



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

21 MARCH 2023

DISCLAIMER

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

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

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

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 21 MARCH 2023 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Shire President declared the Meeting open at 5:00 pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President (Video Conference)
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr B Kyne	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor

V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
P Webb	Director Infrastructure
N Bray	Minute Taker
Gary Wright	Manager Airports

Apology

N Kearns	Director Planning & Community Development
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Leave of Absence

Cr D Hearty	Councillor
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3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Officer	Item	Description of Interest
Cr C McNeil	12.3.3	Associated with the Race Club, wrote the grant application and receives remuneration from the Club.

- Impartiality Interest

Nil

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 21 February 2023.
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COUNCIL DECISION

Minute Number: 21/03/2023 - 118789

That Council confirms the Minutes of the Ordinary Council Meeting held on 21 February 2023.

**Moved: Cr J Farquhar
Seconded: Cr N Brook**

Decision: 8/0

That Council confirms the Minutes of the Special Council Meeting held on 7 February 2023.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118790

That Council confirms the Minutes of the Special Council Meeting held on 7 February 2023.

**Moved: Cr B Kyne
Seconded: Cr N Brook**

Decision: 8/0

Note: The Minutes of the Ordinary Council Meeting held on 21 February 2023 & Special Council Meeting held on 7 February 2023 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

24 February 2023 – Friday Reference Group - Attended by the Shire President and Acting CEO.

1 March 2023 – Tourism Council WA - Attended by Shire President and Cr Brook

10 March 2023 – Minister Dawson - Attended by the Shire President, Deputy Shire President, Senior Economic Development Officer, Director Infrastructure and Strategic Projects and CEO to claims process for DRFAWA funding.

10 March 2023 – Friday Reference Group - Attended by the Shire President and CEO.

14 March 2023 – Department of Social Services – The Shire President & CEO met to discuss matters relating to the cessation of the Cashless Debit Card.

20 March 2023 – Foodbank in Kununurra – The Shire President & CEO met with Foodbank to discuss their needs.

21 March 2023 – Kimberley Regional Roads Group Meeting - via teams attended by Shire President.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1. Request For Tender T11-22/23 East Kimberley Regional Airport Infrastructure Upgrade - Stage 1 (Retendered)

16.2. Expression Of Interest to Lease or Purchase Airside Land - East Kimberley Regional Airport

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 13 March 2023

DATE:	21 March 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

Cr D Menzel moved that Committee Recommendations 1-6 be considered en-bloc. The motion was seconded by Cr McKittrick.

Decision: 8/0

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118791

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118792

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118793

That Council, with reference to Item 7.3 *“Standing Item - Insurance Claims”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee Meeting.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118794

That Council, with reference to Item 7.4 *“Standing Item - Leases”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee Meeting.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118795

That Council, with reference to Item 7.5 *“Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes:

Note the progress report contained within the Confidential Attachments to the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes arising from the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 6 *“Compliance Audit Return”* as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee Meeting:

1. Note the 2022 Compliance Audit Return has been completed;
2. Authorise the Shire President and the CEO to certify the 2022 Compliance Audit Return; and
3. Authorise the Chief Executive Officer to submit the 2022 Compliance Audit Return to the Department of Local Government by 31 March 2023.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118796

That Council, with reference to Item 6 “*Compliance Audit Return*” as detailed in the 13 March 2023 Audit (Finance and Risk) Committee Agenda/Minutes and the attachments to the Agenda/Minutes of the 13 March 2023 Audit (Finance and Risk) Committee Meeting:

1. Note the 2022 Compliance Audit Return has been completed;
2. Authorise the Shire President and the CEO to certify the 2022 Compliance Audit Return; and
3. Authorise the Chief Executive Officer to submit the 2022 Compliance Audit Return to the Department of Local Government by 31 March 2023.

Moved: Cr D Menzel

Seconded: Cr M McKittrick

Decision: 8/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 13 March 2023.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 13 March 2023 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. OFFICE OF THE CEO

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	21 March 2023
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCILS ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute Number: 21/03/2023 - 118797

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

Moved: Cr Dear

Seconded: Cr Farquhar

Decision: 8/0

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the March 2023 Council resolutions are detailed in Attachment 1.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register - In Progress - March 2023

Attachment 2 - Council Action Register - Outstanding - March 2023

12.2.2. Local Government Election 2023

DATE:	21 March 2023
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	GN.07.23
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 local government ordinary elections together with any other elections or polls which may be required, and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118798

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 local government ordinary elections together with any other elections or polls which may be required, and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.

Moved: Cr Farquhar

Seconded: Cr Brook

Decision: 8/0

PURPOSE

For Council to appoint the Western Australian Electoral Commission (WAEC) to conduct the 2023 Local Government Ordinary election and for Council to consider the method of conducting the election.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council has appointed the Western Australian Electoral Commission (WAEC) to conduct the Local Government Ordinary elections for at least the last four election cycles. It is widely acknowledged that making the Electoral Commissioner responsible for elections enables local government CEO's and staff to remain at arm's-length from potentially contentious aspects of the electoral process and ensure elections are conducted independently, professionally and with absolute impartiality.

The 2017 election was conducted by postal vote resulting in an increased participation rate from the 2015 election which was carried out as an "in person" election. In the postal election in 2017, participation was measured by the total number of electors who returned their packages. A total of 1,483 packages were returned giving a participation rate of 41.4%. The State average for local governments using the postal voting method in 2017 was 34.5%. The 2015 election, which was an "in person" election, returned only a 28.9% participation rate. The 2019 election had a participation rate of 30.6% and the 2021 election a participation rate of 30.85%. The State average for post elections for 2021 was 30.2%.

At the Council Ordinary meeting in March 2021, the Council resolved:

COUNCIL DECISION

Minute Number: 30/03/2021 – 118399

That Council;

- 1. Declare in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.*
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

Moved: Cr T Chafer

Seconded: Cr M McKittrick

Decision:9/0

The advantages of postal voting are generally seen as promoting voter participation by making voting more convenient and accessible. For some groups in society attending a Polling Place can be difficult and certainly in a Shire the size of Wyndham East Kimberley, this should be considered relevant. While the Shire has two main centres in Wyndham and Kununurra, our largest indigenous community is over 500 kilometres away and extremely isolated - with the only way in and out via one road (usually closed in the wet season) and/or air travel.

It should be noted that voters who wish to vote in person on the day of the election may bring their ballot paper to the voting booths and cast their ballots on the day.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 4 — Elections and other polls

This Part deals with elections of mayors and presidents by electors, elections of councillors, and polls and referendums, and with related matters.

In particular —

- (a) Divisions 2, 3, 4, 5 and 6 describe the different kinds of elections and direct when those elections are to be held;
- (b) Division 7 is about the officials who conduct elections;
- (c) Division 8 sets out the qualifications for enrolment to vote at elections;
- (d) Division 9 deals with the process of preparing for and conducting an election;
- (e) Division 10 deals with complaints about the results of elections;
- (f) Division 11 sets out a number of offences in relation to elections and provides for investigation and prosecution of offences;
- (g) Division 12 deals with polls and referendums.

POLICY IMPLICATIONS

CP/GOV 3106 - Council Elections Caretaker Period.

The purpose of this policy is to avoid the making of any major decisions by the Council, prior to an election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates, and ensuring the Shire of Wyndham East Kimberley administration acts impartially in relation to candidates. This policy also prohibits an Elected Member from using a wide range of Council resources during their candidacy for Council, State or Federal election.

FINANCIAL IMPLICATIONS

The estimated cost for the 2023 election if conducted as a postal ballot is \$34,000 including GST which has been based on the following assumptions:

- 3,600 Electors
- Response rate of approximately 35%
- 4 Vacancies
- Count to be conducted at the offices of the Shire of Wyndham East Kimberley
- Appointment of a local Returning Officer
- Regular Australia Post Delivery Service to apply for the lodgment of election packages

An additional amount of \$775 will be incurred if the Council decides to use the priority postal service for the lodgment of election packages.

Costs not included in the estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One Local Government staff member to work in the polling place on the election day
- Any additional postage rate increases by Australia Post.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic
- Fees associated with the accommodation of a Returning Officer.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

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

RISK IMPLICATIONS

Risk: Failure to comply with legislation leading to financial loss and reputational damage.

Control: Appointment of the Western Australian Electoral Commission to conduct the Shire of Wyndham East Kimberley Election

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The next local government ordinary elections will be held on Saturday 21 October 2023 depending on when the referendum on the Indigenous voice to Parliament is scheduled to take place.

The Commission is required by the Local Government Act to conduct local government elections on a full cost recovery basis and it should be noted that the financial implications mentioned above are considered an estimate and may vary depending on a range of factors. This will be accounted for in the 2023/24 budget.

The current procedure required by the Act is that the written agreement of the Electoral Commissioner be obtained before the vote of Council is taken and that the agreement is taken to be the letter in Attachment 1 to this report. The letter provides that the agreement is that the ordinary council elections be conducted by postal election. As the last three elections have been conducted as postal elections with satisfactory participation percentages the Administration considers that the elections in October 2023 be conducted by postal election as well. Council would need to resolve to both enter into this agreement with WAEC as well as agree to conduct the 2023 election by postal ballot.

Councillors would be aware that the 2023 local government election will have two distinct parts due the recent Local Government Act reforms. Firstly, the election of a Shire President for a term of four years and secondly, the election of four Councillors also for a term of four years. The detailed regulations relating to the process have not been promulgated as yet. Despite this, after the election the Shire will remain with nine elected members consisting of a Shire President and eight Councillors one of whom will be the Deputy Shire President.

ATTACHMENTS

Attachment 1 - Agreement Letter Western Australian Electoral Commission

Attachment 2 - Memorandum to Local Government CEOs on Election Arrangements

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Annual Report 2021/22

DATE:	21 March 2023
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.13.9
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Accepts the 2021/2022 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.**
2. **Convenes the Annual General Meeting of Electors to be held on 27 April 2023 at the Kununurra Council Chambers (commencing at 5pm).**
3. **Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.**
4. **Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting to include those questions in the meeting agenda.**
5. **Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.**

COUNCIL DECISION

Minute Number: 21/03/2023 - 118799

That Council:

- 1. Accepts the 2021/2022 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.**
- 2. Convenes the Annual General Meeting of Electors to be held on 27 April 2023 at the Kununurra Council Chambers (commencing at 5pm).**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2021/2022 Annual Report and the time and date of the Annual General Meeting of Electors.**
- 4. Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting to include those questions in the meeting agenda.**
- 5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.**

Moved: Cr Menzel

Seconded: Cr McNeil

Decision: 8/0

PURPOSE

For Council to accept the Annual Report for 2021/22 and to set the date for the Annual General Meeting of Electors.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The 2021/2022 Annual Report has been prepared in line with the *Local Government Act 1995* and includes the Audited Annual Financial Report, which has been certified by the Office of the Auditor General.

In addition to the financial information, the report outlines how the organisation has performed in delivering the services and actions within the Corporate Business Plan, with highlights including:

- Completing the construction of the Kununurra Splash Park (Water Playground)
- Completion of the stage two of the Kununurra Loop Shared Path improving pedestrian and cycling connectivity with Aboriginal Communities, schools and recreational reserves
- Securing federal funding for upgrades to the East Kimberley Regional Airport.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* section 5.54(1) requires the Shire to accept the Annual Report for a financial year no later than 31 December after the end of that financial year. The Shire is required to then hold a meeting of electors (Annual General Meeting of Electors) no later than

56 days after acceptance of the Annual Report (*section 5.27(2)*). If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The *Local Government (Audit) Regulations* are relevant to the report of the auditor which is included in the Annual Report.

The *Local Government Amendment (Auditing) Act 2017* gives the Auditor General the mandate to audit the Shire's Annual Financial Statements and Associated Notes. The Annual Financial Statements and associated notes contained within the Annual Report has been audited by the Auditor General.

POLICY IMPLICATIONS

CP/FIN-3200 Strategic Rating and CP/FIN-3201 Significant Accounting Policies
CP COM-3100 - Community Engagement Policy

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire

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

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements

Strategy 4.3.3: Improve organisational systems with a focus on innovative solutions to improve efficiency, effectiveness and productivity

This matter relates to the following sections of the *Corporate Business Plan 2022-2026*:

Shire Project: 405 - Coordinate the Integrated Planning and Reporting Framework

RISK IMPLICATIONS

Risk: Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Report annually to Council and community on the activities undertaken.

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: Report annually to Council and community on the activities undertaken.

FINANCIAL IMPLICATIONS

A full financial report for the 2021/22 financial year incorporating the Annual Financial Statements and the Auditor General's Independent Auditor's Report is included as a component of the Annual Report.

COMMUNITY ENGAGEMENT

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

- Statutory local public notices in the local paper and notice boards
- A copy of the Report will be made available at Shire facilities and also electronically on the Shire website
- Public meeting (General Meeting of Electors) where community can ask questions and propose motions

COMMENTS

The Annual Report provides a summary of achievement against stated Council actions as well as comprehensive review of its financial performance and is recommended to be accepted by Council. It has also been prepared in line with relevant legislative requirements and the report of the auditor meets the requirements of the *Local Government (Audit) Regulations*.

Council is required to convene the Annual General Meeting of Electors no later than 56 days after the report's acceptance, being no later than 16 May 2023. To allow for statutory notice periods the meeting must be held after 6 April 2023. With 6 April marking the start of Easter and the School holidays it is recommended that Council convene the Annual General Meeting of Electors on Thursday 27 April 2023.

ATTACHMENTS

Attachment 1 - Annual Report 2021-22

12.3.2. Heritage Review

DATE:	21 March 2023
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.01.6
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

The Council, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopts the Shire of Wyndham East Kimberley Heritage List and Local Heritage Survey (as per Attachment 1);
2. Notifies the Heritage Council of Western Australia, all affected property owners and occupiers of the adoption of the Heritage List;
3. Advertises the adoption of the Heritage List and Local Heritage Survey; and
4. Advertises proposed Local Planning Policy 16 'Heritage Places'.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118800

The Council, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Adopts the Shire of Wyndham East Kimberley Heritage List and Local Heritage Survey (as per Attachment 1);
2. Notifies the Heritage Council of Western Australia, all affected property owners and occupiers of the adoption of the Heritage List;
3. Advertises the adoption of the Heritage List and Local Heritage Survey; and
4. Advertises proposed Local Planning Policy 16 'Heritage Places'.

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 8/0

PURPOSE

For Council to consider adoption of the Shire of Wyndham East Kimberley Local Heritage Survey and Heritage List; and advertising of draft Local Planning Policy 16 'Heritage Places'.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Heritage review has been ongoing since mid 2021 and during that time the appointed consultant has reviewed the Shire's original 1996 and 2007 Municipal Heritage Inventory documents. The review has been undertaken in line with legislative requirements and has separated the document into an introductory report, which includes two appendices, being the Local Heritage Survey (LHS) which replaces the Municipal Heritage Inventory, and the Heritage List, which includes sites which are considered of highest heritage significance, categorised as levels 1 and 2. These documents are provided at Attachment 1.

The draft Local Heritage Survey and draft Heritage List were advertised mid 2022, with one submission (Attachment 2) received from a property owner who owns 4 properties in Wyndham, all of which are proposed as Category 2 in the draft Heritage List. The submission sought to change the proposed category of 3 of the 4 properties to a lower category, to ensure future development possibilities are not impacted upon, suggesting that previous demolitions have removed the historical and/or cultural significance. Heritage significance is not just buildings or structures, it is also the role the site or place played in the history and development of the area where it is located. The condition of a building or site is not an element of assessment and is not a factor against the heritage significance of a place, for example a ruinous place still has heritage value despite lacking integrity (ability to be restored). The Shire's heritage consultant has provided comments with regards to the submission and its proposal to change the category of the relevant properties, which is provided at Attachment 3.

It is not uncommon for heritage listing to be perceived as a burden, however the inclusion of a place or building on the heritage list does not mean development cannot occur. It is not the Shire's intention to prevent redevelopment of a heritage place, rather it is an opportunity to guide preservation and good planning outcomes via a controlled planning process. In order to achieve this, Officers have prepared a draft Local Planning Policy 16 'Heritage Places' (LPP 16) (Attachment 4) to provide guidance around application requirements and incentives to encourage the protection and maintenance of heritage properties. The incentives proposed include: the waiver of development application fees, variance to planning scheme requirements (on merit) and potential for a Shire Heritage Grant, subject to budgetary considerations.

Development fees and planning scheme restrictions, i.e. car parking or setbacks, may deter private landowners from undertaking conservation works or redevelopment at heritage properties. These are both matters where the Shire may be able to simplify the planning process and potentially encourage the conservation and enhancement of heritage. Likewise, the lack of heritage funding opportunities for private landowners of non-State registered heritage places may be making it less feasible and/or attractive to undertake essential conservation and protection works. It is proposed to investigate a Shire Heritage Grant program, which may fill the gap with regards to heritage funding for private landowners. Under the proposed grant suggested and subject to eligibility, projects could qualify for funding of up to \$5,000 (but not exceeding 50% of the total cost of the approved works). Eligible works would include works that conserve and enhance the heritage significance of a heritage place and/or urgent conservation works to stabilise a building.

Under the suggested program, there would be around 20 private landowners who, subject to meeting criteria, could be eligible to apply for heritage funding. It is noted that some of those landowners do own multiple properties, so may be eligible to apply for funding at several properties. All applications for heritage funding would be assessed on merit by officers and final determination would be by the Council. It is considered unlikely that the number of development applications would significantly increase due to the introduction of heritage funding, however, any increase could be viewed as a positive step by landowners towards conserving the Shire's local heritage.

Depending on budget allocation, there is also potential for Council to consider funding larger scale heritage projects, particularly in the case of Category 2 listed sites, which may allow landowners to achieve greater heritage conservation outcomes.

A draft Heritage Grant Guidelines document has been prepared to identify requirements and application/assessment processes for the proposed Heritage Grant program (Attachment 5) if this part is adopted in the final approved policy.

STATUTORY IMPLICATIONS

The Heritage Act 2018, Planning and Development Act and Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2 are relevant to this matter.

The new Act transitioned the compilation of municipal heritage inventories to local heritage surveys, which was much of the same excepting that the survey documents are reworded to better reflect its purpose as a survey of community heritage resources and to provide more flexibility to municipalities to include 'places' of cultural significance, as opposed to 'buildings'.

There was uncertainty across local governments regarding the purpose of preparing and regularly reviewing the Municipal Heritage Inventory. Now, existing inventories will transition to 'local heritage surveys', which retain the substance, but are reworded to reflect their purpose as a survey of community heritage resources to assist local governments.

The benefit of local heritage surveys is that they will provide more flexibility to governments to include "places" of cultural significance, as opposed to "buildings" (as stated under the previous Act).

POLICY IMPLICATIONS

A new Local Planning Policy (LPP) is proposed to provide guidance and address planning requirements for heritage places within the Shire.

The Draft Local Planning Policy 16 'Heritage Places' aims to protect and enhance the heritage values of places that have been identified as having cultural significance. The policy applies to places that are included on a Heritage List adopted under a local planning scheme, or on a Municipal Heritage Inventory in accordance with the *Heritage Act 2018*. The policy provides guidance on how to assess development proposals for heritage places, how to conserve and adapt heritage places for new uses. The policy recognises that retaining heritage places contributes to environmental and financial sustainability, as well as community identity and sense of place.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.3: Promote and share our unique culture and history and protect the community's heritage assets

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements

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

Shire Project: 103 - Record heritage places and promote their conservation

Service Area: Regulatory Services, Land Use Planning

RISK IMPLICATIONS

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

Control: Policies prepared in accordance with relevant legislative requirements and updated in accordance with an agreed schedule and operational requirements.

FINANCIAL IMPLICATIONS

The Shire received funding under the Local Government Heritage Consultancy Funding Pilot Program, which included funding from the Department of Planning, Lands and Heritage for half of the consultancy fees, which totalled \$12,375.

The establishment of a new heritage fund would have obvious implications for the annual budget and would be subject to consideration through the normal budgetary process before forming part of the approved policy.

COMMUNITY ENGAGEMENT

Engagement for the draft Local Heritage Survey and Heritage List has taken place in accordance with the Community Engagement Guidelines and included:

- Letters to all owners of properties listed as a Category 1 and Category 2 in the draft Heritage List; and
- A notice in the Kimberley Echo Newspaper; and
- Advertising via the Shire's website and Facebook page

Engagement for the introduction of the draft Local Planning Policy 16 (LPP 16) will also take place in accordance with the Community Engagement Guidelines and the *Planning and Development (Local Planning Schemes) Regulations 2015* and will include:

- A notice in the Kimberley Echo Newspaper; and
- Advertising via the Shire's website and Facebook page.

COMMENTS

Legislative requirements dictate the Shire must prepare and adopt both a Heritage List and Local Heritage Survey to record places of cultural heritage significance. The Heritage List is a statutory document, providing planning protection to places deemed to have exceptional and considerable cultural heritage to the Shire. Whereas the Local Heritage Survey (LHS) informs the Heritage list, but has no statutory role.

In preparing and developing the Heritage List and LHS, the Shire's heritage consultant has reviewed the existing Municipal Heritage Inventory and researched proposed new heritage places to ensure legislative compliance and an accurate representation of local heritage places within the Shire. Additionally, in undertaking this process, the Shire is not seeking to prevent development of heritage places or unnecessarily burden landowners.

Draft Local Planning Policy 16 (LPP 16) is designed to provide a level of comfort to landowners that a heritage listing need not be viewed as a barrier to development. The document provides guidance around the application process and incentives for private landowners of heritage places, who currently do not have access to funding opportunities. Ideally the proposed incentives will encourage landowners, who may otherwise not see the value in heritage, to apply for funding to carry out preservation and maintenance works or to exploit the exemptions suggested.

ATTACHMENTS

Attachment 1 - Draft Heritage Documents

Attachment 2 - Submission

Attachment 3 - Consultant Review of Submission

Attachment 4 - Draft Local Planning Policy 16 - Heritage Places

Attachment 5 - Draft Heritage Grant Guidelines

12.3.3. Community Grant Round 2

DATE:	21 March 2023
AUTHOR:	Community Grants and Events Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources
VOTING REQUIREMENT:	Simple Majority

Cr McNeil left the room at 5:23pm due to conflict of interest

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the allocation of funding under the Community Grant Program for 2022/23 for Events as follows:**
 - a. Kununurra Picture Gardens - \$5,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
 - b. Kununurra Neighbourhood House - \$8,200 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
- 2. Approves the allocation of funding under the Community Grant Program for Community Programs to the Kununurra Toy and Puzzle Library for Building Awareness and Capacity - \$10,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham**

- East Kimberley;
 - ii. Providing an acquittal at the completion of the project;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
- 3. Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:
 - a. Kimberley Action Sports Inc - \$7,000 for BMX Track Upgrades. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Providing an acquittal at the completion of the project;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - iv. All necessary approvals and insurances are obtained prior to the project.
 - b. Ord River Pistol Club - \$10,000 for Range Upgrades. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Providing an acquittal at the completion of the project;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - iv. All necessary approvals and insurances are obtained prior to the project.
 - c. Kununurra Race Club - \$3,500 for Website Upgrades. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Providing an acquittal at the completion of the project;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
- 4. Requests the Chief Executive Officer to advise unsuccessful Community Grant Program applicants that their applications were not successful and to provide relevant feedback to them.
- 5. Requests the Chief Executive Officer to advise the Kununurra Neighbourhood House to use funds from the 2021/22 budget that KNH already have for the technology upgrades applied for this grant round if it is a higher priority.
- 6. Requests the Chief Executive Officer to give public notice to advise of successful applicants.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118801

That Council:

- 1. Approves the allocation of funding under the Community Grant Program for 2022/23 for Events as follows:**
 - a. Kununurra Picture Gardens - \$5,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
 - b. Kununurra Neighbourhood House - \$8,200 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the event;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the event.**
- 2. Approves the allocation of funding under the Community Grant Program for Community Programs to the Kununurra Toy and Puzzle Library for Building Awareness and Capacity - \$10,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the project;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- 3. Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:**
 - a. Kimberley Action Sports Inc - \$7,000 for BMX Track Upgrades. Subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the project;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the project.**
 - b. Ord River Pistol Club - \$10,000 for Range Upgrades. Subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Providing an acquittal at the completion of the project;**
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - iv. All necessary approvals and insurances are obtained prior to the project.**

c. Kununurra Race Club - \$3,500 for Website Upgrades. Subject to the following conditions:

- i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- ii. Providing an acquittal at the completion of the project;**
- iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;**

- 4. Requests the Chief Executive Officer to advise unsuccessful Community Grant Program applicants that their applications were not successful and to provide relevant feedback to them.**
- 5. Requests the Chief Executive Officer to advise the Kununurra Neighbourhood House to use funds from the 2021/22 budget that KNH already have for the technology upgrades applied for this grant round if it is a higher priority.**
- 6. Requests the Chief Executive Officer to give public notice to advise of successful applicants.**

Moved: Cr Farquhar

Seconded: Cr Brook

Decision: 7/0

5:24pm – Cr McNeil re-entered room after voting took place.

PURPOSE

To allocate funding under the Community Grant Program.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire's Community Grant Program supports not for profit, community based organisations and groups that provide sporting, cultural, environmental, and community services within the Shire. This support is to foster high-quality programs, community events, facilities and services that provide benefit to the community in alignment with the Council's Strategic Community Plan. The aim of the Community Grant Program is to provide financial assistance to local community groups and organisations that make positive contributions to the quality of life within the local government area.

The first annual grant round for the 2022/23 financial year was undersubscribed with enough funds remaining for the Shire to open to community groups for a second round as per the Council Decision (Minute Number: 27/09/2022 - 118720), this is explained further in the Financial Implications section of this report. For the current round, the Shire opened up 3 grant categories: Events Grants, Buildings and Property Grants and Community Programs Grants. In addition to these, the Shire also provides Quick Grants, Rates Assistance Grants and the Future Leader Award.

For the second round, the Shire received eight applications for funding. Two are for events, one is for a community program and five relate to buildings and facilities.

Event applications

Two applications were lodged under the Community Programs event funding stream. These were from the Kununurra Picture Gardens and the Kununurra Neighbourhood House.

Kununurra Picture Gardens

Kununurra Picture Gardens requested \$5,000 (33% of total cost) to hold the Kununurra Picture Gardens 60th Anniversary event which is a week-long, free community event. The week will include free movie screenings, kids activities in the afternoons, fancy dress, food vendors and a carnival style event for the final night. It was indicated that the total cost of the project is \$15,000 and the \$5,000 requested from the Shire would be used to fund movie and equipment hire, signage and advertising and the remainder of the funds was to come from Kununurra picture Gardens and sponsorship from Boab Metals.

Kununurra Neighbourhood House

Kununurra Neighbourhood House requested \$8,200 to fund multiple 2023 events that they hold. These events include an Easter event, a community clubs event, Teddy Bear's Picnic and Creative Kununurra Event. The events are all low cost so that they are accessible for the community and aim to create an environment for families to meet, play and connect. It was indicated that the total cost of the project is \$17,300 and the \$8,200 requested from the Shire would be used to fund volunteer equipment and training, event licences, event equipment and organising, catering and advertising. The remainder of the funds was to come from entry fees and in kind costs from the Neighbourhood House.

The total funding requested in this years' budget for event applications submitted is \$13,200.

Community Programs Grant applications

One application was lodged under the Community Programs funding stream. This was from the Kununurra Toy and Puzzle Library (KTPL). They requested \$15,000 for their Building Awareness and Capacity for KTPL plan. The plan is supported by their new strategic business plan and runs over multiple years with the main goals being to increase community participation in play based learning and sustainability for the KTPL. The total project cost in the application is estimated at \$42,300. The Shire funding would cover advertising and promotion, merchandise and new/replacement toys, freight and storage costs, volunteer engagement and general stationary.

Facilities Grant - Building and Property applications

Five applications were received under the Facilities Grant - Building and Property. They were lodged by Kimberley Action Sports Inc, the Kununurra Neighbourhood House, Kununurra Race Club, Key Assets and Kununurra Pistol Club.

Kimberley Action Sports Inc

Kimberley Action Sports Inc requested funding for the Kununurra BMX Track post wet season repairs following damages due to wet season's rain. The total project cost in the application is estimated at \$20,400, of which it is requested the Shire provide 50%. The balance of funding is proposed to come from Kimberley Action Sports Inc. The Shire awarded an \$8,000 Facilities grant from the 2021/22 budget for stage 2.2 of the project which upgraded the surface. There are future plans to add all weather capping on the track surface and install gates and line marking but no timeline has been given for the future stages.

Kununurra Neighbourhood House

Kununurra Neighbourhood House has requested funding for their Technology Upgrade Project which would include the restructure and upgrade of IT software and systems (website and booking system), upgrade communications hardware (purchase new phone and video conferencing equipment) and upgraded office IT hardware (new desktop

computers and monitors. The total project cost is \$22,309.10 of which they requested \$11,154.55 (50%) and the remainder of the funds to come from Kununurra Neighbourhood House. The Shire awarded the Kununurra Neighbourhood House \$12,000 facilities grant for an Op Shop Extension from the 2021/22 budget which has not yet been acquitted. KNH received an extension for the acquittal until June 2023 and have indicated that they will have the funds spent by then.

Ord River Pistol Club

Ord River Pistol Club has requested funding for their Range Lighting Completion and Range Facility Upgrade which will allow them to fix a drainage issue, turn and move the target frames so that they can be used whilst the competitor is in the shade and add more lighting, making the range more user friendly in the summer months. The total project cost is \$49,200 of which they requested \$20,000 from the Shire. The Shire supported the Pistol club with a facilities grant in the 2021/22 budget for different range upgrades and solar infrastructure which were successfully constructed.

Kununurra Race Club

Kununurra Race Club has requested \$5,500 (50% of total project cost) to complete a full upgrade of their website. They have indicated that there has been a dramatic increase in interstate inquiries since the 2023 race meets were featured on Discover WA and an upgrade is required to enable the club to share more information, memberships and packages. The Race Club have said that the location of the racecourse is greatly underutilised as a venue for the community and this project will allow them to promote the use of the space for community and private events.

Key Assets

Key Assets have requested \$20,000 for their Digitalisation of the East Kimberley Service System Map. They request funding in order to increase the awareness and access to the map and the services on the map and have said that the digital version will be interactive, dynamic, searchable and mobile. The total project cost for the digitalisation is quoted at \$39,500 and they have not indicated where the remainder of the funds is to come from.

The total funding requested under the Facilities Grant - Buildings and Property stream, across all projects, is \$66,854.55.

The total funding requested across all funding streams is \$95,054.55. With around \$66,000 left in the budget the Shire will not be able to fund 100% of all of the projects.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building, event approval or to authorise works in a road or reserve may be required.

POLICY IMPLICATIONS

CP/COM-3582 Community Grant Program is applicable to the consideration of this matter.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.1: Create a unified community that incorporates the needs of all cultures and generations

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

Strategy 1.1.4: Work with partners to inspire young people to become engaged in their families, schools and communities

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

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

Strategy 1.2.3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

Goal 1.3: Promote quality education, health, childcare, aged care and youth services

Strategy 1.3.2: Support and assist community organisations to positively impact social wellbeing

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

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

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

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

Shire Project: #107 Deliver a Community Grant Program

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

FINANCIAL IMPLICATIONS

The total budget allocation for all funding streams within the Community Grant Program is \$350,000. Of this, Council has previously committed funding of \$268,524.50 from the 2022/23 budget for:

Events

Ord Valley Muster:	\$50,000
Kimberley Action Sports (Lake Argyle Adventure Race):	\$12,000
Kununurra Campdraft and Rodeo Association:	\$15,000
Lake Argyle Swim:	\$20,000
Kununurra Agricultural Society	\$10,000
Dam to Dam	\$10,000
East Kimberley Aboriginal Achievement Awards	\$15,000
East Kimberley Business Excellence Awards	\$20,000

Community Programs

Kununurra Neighbourhood House	\$15,000
Kununurra Gymnastics Club	\$5,000

Building and Facilities Grant

Wyndham Historical Society	\$5,000
Kununurra Visitor Centre	\$4,500
Kununurra Picture Gardens	\$10,000

<u>Rates Assistance Grant</u>	\$76,025.50
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With respect to the balance of the fund, Officer's suggest that the following should be set aside:

- \$10,000 for quick grants
- \$5,000 for Future Leaders Award

Taking out those funds already committed and the balance of the fund set aside for other (related) programs, this leaves \$66,475.50 to allocate of which the officers have recommended to fund \$43,700.

COMMUNITY ENGAGEMENT

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

- Sharing a Community Grants flyer on Facebook and on the Shire's website.
- Directly contacting 41 local not-for-profit groups by email to ensure they were aware the Shire's Annual Grants round 2 was open.
- Making appointments available on request to discuss local groups projects in person or over the phone.

COMMENTS

Most applications to this round of the program meet the criteria and align with the community's strategic goals. Some applications also demonstrated community need, financial viability, and access and equity considerations.

Two applications were not recommended for funding by Shire Officers. One was from Kununurra Neighbourhood House for a Facilities Grant, which was deemed ineligible due to an outstanding acquittal from a previous grant. Because the previous grant is unspent, officers recommend giving KNH the option to use the previously allocated funds towards this project if it is a higher priority.

The other application was from Key Assets for a digitisation project of the East Kimberley Service System Map, which scored poorly on community support and relevance and was quoted at a seemingly unreasonable amount.

The panel recommends that Council approve funding for two Event Grants:

- \$5,000 for Kununurra Picture Gardens; and
- \$8,200 for Kununurra Neighbourhood House

Both events scored well on all criteria and supported the Shire's Community Strategic Plan and objectives. Officers recommend that Council partly fund the four other applications from the Ord River Pistol Club, Kununurra Race Club, Kununurra Toy and Puzzle Library and Kimberley Action Sports.

ATTACHMENTS

Attachment 1 - Round 2 Annual Grants Assessment Matrix 2022-23

12.4. CORPORATE SERVICES

12.4.1. Mid Year Budget Review 2022/23

DATE:	21 March 2023
AUTHORS:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.25
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Receives the 2022/23 Budget Review Report for the period ended 28 February 2023;
2. Notes that the actual cash balance carried forward and the estimated cash balance carried forward used in the 2022/2023 Annual Budget differed by \$2,765,177; and
3. Approves the budget amendments as detailed in Attachment 1 to this report.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118802

That Council:

1. Receives the 2022/23 Budget Review Report for the period ended 28 February 2023;
2. Notes that the actual cash balance carried forward and the estimated cash balance carried forward used in the 2022/2023 Annual Budget differed by \$2,765,177; and
3. Approves the budget amendments as detailed in Attachment 1 to this report.

Moved: Cr Farquhar

Seconded: Cr Dear

Decision: 8/0

PURPOSE

For Council to consider the proposed amendments to the 2022/23 Budget arising from the 2022/23 Mid-Year Budget Review process including to report the changes to the opening cash position for the 2022/23 Annual Municipal Fund Budget arising from the difference between the estimates as at 30 June 2022 for budget purposes and the actual cash position achieved following the finalisation of the Annual Financial Statements for the year ended 30 June 2022.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In preparing the 2022/23 Municipal Fund Budget, Shire officers followed a rigorous process from which estimates of income and expenditure for the 2022/23 financial year were determined. As the preparation of the budget was based on estimates of what the financial position of the Shire would be at 30 June 2022, once the 2022/23 Annual Financial Statements were finalised and audited, Officers had to consider differences between the forecast data used in preparing the 2022/23 Budget and the estimates used.

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

Minute Number: 28/06/2022 - 118683

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, that Council adopt the Municipal Fund Budget as contained in Attachment 5 of this agenda, for the Shire of Wyndham East Kimberley for the 2022/23 financial year which includes the following:

- 1. Statement of Comprehensive Income by Nature and Type***
- 2. Statement of Comprehensive Income by Program***
- 3. Statement of Cash Flows;***
- 4. Rate Setting Statement showing a net amount required to be raised from rates of \$11,023,735;***
- 5. Notes to and forming Part of the Budget;***
- 6. Fees and Charges Schedule.***

Moved: Cr J Farquhar

Seconded: Cr D Menzel

Carried 7/0

The Department of Local Government and Communities issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraph is a key point from the circular:

“A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments, is in receipt of income and incurs expenditure in accordance with the adopted budget.”

A detailed review of the financial position and operations for the period to 28 February 2023 has been undertaken identifying the reasons for significant variances and the action required to address them. Attachment 1 contains the details of the Officer recommendations and is now presented to Council for its consideration.

Officers have ensured that Council resolutions presented during the 2022/23 financial year have been considered in this Mid Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

STATUTORY IMPLICATIONS

Local Government Act, 1995:

6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b) is authorised in advance by resolution*;*
 - c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

*(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- 2) *Where expenditure has been incurred by a local government —*
- a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*
 - c) [Section 6.8 amended by No. 1 of 1998 s. 19.]*

Local Government (Financial Management) Regulations 1996:

Regulation 32 - Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3)):

A local government may exclude from the calculation of the budget deficiency —

- a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*
- d) any proposed amounts of depreciation of non-current assets; and*
- e) assets from grants or gifts or non-cash revenue or expenditure; and*
- f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and*
- g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.*

Regulation 33A - Review of Budget:

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The analysis revealed that the estimated forecast of expenditure as at 30 June 2022 on the capital works programs for budget purposes was overestimated by \$1,459,962. As these funds are related to capital works they are quarantined within the capital works program. The surplus funds are made up of a mixture of municipal funds, reserve funds, grant funding and contract funding. As these funds are in the custody of the Shire they are carried forward to the relevant capital works projects in the 2022/23 financial year.

The Mid Year Budget Review determined that there were no major changes required to the operating budget. Amendments to the operating budget have been included in the Mid Year Budget Review. These include an increase in operating revenue of \$766,000 and increase to operating expenditure of \$936,500.

The Mid Year Budget Review also identified a number of capital projects requiring budget adjustments. The changes have been highlighted in the comments section below.

The details of all carry forward adjustments and budget amendments are provided in the Budget Review Report provided at Attachment 1.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

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

Control: Annual financial audit.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

Carry Forward Cash Position

At the time of the preparation of the 2022/23 Budget estimates of both capital and operating expenditure and revenue had to be made as actual data was not available at that time. It was the intention that once the actual data was available after the audit of the annual financial statements that the budget would be revisited to adjust budget allocations for any change in circumstances due to any material variance between actual data and estimated data. This exercise is not a review of the budget as contemplated by Section 33A. Review of budget of the *Local Government (Financial Management) Regulations 1996*, but an adjustment to the budget based on information that was not available at the time the budget was prepared.

In the preparation of the 2022/23 Budget, the Rate Setting Statement detailed the estimated revenue and expenditure of both operating and capital nature, the financing activities, and the movement in the Reserves for the 2021/22 financial year. These estimates gave a forecast opening cash position of \$80,287 for the 2022/23 financial year. The actual position as presented in the finalised Annual Financial Statements for 30 June 2022 was \$2,845,464. The difference to the estimated position is an increase in cash available of \$2,765,177.

The 2022/23 Annual Budget was presented at the Ordinary Council Meeting held on the 28 June 2022 and a balanced Closing Funding Surplus was adopted. The amended budget shows an anticipated closing surplus of \$2,184,637.

Adjustments to individual budgets made as part of the Mid Year Budget Review are detailed below and in the attached Budget Review Report. This involves reallocation of budget amounts to different projects for funds already approved and approval of new projects that have funding streams already attached to them.

Mid Year Budget Review

The Mid Year Budget Review examined both the operating income and expenditure of the Shire, and the capital works program for the 2022/23 financial year to date at 28 February 2023.

The main amendments to the operating and capital works budgets are listed below:

Operating Budget

Operating Revenue

- Preparing Australian Communities Grant - Feasibility Study \$133,000
- Strategy and Scheme Review Grant \$250,000
- Interest earnings Reserve Investments \$250,000

Operating Expenditure

- Security Trial (\$49,500) - (transferred to Protective Hardcovers)
- Preparing Australian Communities Feasibility Study \$266,000 (fully grant funded)
- New Landfill Site Identification and Closure Plans \$470,000 (funded from Waste Reserve)
- Strategy and Scheme Review \$250,000 (fully grant funded)

Capital Works Program

Capital Revenue

- Kimberley Community Action Fund Grant - Kununurra Projective Hardcovers \$49,500
- CSRFF Grant - Wyndham Pool Shade \$149,190
- Kimberley Community Action Fund Grant - Kununurra CCTV Upgrade \$26,530
- Dept of Communities Changing Places Grant - Kununurra Leisure Centre \$124,546
- Regional Airports Upgrade Program Grant \$77,000

Capital Expenditure

The details of all amendments to the Capital Works budget are included at Attachment 1.

The significant items are:

- Ewin Centre Capital Improvements \$42,700 (funded from Childcare Reserve)
- Kununurra Protective Hardcovers \$99,000 (funded from grant and transfer from operating budget)
- East Kimberley Regional Airport Cabin Baggage Screening CT Machine \$108,000 (funded from Airport Reserve)
- East Kimberley Regional Airport Pavement Rejuvenation \$110,000 (fully grant funded)
- Wyndham Pool Shade \$298,000 (funded by CSRFF grant, project savings, Municipal funds)
- CCTV expansion \$26,530 (fully grant funded)
- Millington Drive Upgrade \$100,000 (funded from Foreshore Reserve)
- Wyndham Childcare Centre Refurbishment \$100,000 (funded from Municipal funds)

ATTACHMENTS

Attachment 1 - Budget Review Report for the Period Ended 28 February 2023

12.4.2. Review of Council Policy CP-FIN 3211 Fees and Charges Pricing

DATE:	21 March 2023
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.05.22
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the reviewed Council Policy CP-FIN-3211 Fees and Charges Pricing.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118803

That Council adopts the reviewed Council Policy CP-FIN-3211 Fees and Charges Pricing.

**Moved: Cr McNeil
Seconded: Cr Dear**

Decision: 8/0

PURPOSE

For Council to consider adopting the reviewed Council Policy CP-FIN 3211 Fees and Charges Pricing prior to the review of the Fees and Charges Schedule for the 2023/24 financial year.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. Shire Officers consider that it is prudent to review the Policy on an annual basis as part of the Fees and Charges setting process. This process has been implemented and the Policy was last reviewed in March 2022.

COUNCIL DECISION

Minute No. 22/03/2022 - 118605

That Council adopt the reviewed Council Policy CP-FIN 3211 Fees and Charges Pricing Policy.

Moved: Cr T Chafer

Seconded: Cr D Hearty

Carried 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 5

6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- _____ (a) imposed* during a financial year; and
- _____ (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or

(b) charge a fee or charge in addition to the amount determined by or under the other written law.

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The application of the Policy and associated assessment against financial impacts is not finalised for the 2023/24 Budget at this stage of the budget process. Any significant changes to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to Council for adoption at a later stage in the budget process.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

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

Controls: Implementation of LTFP and Annual Budget.

Policies updated in accordance with schedule and operational requirements.

Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with Section 6.19 of the *Local Government Act 1995*, which outlines the requirements for the Shire to provide local public notice of fees and charges.

COMMENTS

The Policy has been reviewed to ensure legislation is referenced correctly and the goods and services pricing basis are still relevant. The Policy makes for good governance in that it provides the community with transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides guidance for officers as to the principles that need to be considered when recommending fees and charges for goods or services.

There have been no changes made to the reviewed policy.

ATTACHMENTS

Attachment 1 - Reviewed Council Policy CP/FIN-3211 Fees and Charges Pricing

12.4.3. Monthly Financial Reports

DATE:	21 March 2023
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Reports for the periods ended 31 January 2023 and 28 February 2023.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118804

That Council receives the Monthly Financial Reports for the periods ended 31 January 2023 and 28 February 2023.

**Moved: Cr Farquhar
Seconded: Cr McNeil**

Decision: 8/0

PURPOSE

For Council to receive the Monthly Financial Reports for the periods ended 31 January 2023 and 28 February 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 2017-2027*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

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

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report January 2023

Attachment 2 - Monthly Financial Report February 2023

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

DATE:	21 March 2023
AUTHOR:	Manager Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for January and February 2023, being:

January:

Municipal EFT 144747 - 144838 (03/01/2023 - 31/01/2023)	\$697,115.90
Trust EFT 52056 - 52065 (06/01/2023 - 31/01/2023)	\$8,268.80
Payroll (11/01/2023 - 16/01/2023)	\$504,592.80
Direct Bank Debits (03/01/2023 - 30/01/2023)	\$236,694.12
Total January	\$1,446,671.62

February:

Municipal EFT 144839 - 144947 (02/02/2023 - 28/02/2023)	\$1,427,701.85
Trust EFT 52066, 27045-27070 (06/02/2023 - 28/02/2023)	\$4,820.95
Payroll (08/02/2023 - 22/02/2023)	\$508,152.39
Direct Bank Debits (01/02/2023 - 24/02/2023)	\$176,064.66
Total February	\$2,116,739.85

COUNCIL DECISION

Minute Number: 21/03/2023 - 118805

That Council receive the lists of accounts paid from the Municipal and Trust funds for January and February 2023, being:

January:

Municipal EFT 144747 - 144838 (03/01/2023 - 31/01/2023)	\$697,115.90
Trust EFT 52056 - 52065 (06/01/2023 - 31/01/2023)	\$8,268.80
Payroll (11/01/2023 - 16/01/2023)	\$504,592.80
Direct Bank Debits (03/01/2023 - 30/01/2023)	\$236,694.12
Total January	\$1,446,671.62

February:

Municipal EFT 144839 - 144947 (02/02/2023 - 28/02/2023)	\$1,427,701.85
Trust EFT 52066, 27045-27070 (06/02/2023 - 28/02/2023)	\$4,820.95
Payroll (08/02/2023 - 22/02/2023)	\$508,152.39
Direct Bank Debits (01/02/2023 - 24/02/2023)	\$176,064.66
Total February	\$2,116,739.85

Moved: Cr M McKittrick

Seconded: Cr B Kyne

Decision: 8/0

PURPOSE

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 September 2022, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996 -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

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

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

POLICY IMPLICATIONS

Sub-delegation 12 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2022/23 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

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

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the amount of the payment; the date of the payment; and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid January 2023

Attachment 2 - List of Accounts Paid February 2023

12.5. INFRASTRUCTURE

12.5.1. Infrastructure Works Update - Information Item

DATE:	21 March 2023
AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple majority

OFFICER'S RECOMMENDATION

That Council note the contents of the report

COUNCIL DECISION

Minute Number: 21/03/2023 - 118806

That Council note the contents of the report

**Moved: Cr McKittrick
Seconded: Cr Farquhar**

Decision: 8/0

PURPOSE

To provide Council and the community an update on current projects undertaken by the Infrastructure directorate.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

There have been no previous decisions of Council in this regard. The report is an information only report that the administration considers will be useful to Council and the community.

STATUTORY IMPLICATIONS

There are no specific provisions of legislation that are applicable here. Where projects require a decision of Council they will be the subject of a separate report where the relevant legislation will be presented to Council.

POLICY IMPLICATIONS

This is a report of multiple projects, some of which are independently reported to Council that cover multiple policy areas. As no decision is being requested of Council there is no requirement for the application of any Council Policy at this point.

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 2.1.3: Manage waste sustainably and provide an integrated approach to waste management that includes waste minimisation

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

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

Shire Project: 203 - Implement the Waste Management Strategy
204 - Drainage Upgrade and Creation Program
205 - Boat Ramp and Jetty Renewal Program
206 - Road Maintenance Program

Service Area: Asset Management and Capital Works
Engineering Services

RISK IMPLICATIONS

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

Control: Transparent reporting of projects to Council

FINANCIAL IMPLICATIONS

Nil. Report on projects only for information purposes. All projects have had their financial aspects considered and have been included in the current budget or will be provided for in the Annual Budget for the 2023/2024 financial year.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

LANDFILL

Contract process to engage with a relevant consultant to manage development on proposed sites has been completed, ASK waste management being successful through the Shires procurement services. A fatal flaw study on alternative sites has recently been completed but not reviewed at the time of writing this report. Consultation with KAI is still required on access to the preferred site at the intersection of Victoria Highway and Valentine Spring Road.

A briefing will be conducted with ASK to Council on the current status of this process.

Correspondence has been sent to the Minister of Environments (The Honourable Reece Whitby) office requesting an extension of the existing Kununurra Landfill site licence, which has been referred back to the Department of Environment.

There has still been no response from Balangarra Aboriginal Corporation on access to land to expand the Wyndham Landfill facility.

CARLTON HILL ROAD

Carlton Hill Road, road construction.

Main Roads Western Australia (Main Roads) has agreed to the construction of Carlton Hill Road, the subject of Department of Infrastructure, Transport, Regional Development and Communications, 80% Funding. This project is programmed for startup in June 2023. Additionally, Main Roads have agreed to take on one staff member 100% as part of the construction management team, which will also provide a training opportunity in project management and Main Roads construction processes. This will be extremely valuable experience for any in house construction projects that the Shire *may* undertake in the instance of developing their own construction crew for road and drainage construction. The project facilitates the upgrade/construction of 5km of haulage road over black soil country.

Carlton Hill Road, bridge construction.

This project, subject of Department of Infrastructure, Transport, Regional Development and Communications, 80% funding, has progressed through design, and is currently being tendered for construction. Subject to receiving successful applications, a recommendation will be made to Council, with a timeline for construction to be provided in pre-start documentation. It is likely that the matter, subject to applications, will be presented to Council in May 2023.

KALUMBURU ROAD

At the OCM 23 November 2021, Council Resolved 118553

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.

Correspondence has been sent to Main Roads at multiple levels, and as expected, they have declined to take on ownership of the roads requested, citing that the roads do not meet the warrant minimum standards to be considered as a state asset.

On Friday 10 March 2023, the Shire was fortunate to host a visit from the Honourable Minister for Emergency Services, Stephen Dawson. The Shire President Cr David Menzel and Deputy Shire President Cr Tony Chafer, Chief Executive Officer Mr Vernon Lawrence, Senior Economic Development Officer Mr Alfred Nagaiya, and Director Infrastructure Mr Paul Webb in attendance in person, and also by teleconference, the Executive Director of the Shire of Halls Creek, Ms Jackie Parker, and Chief Executive Officer of Halls Creek, Mr Phillip Cassell.

Discussion at this meeting around current emergency events was predominantly requested due to the unworkable Department and Fire Emergency Services funding processes that place *significant and unsustainable* financial risk on our regional Local Governments, to the point that we are unable to proceed with any future large scale works. For the Shire of Wyndham East Kimberley, this relates to the Gibb River Kalumburu Road and the Port Warrender Roads. As the processes around funding originate from the Disaster Recovery Funding Arrangements (DRFA), the Hon Minister Dawson suggested that the Shire make a submission to review the Disaster Recovery Funding Arrangements to the Federal Government either as individual Shires or as the Kimberley Regional Group. The Shire has agreed to make a comprehensive submission.

It was stated by our Shire President that the Shire of Wyndham East Kimberley would not provide funds to the extent that would put our organisation at financial risk. The Executive Director of the Shire of Halls Creek expressed concerns at the level of funding required to progress emergency repairs and the inability of the Shire to carry repairs costs pending State Government reimbursements. Unfortunately, there was no immediate solution provided to this significant and very important issue.

The Shire President and Chief Executive Officer will now progress a meeting with the Honourable Minister Rita Saffioti, to plead our case. In order to save the state significant financial waste in onerous administrative costs and repeatedly repairing the same sections of road due to the inability to make meaningful and sustainable upgrade to this sole access to remote aboriginal communities and pastoral stations. It would benefit our local community and State tax payers by handing ownership of the Gibb River-Kalumburu Road and Port Warrender Road to Main Roads.

Unfortunately, cost saving measures recommended by the Shire of Wyndham East Kimberley, related to the cartage of black water from site or sinking bores for road construction, do not

meet the guidelines of DRFA or DFES funding, and as such any future works will continue to see repeat expenditure on high cost activities funded by taxpayers. As Main Roads are already mobilised on the Gibb Derby and the Gibb Wyndham for opening and maintenance works, it would appear logical for a State agency to provide a cost effective solution to the problem, rather than place a financial burden on a small, regional Local Government to progress multi-million dollar works that will in many instances not be reimbursed for periods exceeding 12 months, and in some instances, not reimbursed at all.

Shire Officers inspected the Port Warrender Road and Kalumburu Road 8-9/3/23 and recorded sections of wet season damage to both roads. Officers are currently working on reports and high level costings of the works to present to DRFAWA.

ANTHONS LANDING PONTOON

On Friday 03 March 2023, a meeting was held on site at Anthons Landing, to discuss options to remove the pontoon section of Anthons landing. Discussion was held with the Director Infrastructure and Strategic Projects, Mr Paul Webb, and Mr Paul Cavanagh and two other community members.

It is possible that Mr Cavanagh has a solution to install the temporary sling to the landing and locate the pontoon landside. The Pontoon can then be partially disassembled and relocated to a blasting and maintenance area, prior to returning, reassembling and then reattachment to the landing.

Administrative staff are currently waiting for feedback from Mr Cavanagh on dates for detachment of the Anthons Landing pontoon.

WYNDHAM WATER

The Shires Manager of Operations had previously requested access to backwash water from the Mooloolah dam, discharged into the Cambridge Gulf by Water Corporation. Water Corporation have been very supportive of this use of the backwash water, which has been classified by the Department of Water as 'drainage water'.

Water Corporation are currently working on mechanisms to transport the water to the Shires existing holding ponds, and a temporary testing regime to ensure water quality to be used for reticulation in the Wyndham Townsite. No date has yet been provided by Water Corporation on the completion of documents or delivery of water, however, we are aware that this is a current and active process.

LAKE ARGYLE ROAD

Lake Argyle Road has been recognised by Council as a priority project through Regional Road Group for funding over the next 5 years. Due to the inability to source cost effective solutions to construction of the road, Main Roads Western Australia (Main Roads) have agreed to undertake construction on behalf of the Shire, and have provided additional funds to shorten the completion timeframe. Additionally, Main Roads have agreed to take on one staff member 100% as part of the construction management team, which will also provide a training opportunity in project management and Main Roads construction processes. This will be extremely valuable experience for any in house construction projects that the Shire may

undertake in the instance of developing their own construction crew for road and drainage construction. Site preparation has already started, with physical construction to be progressed from April 2023-June 2023. Works will be conducted from the intersection of Victoria Highway to the bridge, with some reseal of previous works, shoulder works on some of the works sections of the road and full seal works over shoulder worked areas.

MILLINGTON DRIVE

This project involves construction from the reserve of Millington Drive from the Swim Beach intersection to the North Eastern corner of Lot 508 Millington Drive. This is a total road length of 363m. The location has been surveyed, and is currently in design. Design should be completed by the end of April 2023. This project involves improvement of intersection at the Swim Beach end of the road (pedestrian traffic mix), lift and seal parking, lift and seal road, installation of culverts and improvement to grade lines on the Southern side of Millington to natural outlet.

LAKEVIEW DRIVE

Lakeview Drive is a State funded blackspot project ($\frac{1}{3}$ $\frac{2}{3}$). The location has been surveyed, and is currently in design. Liaison is required with Water Corporation Dams section for design of the road, any construction subject to conditions required to protect the levee wall. Additionally, lighting would be beneficial as part of the project, but if this cannot be installed within the set budget, then Horizon approved conduit will be installed to facilitate future lighting installation. This project requires the reconstruction of Lakeview Drive to remove surface failures, shoulder widen and seal to accommodate current pedestrian requirements, installation of 'W' barrier due to the significant edge drop off, and lighting to improve night time visibility.

POLICE SAFETY BARRIERS

The administration is currently sourcing stone for installation works at the intersection of Weaber Plain Road and Victoria Highway. This is an important community safety project to assist our Local Police in deterring or stopping criminals in stolen vehicles from rampaging around the townsite, causing risk to other road users, pedestrians, and consistently ramming local businesses. The current installation intersection of Weaber and Erythrina Street has been well received by our Local Police as a useful tool in their arsenal to protect the community, and very importantly, themselves.

It is noted that stone selection is important in this process to provide visual consistency in colour matching, and the planting of trees to soften the impact of statements, but to also increase canopy cover in the immediate locations.

Gates for installation at firebreaks and rat run locations have been constructed, pending delivery, when freighting is available.

CHESTNUT CAR PARK AND SWIM BEACH PATH

The administration is having continuing difficulty obtaining seal crew, or hot spray for the carpark and path construction locations. Since the opening of the highway to Darwin, we are continuing to seek quotations for delivery of hot spray to conduct seal works. If we have not received responses by the end of the week 13th March, we will attempt to seek quotes for supply of hot spray by others. As the Shire has a spreader box, we are able to drop and roll

stone on smaller seal projects, and should be able to progress this simple work very cost effectively.

INTERSECTION OF WEABER AND IRONWOOD DRIVE, AND BANDICOOT DRIVE

The administration has put these projects to Tender on three occasions, and have been unable to attract any cost effective solutions to the construction of the intersection of Weaber Plain and Ironwood Drive, or the construction or roadworks over Bandicoot Drive, the drainage of which has previously been installed. Unfortunately, the exemption timeframe has expired 13 March 2023. The projects will now be retendered to the market, including local suppliers.

PICTURE GARDEN RETICULATION

This project includes reticulation on the Northern side of Coolibah Drive from existing at the front of the Picture Gardens, and the Eastern side of Chestnut Avenue to the Chestnut carpark (yet to be sealed). Design has been completed and parts are ordered pending delivery. Unfortunately, the lack of a viable freight link to our South and the recent lack of access to our East has caused delays in reticulation delivery.

PLAYGROUND STRATEGY CONSULTATION

Additional feedback is required from the Wyndham community in relation to the strategy document. Unfortunately, not all of the past feedback was related to the strategic document. Community Services will be progressing some community consultation (date unspecified) which Infrastructure will attend, and attempt to get some 'one on one' table time with individual residents to seek feedback, specifically, on the strategic document *only*. The item, with comments from Kununurra and Wyndham will then be presented to a briefing of Council with any requested changes to be made prior to possible endorsement.

ASSET REPORTING

Most recent asset pickups have been for townsite rubbish bins (non-residential), cul-de-sacs and street trees. The information gathered will be used to develop 'state of asset' document, to be utilised for future forward planning.

Strategic asset documents have been developed in first draft, other than the existing asset management Policy document which is sound, but needs to be implemented. The Strategic Asset Management Plan and Asset Management Policy have been completed to first draft, pending delivery to May Briefing and then following OCM, pending any changes to be made.

BLACKSPOT PROJECTS

The Shire has four current State Black Spot funded projects ($\frac{1}{3}$ $\frac{2}{3}$, not including Lakeview Drive already mentioned) for construction in the 22/23 Capital Works program. These being St Peters Way (Wyndham), Intersection Coolibah Dr and Ironwood Dr (Kununurra), Intersection Erythrina Ave and Riverfig Ave (Kununurra) and Intersection Mulligans Lagoon Rd and Weaber Plain Rd (Kununurra).

St Peters Way (Wyndham) project consists of some minor footpath works, pedestrian crossing facilities and bus bay construction to enable safe movement of traffic and access to the School. This project has undergone survey, design and will be released to tender in the coming weeks.

Intersection Coolibah Dr (Kununurra) project consists of some minor footpath works, pedestrian crossing facilities, line marking and drainage work, to enable safe access to the School. This project has undergone survey, design and will be released to tender in the coming weeks.

Intersection Erythrina Ave and Riverfig Ave (Kununurra) project involves improving pedestrian usability between Erythrina St and Coles which is a major thoroughfare for foot traffic. This project has undergone survey, design and will be released to tender in the coming weeks.

Intersection Mulligans Lagoon Rd and Weaber Plain Rd (Kununurra) project involves the widening of a small section of road, associate drainage and line marking to allow the safe movement of heavy vehicles. This project has undergone survey, design and it is hoped to be tendered for construction, pending contractor availability.

WEABER PLAIN ROAD FORMATION IMPROVEMENT

Weaber Plain Road from the Hidden Valley Caravan Park northwards has suffered from failures in the road pavement and narrowing of the seal due to edge break and insufficient shoulders. Shire Officers are currently developing a comprehensive scope of works which will be tendered for construction.

ATTACHMENTS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

Cr D Menzel moved the motion that Council go in-camera at 6:00pm to discuss items listed in 16. *"Matters Behind Closed Doors"*.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118807

That Council move-in camera at 6:00pm to discuss items in 16. Matters Behind Closed Doors.

Moved: Cr Menzel

Seconded: Cr Brook

Decision: 8/0

The gallery moved outside except for Minute Taker and Gary Wright, Manager Airports.

Director Webb left the meeting at 6:00pm

**16.1. REQUEST FOR TENDER T11-22/23 EAST KIMBERLEY REGIONAL AIRPORT
INFRASTRUCTURE UPGRADE - STAGE 1 (RETENDERED)**

DATE:	21 March 2023
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	CM.16.461
DISCLOSURE OF INTERESTS:	Nil.

OFFICER'S RECOMMENDATION

That Council:

- 1. Accepts the submission from Airport Consultancy Group Construction Pty Ltd (ABN: 12 156 565 114) of Suite 1306 Lakeside 2. 1. Lake Orr Drive, Varsity Lakes QLD 4227 for Tender T11-22/23 East Kimberley Regional Airport Infrastructure Upgrades Stage 1 (retendered) for the fixed lump sum cost of \$11,258,366.50 ex GST;**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and**
- 3. Authorises:**
 - a. The transfer of \$510,000.00 from the Airport Reserve; and**
 - b. The redistribution of \$670,000.00 currently held in the Airport 22/23 FY budget****to fund the capital budget deficit of \$1,173,732.50.**

COUNCIL DECISION

Minute Number: 21/03/2023 – 118808

That Council:

- 1. Accepts the submission from Airport Consultancy Group Construction Pty Ltd (ABN: 12 156 565 114) of Suite 1306 Lakeside 2. 1. Lake Orr Drive, Varsity Lakes QLD 4227 for Tender T11-22/23 East Kimberley Regional Airport Infrastructure Upgrades Stage 1 (retendered) for the fixed lump sum cost of \$11,258,366.50 ex GST;**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and**
- 3. Authorises:**
 - a. The transfer of \$510,000.00 from the Airport Reserve; and**
 - b. The redistribution of \$670,000.00 currently held in the Airport 22/23 FY budget****to fund the capital budget deficit of \$1,173,732.50.**

Moved: Cr M Dear

Seconded: Cr B Kyne

Decision: 8/0

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.

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider tenders received for T11-22/23 and to award the contract for the stage 1 infrastructure upgrades to the East Kimberley Regional Airport.

**16.2. EXPRESSION OF INTEREST TO LEASE OR PURCHASE AIRSIDE LAND - EAST
KIMBERLEY REGIONAL AIRPORT**

DATE:	21 March 2023
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.16.462
DISCLOSURE OF INTERESTS:	Nil

OFFICER'S RECOMMENDATION

That Council:

- 1. Accepts the offer to purchase from I & A Petherick and Kimberley Helicopter Maintenance Pty Ltd for proposed Lot 1A, being a 3108m² portion of Lot 200 on Deposited Plan 66654, Peter Reid Drive, Kununurra, for a price of \$350,000 plus GST in accordance with the Expression of Interest lodged and subject to:**
 - a. Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.**
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and**
 - c. subdivision of the land; and**
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising including preparing and contract of sale documentation and any interim lease or licence agreement.**
- 2. Offers a 50 year lease over proposed Lot 1C, being a 4908m² portion of Lot 200 on Deposited Plan 66654 Peter Reid, Kununurra, to HeliSpirit subject to:**
 - a. Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and**
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and**
 - c. Lease rent to be in accordance with a current market rental valuation in accordance with fair market value, and**
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising the lease agreement.**
- 3. Offers a 50 year lease over proposed Lot 1D, being Lot 318 on Plan 21744, Laine**

Jones Drive Kununurra, to Aviair Pty Ltd subject to;

- a. Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and**
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and**
 - c. Lease rent to be in accordance with a current market valuation in accordance with fair market value, and**
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising the lease agreement.**
- 4. On the basis of the valuation dated 17th of April 2022, where the market rental value of the vacant airside land was determined to be \$12.53 (exc GST) per square metre per annum, adopts this amount to be a true indication of the fair market value of the land as at 21 March 2023.**

COUNCIL DECISION

Minute Number: 21/03/2023 – 118809

That Council:

- 1. Accepts the offer from I & A Petherick and Kimberley Helicopter Maintenance Pty Ltd for proposed Lot 1A, being a 3108m2 portion of Lot 200 on Deposited Plan 66654, Peter Reid Drive, Kununurra, for a price of \$350,000 plus GST in accordance with the Expression of Interest lodged and subject to:**
 - a. Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.**
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and**
 - c. subdivision of the land; and**
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising including preparing and contract of sale documentation and any interim lease or licence agreement.**
- 2. Offers a 50 year lease over proposed Lot 1C, being a 4908m2 portion of Lot 200 on Deposited Plan 66654 Peter Reid, Kununurra, to HeliSpirit subject to:**
 - a. Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and**
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and**

- c. Lease rent to be in accordance with a current market rental valuation in accordance with fair market value, and
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising the lease agreement.
- 3. Offers a 50 year lease over proposed Lot 1D, being Lot 318 on Plan 21744, Laine Jones Drive Kununurra, to Aviair Pty Ltd subject to;
 - a. Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995; and
 - b. The approval of the Western Australian Planning Commission being obtained in accordance with the Planning and Development Act 2005; and
 - c. Lease rent to be in accordance with a current market valuation in accordance with fair market value, and
 - d. Authorises the Chief Executive Officer to complete any necessary negotiations to dispose of the land, including preparing and finalising the lease agreement.
- 4. On the basis of the valuation dated 17th of April 2022, where the market rental value of the vacant airside land was determined to be \$12.53 (exc GST) per square metre per annum, adopts this amount to be a true indication of the fair market value of the land as at 21 March 2023.

Moved: Cr B Kyne

Seconded: Cr J Farquhar

Decision: 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995*:
Section 5.23 (2) (b) and (e) 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.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to consider the Expressions of Interests received for the lease and sale of proposed Lots at the East Kimberley Regional Airport.

COUNCIL DECISION

Minute Number: 21/03/2023 - 118810

That Council move-out of camera at 6:13pm.

Moved: Cr D Menzel

Seconded: Cr N Brook

Decision: 8/0

The gallery returned to the room

The Council Decisions were read to the gallery.

17. CLOSURE

Cr D Menzel declared the meeting closed at 6:14pm