions received and DPLH have been advised with the request. September 2022 - Application is now with DPLH for action February 2023 - No update | 29/7/22 2. Date of Completion | In Progress |
| OCM 31/05/2022 | 31/05/2022 – 118650 | Felicity Heading, Director Corporate Services | 16.1.EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES | 1.Resolve to exercise a power of sale under Part 6 Subdivision 6 of the Local Government Act 1995 in relation to Rates Assessments A142, A195, A2072, A402 and A476, which each have rates in arrears for 3 or more years (as detailed in the table below) (Table included in Council Meeting Minutes) for the recovery of outstanding rates and service charges; 2.Request the CEO or their delegate to instruct the Shire's legal representatives to commence legal proceedings in accordance with Part 6 Subdivision 6 of the Local Government Act 1995. | June 2022 - Cost Agreements for each of the properties have been signed and returned to the Shire's Legal Representatives. Currently awaiting further instruction from legal counsel. August 2022 - Legal advisors currently undertaking due diligence. September 2022 - March 2023 - Legal processes required prior to taking possession of properties currently in progress. | 1. 01/06/2022 2. Date of Completion | In Progress |
| OCM 26/07/2022 | 26/07/2022 - 118692 | Paul Webb, Director Infrastructure and Strategic Projects | 12.5.2 Playground Strategy | That Council supports that the Draft Playground Strategy in Attachment 1 be advertised for community consultation. | August 2022 - Item discussed with infrastructure group, progressing with Communications officer to progress to public consult dates tentatively booked for October September 2022 - Communication documents sent to Councillors for comments. Progressing to advertising Week of 19 September, and community consultation in November 2022 November 2022 - Public consultation completed and feedback compiled. This project will be put to the February Briefing, or later as time of the Council allows. | 1. 19/08/2022 2. Date of Completion | In Progress |
| OCM 23/08/2022 | 23/08/2022 - 118701 | Paul Webb, Director Infrastructure and Strategic Projects | 12.5.1.Police Protection Barriers | That Council approve the Administration to: 1.Commence with the design for construction of 'Disruptive and Protective Hardcover installations', in consultation with Local Police, the consideration of the placement being subject to appropriate engineering standards to reduce run off road impact object crash speeds to 40km/h or lower and the installation being aesthetic fit for purpose to the satisfaction of Council; 2.Accept the receipt of grant funding in the amount of \$49,500 to be allocated to this project; 3.Determine detailed costings for the project; and 4.Seek Council approval for the final project design and costings before project commencement. | September 2022 - Preliminary design sent to Council for comments. Take to October briefing with costing to finalise comments and clarifications. Move to November OCM for approval at this location all things considered. November 2022 - Erythrina/Waaber intersection under construction. Some rock placements outstanding and tree planting (2 x Boab) to be completed. Gates for firebreaks being investigated. Staff will liaise with Police to investigate the next possible location, be returned to briefing and OCM to ascertain if Council are willing to proceed with the project. February 2023 - Erythrina/Waaber completed. Order for gates placed pending delivery. Waaber/Victoria going progressing to OCM for approval. | 1. September 2022 2. Date of Completion | In Progress |
| OCM 25/10/2022 | 25/10/2022 – 118744 | Paul Webb, Director Infrastructure and Strategic Projects | 12.5.2.Wyndham Boat Ramp Jetty Redesign | That Council: 1.Approve investigation and costing of an alternative design for the Wyndham boat ramp jetty. 2.Consider allocation of design funding in future budget deliberations | November 2022 - Redesign subject to budget allocation by Council. To be considered in the 2023/2024 budget deliberations February 2023 - Subject to Council funding new design. | 1. November 2022 2. Date of Completion | In Progress |
| OCM 22/11/2022 | 22/11/2022 - 118758 | Paul Webb, Director Infrastructure and Strategic Projects | 16.1.REQUEST FOR QUOTATION RFQ005-2223 WASTE COLLECTION SERVICES - SHIRE OF WYNDHAM EAST KIMBERLEY | That Council: 1.Accepts the submission from Cleanaway Pty Ltd (ABN: 79 000 164 938) of Level 4, 441 St Kilda Road, Melbourne VIC 3004 for RFQ05-22/23 Waste Collection Services – Shire of Wyndham East Kimberley, as being the most advantageous quotation to form a contract with, for the initial term of seven (7) years from the 1 July 2023. 2.Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to variations (of a minor nature), prior to entry and throughout the duration of the Contract; and Requests the Chief Executive Officer to report to Council at the conclusion of the initial seven (7) year term, for authorisation to execute any of the included 3 x 1-year additional Contract terms. | February 2023 - In progress | 1. February 2023 2. Date of Completion | In Progress |
| OCM 13/12/2022 | 13/12/2022 - 118768 | Nick Keams, Director Planning and Community Development | 12.3.1. Proposed excision of portion of Reserve 51750, Crossing Falls Road - Telecommunications Tower | The Council: (1)Resolves to excise a portion of Reserve 51750, Lot 555 on DP402306, Crossing Falls Road, Kununurra for the purposes of installation, maintenance and crossing falls Road - Telecommunications network facility; and (2)Authorises the Chief Executive Officer to complete any necessary negotiations to enable: (a) the excision of the land site from Reserve 51750; (b) lease from the State of WA; and (c) sublease between the Shire and the carrier. | January 2023 - Applicant was advised of Council decision and Officers reviewed a draft Heads of Agreement in December. This was returned to the applicant prior to Christmas with requested changes. February 2023 - Applicant advised a revised Heads of Agreement would be returned to the Shire by March or April 2023 for consideration. | 1. 16/12/22 2. Date of Completion | In Progress |
| OCM 13/12/2022 | 13/12/2022 - 118773 | Nick Keams, Director Planning and Community Development | 16.1.REQUEST FOR TENDER TOS - 2223: SUPPLY, DESIGN AND CONSTRUCTION OF THE KUNUNURRA LEISURE CENTRE AQUATIC REDEVELOPMENT – STAGE 1 | That Council: 1.Note the recommendation in the Evaluation Report for Kununurra Leisure Centre Aquatic Redevelopment Stage 1 - Design and Construction; 2.Accept the tender from KGC Enterprises Pty Ltd for the Design and Construction of the project and authorise the CEO to: a.Issue a Letter of Intent to KGC Enterprises Pty Ltd to advise them that the Shire wishes to negotiate a contract with them which shall be conditional upon reaching an agreement in terms of the Scope of Work to be delivered against the available budget, and; b.Once the Scope of the Work is agreed, to negotiate and sign a contract with KGC Enterprises Pty Ltd, or; c.Where a contract cannot be executed with KGC Enterprises Pty Ltd, begin contract negotiations and sign a contract with the second preferred tenderer Cooper and Oxley, ensuring that all appropriate financial due diligence is undertaken. | February 2023 - KGC Enterprises Pty Ltd are currently engaged by the Shire under a Letter of Intent (LOI). Under the LOI they are required to submit revised concepts designs and a lump sum price noting the Shire's available budget. A Value Engineering workshop has been undertaken to assist them to determine the key scope required by the Shire and this will facilitate the pricing of the works. A revised scope of work and price is due to be submitted to the Shire on or before 24/02/23 as per the conditions of the LOI. The Shire, subject to what is received, will then negotiate a contract for the works based on a Design and Construct model of delivery. As per the requirements of our purchasing policy, and based on the value of the project, lawyers have been engaged and will draw up a contract for officers' approvals. The current target is to award a contract late March 2023 and commence initial works on site in April 2023, which will be in parallel with the commencement of detailed design. | 1. 19/12/22 2. Date of Completion | In Progress |

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| OCM 13/12/2022 | 13/12/2022 - 118774 | Nick Keams, Director Planning and Community Development | 16.2. Disposal of Land (Lease and Sale) - Airport Land | <p>That Council requests the Chief Executive Officer to:</p> <p>1. Obtain current market valuations for the lease of land (per square metre) at the East Kimberley Regional Airport and Wyndham Airport;</p> <p>2. Advertise for expressions of interest for suitable aviation businesses to lease or purchase as indicated below, airside land at the East Kimberley Regional Airport at the following locations as listed in Attachment 2;</p> <p>a. Lot marked 1A for lease or purchase comprising 3108 square metres;</p> <p>b. Lot marked 1B for lease comprising 3106 square metres;</p> <p>c. Lot marked 1C for lease comprising 4908 square metres; and</p> <p>d. Lot marked 1D for lease comprising 4908 square metres;</p> <p>3. Advertise for expressions of interest for a suitable aviation business to lease airside land at the Wyndham Airport at the following location as listed in Attachment 3;</p> <p>a. Demarcated area comprising 570 square metres.</p> | February 2023 - EOJ was released for public consideration 9 February 2023. Deadline for submissions 10 March 2023 which will then be referred to the March Ordinary Meeting. | 1. 15/12/22 2. Date of Completion | In Progress |