

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Unconfirmed Minutes

Tuesday 28 October 2025



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.

Members of the public, please note that this meeting is being broadcast live and a video record will be made of these proceedings and published on the Shire's website.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

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
UNCONFIRMED MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 28 OCTOBER 2025 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.

Members of the Public to please note that this meeting is being broadcast live and a video record will be made of these proceedings and published on the Shire's website.

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

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) / ELECTION OF DEPUTY SHIRE PRESIDENT

Cr D Menzel	Shire President (Presiding Member)
Cr T Chafer	Councillor
Cr K Bond	Councillor
Cr C Cane	Councillor
Cr M Dear	Councillor
Cr S Martin	Councillor (via video conference)
Cr B Robinson	Councillor
Cr S Timms	Councillor
V Lawrence	Chief Executive Officer
P Webb	Director Infrastructure & Strategic Projects
N Allen	Director Planning and Community Development
A Bell	Director Corporate Services
N Bray	Minute Taker

Leave of Absence

Nil

Apology

Cr V Goulden	Councillor
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Absent

Nil

2.1. ELECTION OF A DEPUTY SHIRE PRESIDENT

The CEO Vernon Lawrence presided over the election for the position of Deputy Shire President.

The election was conducted in accordance with Schedule 2.3 of the *Local Government Act 1995*.

Nominations for the position were called prior to and at the meeting. Councillor T Chafer was the sole nominee, and accepted the nomination.

As only one valid nomination was received, Councillor Tony Chafer was duly elected unopposed as Deputy Shire President for a term concluding at the next ordinary local government election.

3. DECLARATION OF INTEREST

Financial Interest (Direct and Indirect) - Nil

Impartiality Interest - Nil

Proximity Interest - Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Mr Bradley Kyne, Kununurra Resident

Firstly, I would like to congratulate the new councillors on their appointment. It is great to see such a diverse group of people to serve the interests of the many.

Kununurra has for a second time made national headlines, with youth chasing police in stolen cars. These headlines are not only damaging for the local community and tourism operators, but they fail to address the victims of these crimes. Behind every stolen car is a person or family that has had their home invaded, this creates an immense psychological impact on these victims, in which they will be living in fear that something like this can happen again. These victims often become sleep deprived and highly strung, this often leads them to either leave Kununurra all together or make reckless decisions in the heat of the moment.

It is time to support the victims, one way to prevent further victims is disincentivising the thrill of stealing a car. In fact! The Shire has already done this before with the installation of Police Protection barriers. It is very rare that local government can make a decision that has an almost instant effect. Those barriers allowed our local police more safe places to deploy "Spike Strips", allowing them to stop stolen vehicles faster and completely remove the frill of racing around town for hours on end. The success of the Police Protection Barriers was clear as day in the crime statics, the shire had an effective tool to prevent further victims.

Those barriers were removed due to an insurance company refusing to insure the shire if something was to go wrong. Effectively an insurance company has forced a democrat elected council to overturn a decision that ultimately is not in the best interest of the vast majority of the

shire residents. These same insurance companies are then drastically increasing premiums year on year and in some cases refusing to renew policies leaving our residents and businesses completely underinsured.

I urge the council to reimplement the Police Protection Barriers in their previous format, until a permanent solution can be found. Let's protect the people that protect us everyday and send a clear message to victims that we support you.

Question from Mr Bradley Kyne (summarised from the above statement):

Will the Shire reconsider reinstating the Police Protection Barriers in their previous format to support local police operations and improve community safety, given their proven effectiveness in reducing vehicle-related crime before their removal due to insurance concerns?

Response provided by CEO Vernon Lawrence:

The Chief Executive Officer advised that the Shire has contacted LGIS, the Shire's insurers, to seek an update regarding the matter. LGIS requested access to the Shire's previous legal advice so their legal representatives could provide an opinion on whether the proposed works can proceed. At this stage, no formal response has been received, and the matter remains under review by LGIS and their legal counsel (King's Counsel). The CEO confirmed that the Shire will continue to follow up on the matter.

It was further noted by Councillor Chafer that the LGIS position appears inconsistent, as similar structures such as bus stops, bridges, light poles, and power poles located within road reserves are typically insurable. The CEO advised that these comparisons have been presented to LGIS for consideration, and their response is pending.

6. APPLICATIONS FOR LEAVE OF ABSENCE

That Council grants a Leave of Absence to Cr Vina Goulden for the period 24 October 2025 to 28 November 2025 inclusive.

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119286

Moved: Cr B Robinson

Seconded: Cr T Chafer

That Council:

- 1. Grants a Leave of Absence to Cr Vina Goulden for the period 24 October 2025 to 28 November 2025 inclusive, in accordance with Section 2.25 of the *Local Government Act 1995*.**
- 2. Notes that the above dates include the following meetings:**
 - a. 10 November 2025 - Audit, Risk and Improvement Committee**
 - b. 25 November 2025 - Ordinary Council Meeting**

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr S Martin, Cr B Robinson, Cr S Timms

Against: Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

PURPOSE

To formally confirm the accuracy of the Minutes from the Ordinary Council Meeting held on 30 September 2025, ensuring they represent a true and correct record of Council's proceedings in accordance with Section 5.22 of the *Local Government Act 1995*.

PROCEDURAL MOTION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119287

Moved: Cr B Robinson

Seconded: Cr S Timms

That Council confirms the Minutes of the Ordinary Council Meeting held on 30 September 2025.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr S Martin, Cr B Robinson, Cr S Timms

Against: Nil

Note: The Minutes of the Ordinary Council Meeting held on 30 September 2025 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6 October 2025 – Kimberley Development Commission Board Meeting – Attended by the Shire President

10 October 2025 - Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President.

15 October 2025 - Kununurra Youth Night Space Co-Design Project – Consultation Workshop - *Attended by the Shire President.*

18 October 2025 - LG Ordinary Election – Overseen by WAEC Returning officer Ken Rogers and observed by the Shire President and CEO

21 October 2025 – Swearing In of Councillors Elect – Attended by the Shire President, all Councillors and the CEO

26-28 October 2025 – Numerous Media Interviews and Comments – Related to youth crime escalation to acknowledge the issue and reinforce our community is working together to address it were attended and made by the Shire President.

28 October 2025 - Yajany yarrowoo ngoondebtha Group / Friday Reference Group - Attended by the Shire President and the CEO.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1 Consideration of Purchase of Concrete Crushing Plant

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. OFFICE OF THE CEO

12.2.1 ELECTION OF DEPUTY SHIRE PRESIDENT

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	TBA
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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119288

Moved: Cr K Bond

Seconded: Cr S Timms

That Council:

- 1. Notes that the Chief Executive Officer has conducted the election for the position of Deputy Shire President in accordance with Schedule 2.3 of the *Local Government Act 1995*; and**
- 2. Acknowledges that the Chief Executive Officer has declared Cr Tony Chafer as the successful candidate for the position of Deputy Shire President, with the term concluding at the next ordinary local government election.**

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr S Martin, Cr B Robinson, Cr S Timms

Against: Nil

PURPOSE

For Council to note the election of a Councillor to the position of Deputy Shire President in accordance with the *Local Government Act 1995* and the *Local Government (Constitution) Regulations 1998*.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Following the ordinary local government elections held on 18 October 2025, the newly elected Council is required to elect a Deputy Shire President from among its Councillors in accordance with section 2.15 and Schedule 2.3 of the *Local Government Act 1995*.

The term of the Deputy Shire President is two years, ending at the next ordinary local government election, unless the position otherwise becomes vacant in accordance with section 2.32 of the *Act*.

COMMENTS

The election was conducted by the Chief Executive Officer, in accordance with Schedule 2.3 of the *Local Government Act 1995*.

Nominations were called for the position of Deputy Shire President. In the event of more than one nomination being received, Councillors vote to elect the Deputy Shire President, with voting to be conducted by secret ballot.

STATUTORY IMPLICATIONS

[Local Government Act 1995](#)

Section 2.15 – “Deputy Shire President”
Schedule 2.3 – “When and how Deputy is elected”

[Local Government \(Constitution\) Regulations 1998](#)

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Supports good governance and leadership within the Shire in accordance with the Shire’s Strategic Community Plan.

RISK IMPLICATIONS

Risk: Failure to make Council decisions which allow for efficient and effective use of operational resources to deliver services which meet the needs of the community and region, comply with statutory requirements and promote economic and social development.

Control: To mitigate the risk of inefficient decision-making, the election of the Deputy Shire President will be conducted in accordance with clear, transparent processes to ensure timely, informed decisions that align with the operational goals, statutory requirements, and strategic objectives of the Shire.

FINANCIAL IMPLICATIONS

Nil

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

Community Engagement is not required.

ATTACHMENTS

Nil

12.2.2. STANDING ITEM - USE OF THE COMMON SEAL

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119289

Moved: Cr B Robinson

Seconded: Cr M Dear

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 27 September 2025 to 24 October 2025.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 27 September 2025 to 24 October 2025.

COMMENTS

There was 1 document for the time period of 27 September 2025 to 24 October 2025 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
21/10/2025	Amendment No.2 to the Local Planning Scheme – STRA Amendment

STATUTORY IMPLICATIONS

[Local Government Act 1995 9.49A. Execution of documents](#)

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

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

RISK IMPLICATIONS

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

Control: Maintain a formal policy and procedure for the use of the Common Seal, including a register.

FINANCIAL IMPLICATIONS

Nil

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No Community engagement is required

ATTACHMENTS

Nil

12.2.3. STANDING ITEM - OUTSTANDING ACTIONS FROM PREVIOUS COUNCIL RESOLUTIONS

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119290

Moved: Cr T Chafer

Seconded: Cr M Dear

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

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

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

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR 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. In some of the cases the decision requires action from parties other than the Administration and cannot be implemented by Officers.

COMMENTS

Attachment 1 - Details completed actions relating to Council resolutions & summarises actions that are outstanding from previous Council resolutions.

STATUTORY IMPLICATIONS

The Statutory implications arising from this report relate to how a Council decision can be rescinded. The relevant legislation relates to how decisions are made by Council and can be found at www.legislation.wa.gov.au:

[Local Government Act 1995](#)

Section 2.7 – Role of the council

Section 5.2 – Meetings of council and committees

Section 5.3 – Ordinary and special council meetings
Section 5.25 – Regulations about council and committee meetings and meetings of electors
Section 5.41 – Functions of the CEO
Section 5.42–5.44 – Delegation of powers and duties

Local Government (Administration) Regulations 1996

Regulation 9-15 - Procedures for council and committee meetings, including quorum, voting, and confidentiality.
Regulation 11 - Details on when and how members must declare financial or impartiality interests before participating in decisions.
Regulation 14 - Prescribes voting procedures—most decisions require a simple majority, while certain matters need an absolute majority.
Regulation 17 - Requires periodic reviews of systems and procedures to ensure effectiveness and compliance.

With respect to the individual decisions that were originally made by Council these can be found in the individual reports presented to the Council.

POLICY IMPLICATIONS

There are no direct Policy implications arising from this report; however, Policy implications are outlined within the individual reports presented to Council, which have resulted in actions recorded in the Council Actions Register.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this report. Those relating to the various decisions made are referenced in the individual reports presented to the Council.

RISK IMPLICATIONS

There are no Strategic implications from this report. Any Strategic implications are addressed in the individual reports presented to Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report and any costs associated with it have been provided for in the normal budget process. The financial implications associated with the various decisions made are referenced in the individual reports presented to the Council. There are no ongoing financial implications associated with these reports.

Current and Future Asset Considerations

This decision relates to administration processes and therefore there are no asset considerations to consider. Where there are asset considerations in the various decisions made they are referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - Council Action Register as at October 2025 [12.2.3.1]

12.2.4. MINUTES AND RECOMMENDATIONS FROM THE KIMBERLEY COUNTRY ZONE AND KIMBERLEY REGIONAL GROUP MEETINGS

AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	{file-number}
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community Leader - plan and provide direction through policy and practices Partner - Collaboration with external stakeholders to deliver service and projects Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119291

Moved: Cr M Dear

Seconded: Cr T Chafer

That Council:

- 1. Notes the contents of the minutes of the Kimberley Country Zone as attached in the meeting minutes of 15 August 2025 as provided in Attachment 1;**
- 2. Notes the contents of the minutes of the Kimberley Regional Group as attached in the meeting minutes of 25 September 2025 as provided in Attachment 2 to this report.**
- 3. Notes the contents of the State Council Agenda and Minutes for 5 September 2025 as provided in Attachments 3 and 4 to this report.**

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

This report presents for Council's endorsement, the Minutes from the meetings of the Kimberley Regional Group (KRG) and the Kimberley Country Zone which took place on 15 August 2025 and 25 September 2025 respectively. It is also for Council to note the matters in the State Council Agendas of 5 September 2025.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

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

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated. The Shire of Wyndham East Kimberley is the Secretariat for the Kimberley Regional Group.

The various minutes of the Kimberley Country Zone and the Kimberley Regional Group of the various meetings are in the Attachments to this report. A copy of the State Council minutes and agendas are set out in the Attachments.

COMMENTS

There have been two meetings of the Kimberley Country Zone and Kimberley Regional Group on 15 August 2025 and 25 September 2025 respectively.

Kimberley Regional Group Meetings:

Meeting of 25 September 2025: This was the fourth Kimberley Regional Group meeting for the calendar year. There were several matters discussed in the KRG meeting. The new item presented to the meeting was the Annual Budget 2025/26. This budget was a limited one as there will be a change to the representation from the Shires of Halls Creek and Deby West Kimberley, so no priorities have been set or funded until after the local government election and a planning session scheduled for November 2025.

There were report backs on the Developing Northern Australia Conference, the Canberra visit, the Government forum and the EA Development and Networking workshop.

The Kimberley Housing Pipeline project is still progressing where the KRG is advocating for an investment package that goes across the Kimberley from both State and Federal governments and their related institutions.

The Financial Statements were presented for the year ended 30 June 2025 which showed a deficit of \$38,404 funded from members reserves. Of note \$100,845 was expended on project work which included Community Safety project, Housing Round Table, Financial Assistance Grants, Election and Budget submissions.

The meeting also noted the contribution and service provided to the KRG by Councillor Malcomb Edwards from the Shire of Halls Creek and Commissioner Jeff Gooding from the Shire of Derby West Kimberley. After the local government elections on 18 October 2025 will see two new Shire Presidents elected to represent the Shires of Halls Creek and Derby West Kimberley.

Kimberley Country Zone:

Meeting of 15 August 2025: The WALGA Deputy President Paul Kelly, CEO Nick Sloan and Director Tony Brown attended the meeting. WALGA Deputy President Paul Kelly provided a report to the members of the Zone on the activity of the WALGA President Karen Chapple since the last meeting. The Presidents report can be found at page 5 in the Attachment. Matters that were discussed included the ability of local governments to rate large scale renewable facilities, the rating of miscellaneous licences, advocating for secure funding for community infrastructure and access to primary healthcare services for regional and remote communities.

The State Council Agenda and Minutes are in Attachments 3 and 4 to this report.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area: CONNECTION

Focus Area: LIVEABILITY

Focus Area: SUSTAINABILITY

No goals, outcomes or strategies have been included as the vast majority of them could be inserted in this section. The work of the Kimberley Regional Group advocates and facilitates in all of our Focus Areas.

RISK IMPLICATIONS

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

Control: Meeting regularly as a collective, agreeing on common courses of action for the benefit of the region and advocating for solutions with key decision makers at both State and Federal levels of Government.

FINANCIAL IMPLICATIONS

The financial implications for the Shire from this report are that the Shire makes a budgeted allocation for members contribution of \$45,000 to the Kimberley Regional Group annually which funds the activities of the Group. The Shire further provided a budget for the 2025/26 financial year of \$10,200 for travel and accommodation for the Shire President, Deputy Shire President and Chief Executive Officer to attend meetings in both Perth and Canberra on behalf of the Kimberley Regional Group.

With respect to the finances of the KRG, the Financial Report tabled at the meeting stated that expenditure to 30 June 2025 was \$273,490 against a year to date budget of \$228,500. The reason for the increase in expenditure was related to project work for the advocacy platform of the KRG. The shortfall will be funded from members retained funds.

Total Income year to date was \$235,086 leaving a budget deficit of \$38,404. The KRG has a cash balance at 30 June 2025 of \$261,374 from which any further increase in the deficit will be funded.

The Annual Budget was presented which proposed income and expenditure of \$183,000. No project work was approved as a detailed planning session will be held in November to determine the priorities of the KRG for the 2026 calendar year.

Current and Future Asset Considerations

Not applicable

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - KRG 25 September 2025 Minutes [**12.2.4.1**]
2. Attachment 2 - Minutes Kimberley Zone 15 August 2025 [**12.2.4.2**]
3. Attachment 3 - State Council Agenda September 2025 [**12.2.4.3**]
4. Attachment 4 - State Council Minutes September-2025 [**12.2.4.4**]

12.2.5. REPRESENTATION & COMMITTEES

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	GN.05.7
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community and the Kimberley.
VOTING REQUIREMENT:	Absolute majority

OFFICER RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119292

Moved: Cr T Chafer

Seconded: Cr C Cane

That Council:

1. Endorses the following representation on Committees of Council:
 - a. Audit, Risk and Improvement Committee (ARIC)
Representative 1 – Cr B Robinson
Representative 2 – Cr T Chafer
Representative 3 – Cr V Goulden
Proxy – Cr K Bond
 - b. East Kimberley Regional Airport Committee (EKRA Committee)
Representative 1 – Cr K Bond
Representative 2 – Cr D Menzel
Representative 3 – Cr B Robinson
Proxy – Cr T Chafer
2. Endorses the following representation on legislated Committees and Panels:
 - a. CEO review and selection panel
Representative 1 – Cr D Menzel
Representative 2 – Cr T Chafer
Representative 3 – Cr C Cane
Proxy – Cr V Goulden
 - b. Local Emergency Management Committee (LEMC)
Representative 1 – Cr S Martin

Representative 2 – Cr S Timms
Proxy - Cr M Dear

c. Bush Fire Advisory Committee (BFAC)

Representative 1 – Cr T Chafer
Representative 2 – Cr V Goulden
Proxy – Cr M Dear

d. Development Assessment Panels

Representative 1 – Cr T Chafer
Representative 2 – Cr K Bond
Proxy 1 – Cr B Robinson
Proxy 2 – Cr D Menzel

3. Endorses the following representation on Regional Representation Committees and Panels:

a. WALGA Kimberley Country Zone

Representative 1 – Shire President
Representative 2 – Deputy Shire President
Proxy 1 – Cr S Martin
Proxy 2 – Cr K Bond

b. Kimberley Regional Group (KRG)

Representative 1 – Shire President
Representative 2 – Deputy Shire President
Proxy 1 – Cr S Martin
Proxy 2 – Cr K Bond

c. Kimberley Regional Road Group

Representative – Cr M Dear
Proxy – Cr C Cane

4. Endorses the following representation on Local Representation Committees and Panels:

a. Kununurra School and Community Library

Representative – Cr S Martin
Proxy – Cr C Cane

b. Disability Access and Inclusion Committee

Representative 1 – Cr M Dear
Representative 2 – Cr C Cane
Proxy – Cr S Martin

c. SWEK Roadwise Committee

Representative – Cr M Dear
Proxy – Cr K Bond

- d. Kununurra Visitor Centre
Representative – Cr V Goulden
Proxy – Cr S Martin
- e. Kununurra Wyndham Alcohol Accord
Representative 1 – Cr T Chafer
Representative 2 – Cr B Robinson
Proxy – Cr K Bond
- f. Lake Kununurra Foreshore Reference Committee
Representative 1 – Cr C Cane
Representative 2 – Cr K Bond
Proxy – Cr V Goulden
- g. East Kimberley Marketing Group
Representative – Cr B Robinson
Proxy – Cr C Cane

5. Endorses the following Shire Officer representation:

- a. Australian Airports Association (AAA)
Representative – Chief Executive Officer
Proxy – Airport Manager

6. Appoint presiding members and any deputy presiding members to the above Committees by absolute majority in accordance with s.5.12 of the Act (as amended) as required.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

This report provides for Council to confirm its delegates and representatives to various committees of Council as well as representation on external committees.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The last Council consideration for Councillor representation was at the Ordinary Council Meeting held on 24 October 2023 decision number [24/10/2023 - 118919](#).

COMMENTS

The endorsement of Committee memberships is an operational function of the organisation and a legislative requirement. Generally, each Committee has at least one representative and one proxy, unless it is a requirement of the respective group to have two nominees (such as the WALGA Zone or the Development Assessment Panel) and in such cases the number of proxies may also be varied.

Representation is for a period of two years and will expire at the next local government election to be held in October 2027.

Under s.5.8 of the *Local Government Act 1995* (as amended in 2024):

- Council may establish committees of 3 or more persons.
- Appointments are by absolute majority.
- Under s.5.10(2), each council member is entitled to be appointed to at least one committee of the types in s.5.9(2)(a) or (b) if they nominate.
- Council appoints the presiding member and any deputy presiding member of each committee by absolute majority (s.5.12).

Function

The function of a committee is to deliberate upon matters within its authority. In some cases, it may be limited to only making recommendations to Council for Council's decision, in others the full authority to make decisions may be delegated. The Council may determine operational procedures for committees through its standing orders, local law or by a policy decision.

Membership

Council representatives for Committees of Council as well as representation on other Groups, Panels, Boards or Committees are usually appointed by Council at the first Council meeting following a local government ordinary election.

Unlike other committees, the Audit Risk and Improvement Committee (ARIC) must have at least three members who are not employees of the Shire; the presiding member and any deputy presiding member must be independent and not a council member of any local government.

The Shire is involved with a variety of committees, some of which are statutory requirements and others which are in-house and assist with the decision-making of Council and other committees relating to external stakeholders.

COMMITTEE INFORMATION:

COMMITTEES OF COUNCIL

Audit Risk and Improvement Committee (ARIC)

The ARIC is primarily responsible for the overview of the financial and risk management of the Council and operates in accordance with its Terms of Reference (Attachment 1).

[Local Government Act 1995 s7.1A](#) sets out the basis in which this committee must be established and operate.

Chair	Independent
Deputy Chair	Independent
Number of Councillors	at least 3
Frequency of Meetings	Quarterly
Location of Meetings	Kununurra
Responsible Shire officer	Director Corporate Services
Committee Administrator	SWEK

ARIC meetings are open to the public unless closed under s.5.23 for specified confidential matters. Reasons for closure must be stated and minuted; decisions to close may be reviewed by the Inspector.

East Kimberley Regional Airport Committee

Development at the East Kimberley Regional Airport (EKRA) is expected to be significant in the medium term. This will most likely result in the operations of the airport becoming larger and more complex as freight and flights to the east coast of Australia become a factor. There is a need for a more focused approach to the management of the strategic direction and the operations of the EKRA. As this is a community asset the Administration considers that a governance committee be formed to perform the function similar to that which a board of directors would.

Number of Councillors	Three
Proxy	One
Frequency of meetings	Quarterly
Location of meetings	EKRA
Responsible Shire Officer	Manager Airports
Committee Administrator	SWEK

EKRA Committee meetings are open to the public unless closed under s.5.23 for specified confidential matters. Reasons for closure must be stated and minuted; decisions to close may be reviewed by the Inspector.

OTHER LEGISLATED COMMITTEES AND PANELS

CEO Review and Selection Panel

The CEO is employed by the Council and the performance of the CEO is to be reviewed at least once in relation to every year of employment. Division 4 of the *Local Government Act 1995* s5.36, s5.39A, s5.39B and s5.39C gives guidance to Councillors on the employment of a CEO and s5.38 indicates that an annual review must take place and this is achieved in accordance with the Panel's Terms of Reference (Attachment 2).

Number of Councillors	Three
Frequency of meetings	As required (at least once a year)
Location of meetings	Kununurra
Responsible Shire Officer	Chief Executive Officer
Committee Administrator	SWEK

Local Emergency Management Committee (LEMC)

The LEMC is established by the respective local government and operates under the provision of the *Emergency Management Act 2005* to plan on behalf of the community. This is a representative committee to provide a network of skills, knowledge and advice to assist the local government in ensuring that the local emergency management arrangements are established for its area.

The LEMC is not an operational response committee and is often confused with the functions of an Incident Management Group or at a larger emergency, the Operations Area Management Group. Members of the LEMC may well be involved with the operational management of an incident as a member of the Incident Management Group or the Local Recovery Coordinating Committee due to the roles they hold in their parent agency. Local government has an important part to play in that it has a legislative responsibility to prepare, plan and have linking arrangements with the appointed agencies.

Number of Councillors	One
Proxy	One
Frequency of meetings	Quarterly and as required during times of emergency
Location of meetings	Alternates between Wyndham and Kununurra
Responsible Shire Officer	Senior Ranger and Emergency Services Coordinator
Committee Administrator	SWEK

Bush Fire Advisory Committee (BFAC)

The function of the Bush Fire Advisory Committee (BFAC) is to provide support and guidance to Bush Fire Brigades and develop interagency strategies in relation to fire management in the Shire. It does this in collaboration with the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) and various other key agencies. The BFAC meets to discuss operational and command and control issues and to advise on matters relating to prosecutions under the *Bush Fires Act 1954*. It also assists in coordinating the activities of the brigades and agencies tasked with fire management with respect to the preparation of firebreaks and general preparedness for fire incidents.

Number of Councillors	Two
Proxy	One
Frequency of meetings	Quarterly
Location of meetings	Kununurra
Responsible Shire Officer	Senior Ranger and Emergency Services Coordinator
Committee Administrator	SWEK

Development Assessment Panels (DAP's)

Council is obliged to nominate members and alternate members for a Development Assessment Panel. The DAP's principal purpose is to deal with major planning proposals - all proposals valued over \$10 million, and subject to the applicant nominating (i.e. opting in), proposals valued between \$2 million and \$10 million. Noting that the State Government is reviewing these thresholds and opt-in provisions at the moment.

The DAP only becomes operational once an application has been lodged.

Number of Councillors	Two
Proxy	Two
Frequency of meetings	As required
Location of meetings	Kununurra and by video conference
Responsible Shire Officer	Director Planning and Community Development
Committee Administrator	Department of Planning

Attachment 3 provides additional information, including consideration to diversity of representation for panel nomination.

REGIONAL REPRESENTATION

WALGA Kimberley Country Zone

The Western Australian Local Government Association (WALGA) is the single association for Local Government, representing the political and strategic interests of Local Government at State and Federal levels. The Shire is a member of WALGA.

Local Governments are grouped into regional bodies called Zones (a geographically based subdivision containing Ordinary Members and is incorporated within a country or metropolitan constituency). The Kimberley Country Zone Membership is made up of the Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome, Shire of Derby/West Kimberley, Shire of Christmas Island and Shire of Cocos (Keeling) Islands.

The roles/functions of a Zone are primarily as follows:

- select a State Council representative;
- consider the State Council agenda;

- provide direction/feedback to their State Councillor;
- develop/advocate positions on regional issues affecting Local Government;
- progress regional Local Government initiatives;
- identify relevant issues for action by WALGA;
- networking and sharing information; and
- contributing to policy development through Policy Units and Policy Forums.

Zones:

- have an integral role in shaping the political and strategic direction of Local Government as a tier of government;
- are responsible for bringing relevant local and regional issues to the State decision making table;
- are a key player in developing policy and legislative initiatives for Local Government; and
- have direct relationships with the State Council of the Association, Policy Units and Policy Forums and the Secretariat of the Association.

Every Zone has at least one representative on the State Council (the Kimberley Zone has 1 – the Zone Chair who is also the State Council representative and the Deputy Zone Chair who is the Deputy State Council Representative). Each representative is primarily responsible for ensuring that the Association is governed in the best interests of all member Local Governments. Representatives are also required to advocate the viewpoints and interests of their Zone on issues under consideration by the State Council. The Shire representatives are the same as for the Kimberley Regional Group detailed below.

Kimberley Regional Group (KRG)

In September 2010 as part of the Western Australian State Government's Local Government reform agenda, the four Kimberley Shires (Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome and the Shire of Derby/West Kimberley) formed the Kimberley Regional Collaborative Group (RCG), formalised with the signing of an agreement with the State Government. The Group was formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across participating local governments.

The RCG was due to terminate on 30 June 2015. In preparation for this, the Kimberley Shires formed a Kimberley Regional Group (KRG) for the purpose of governing and undertaking shared regional initiatives. The KRG has a Kimberley Local Government Governance Agreement between the four Kimberley Shires, which provides the legal framework for the establishment, membership and operation of the Kimberley Regional Group. This agreement was originally signed in February 2014, with the latest version being signed in August 2019.

KRG meetings are held at the same time as the Zone meeting and the committee representatives are the same. Travel is required to each of the zones for the quarterly meetings as well as to Darwin and Perth for conferences generally held once a year.

Number of Councillors	Two
Proxy	Two
Frequency of meetings	Quarterly for the KRG and as required for Zone to consider State Council Agenda items.
Location of meetings	Alternates between zone locations, Teams meetings and in Perth
Responsible Shire Officer	Chief Executive Officer
Committee Administrator	Zone Secretariat (currently SWEK with the assistance of NAJA Business Consulting)

Kimberley Regional Road Group

The Kimberley Regional Road Group is a grouping of the Broome, Wyndham East Kimberley, Halls Creek and Derby-West Kimberley Shires to work on regional road issues. Funding is made from the State Government towards regionally significant projects which municipalities must make submissions for funding. Funding submissions cover Black Spot funding, Aboriginal Access Roads funding, direct funding towards administrative costs and Regional Projects funding.

Number of Councillors	One
Number of proxies	One
Frequency of meetings	Bi-annually
Location of meetings	Rotated through Shire locations
Responsible Shire Officer	Director Infrastructure
Committee Administrator	Main Roads WA

LOCAL REPRESENTATION

Kununurra School and Community Library

The Kununurra School and Community Library Committee provides advice on policy with respect to the running of the Library in Kununurra, which is jointly managed by the Shire and the Department of Education.

Number of Councillors	One
Number of proxies	One
Frequency of meetings	Once each school term
Location of meetings	Kununurra School and Community Library
Responsible Shire Officer	Director Planning and Community Development
Committee Administrator	SWEK

Disability Access and Inclusion Committee

The objective of this Committee is to oversee and advise Council on the implementation, review and evaluation of the Shire's Disability Access and Inclusion Plan (DAIP), which is required under *the Disability Services Act 1993*. The Committee nominally meets annually but meets on a more regular basis when it is tasked to review and update the DAIP and comprises industry representatives - mostly (NDSIS) service providers - as well as community representatives.

Number of Councillors	Two
Number of proxies	One
Frequency of meetings	Annually or as otherwise required
Location of meetings	Kununurra
Responsible Shire Officer	Director Planning and Community Development
Committee Administrator	SWEK

SWEK RoadWise Committee

The WALGA RoadWise Program supports Local Governments, community groups, private businesses and individuals to become involved in local road safety issues. RoadWise achieves this by supporting local road safety committees, providing access to resources and training, and increasing knowledge, which all contribute to building the capacity of local committees to make an effective contribution to improving road safety in their own areas.

Number of Councillors	One
Number of proxies	One
Frequency of meetings	Quarterly
Location of meetings	Kununurra
Responsible Shire Officer	Director Infrastructure
Committee Administrator	WALGA RoadWise

Kununurra Visitor Centre

Tourism is a major economic sector for the Shire and it is important that Council understands the needs and requirements of the sector that impact many areas of Council's work. SWEK is also the owner of Tourism House and therefore has a financial interest in the building.

Number of Councillors	One
Number of proxies	One
Frequency of meetings	Monthly
Location of meetings	Kununurra
Responsible Shire Officer	Chief Executive Officer
Committee Administrator	East Kimberley Visitor's Centre Manager

Kununurra Wyndham Alcohol Accord

The Kununurra Wyndham Alcohol Accord comprises representatives from Industry, Local and State Government and WA Police. The Accord's aim is to address issues associated with the sale and consumption of alcohol. Over the last couple of years the Accord's primary focus has been in relation to liquor restrictions and the enhancement of the Take Away Management System (TAMS) to include a Banned Drinkers Register (BDR). The Accord also advises strategy and policy to Council related to liquor availability and general licensing matters.

Number of Councillors	Two
Number of proxies	One
Frequency of meetings	Bi-monthly
Location of meetings	Kununurra
Responsible Shire Officer	Director Planning and Community Development
Committee Administrator	Kununurra and Wyndham Alcohol Accord

Lake Kununurra Foreshore Reference Committee

The purpose of the Lake Kununurra Foreshore Reference Committee is to update and implement the Lake Kununurra and Aquatic Use Plan. It includes broad representation from relevant government agencies (responsible for foreshore and water management) as well as community representatives.

Number of Councillors	Two
Number of proxies	One
Frequency of meetings	Quarterly
Location of meetings	Kununurra
Responsible Shire Officer	Director Planning and Community Development
Committee Administrator	SWEK

East Kimberley Marketing Group

The East Kimberley Marketing Group was formed as a result of industry forums held in Kununurra during late 2013 and early 2014 when tourism operators came together to try and work out the best way of giving tourism a boost in the region. The East Kimberley Marketing Group's focus is on delivering actions aligned with the SWEK East Kimberley Tourism Action Plan 2022, (now updated) and more specifically Part B – Operational Marketing Plan.

Number of Councillors	One
Number of proxies	One
Frequency of meetings	Monthly
Location of meetings	Kununurra
Responsible Shire Officer	Chief Executive Officer
Committee Administrator	East Kimberley Marketing Group

SHIRE OFFICER REPRESENTATION

Australian Airport Association (AAA)

The AAA is the national voice that represents the interests of over 250 airports and aerodromes Australia wide - from the local country community landing strip to major international gateway airports. Airport members represent vital infrastructure crucial to the communities in which they operate and for the overall national economy.

The AAA facilitates cooperation among airport members and their many and varied partners in Australian aviation, while contributing to an air transport system that is safe, secure, environmentally responsible and efficient for the benefit of all Australians and visitors.

Shire Officer	Chief Executive Officer
Number of proxies	Manager Airports
Frequency of meetings	Annual
Location of meetings	Various locations throughout Australia
Responsible Shire Officer	Chief Executive Officer

STATUTORY IMPLICATIONS

[Local Government Act 1995](#)

- 5.8. Establishment of committees
- 5.9. Committees, types of
- 5.10. Committee members, appointment of
- 5.11A. Deputy committee members
- 5.11. Committee membership, tenure of

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item other than the commitment of human resources and time to attend/administer the respective committees. The Annual Budget provides the resources to meet the costs of attending and administering these committees.

STRATEGIC IMPLICATIONS

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

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

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

The Shire's Community Engagement Policy has been considered in relation to this item. No community engagement is required.

ATTACHMENTS

Nil

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. DRAFT COMMUNITY SAFETY PLAN 2025

AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
FILE NO:	CS.09.1
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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119293

Moved: Cr T Chafer

Seconded: Cr K Bond

That Council endorse the Draft Community Safety Plan 2025-2030, as presented in Attachment 1, for community and stakeholder engagement.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

This report presents the draft Community Safety Plan 2025-2030 for the Shire of Wyndham East Kimberley. The plan outlines a strategic framework to enhance community safety and liveability by addressing key issues identified in the plan. The draft is presented for Council to endorse the draft document for the purposes of community and stakeholder engagement. All feedback from the community will be considered, and amendments will be made as necessary. An updated version will subsequently be presented to Council for formal adoption at a future Ordinary Council Meeting.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Community Safety Plan 2025-2030 has been developed to align with the Shire's Strategic Community Plan 2023–2033 and reflects the community's vision of creating a more liveable, connected, and sustainable future. The plan is structured around four key outcomes:

1. Awareness and Action: Empowering the community through education and participation to enhance safety awareness and proactive behaviour.
2. Safe Physical Environment: Designing public spaces to reduce crime and foster vibrant, active community life.
3. Families, Children, and Young People: Supporting families and youth to break cycles of disadvantage and promote positive choices.

4. Alcohol and Other Drugs: Reducing harm caused by alcohol and drug misuse through advocacy and support services.

The Community Safety Plan will serve as a key informing document within the Integrated Planning and Reporting Framework. It will act as the principal guiding document for Goal 1 of the Strategic Community Plan, which focuses on Safe Communities. The plan will aim to:

- Provide the Shire with an overview of current local community safety issues.
- Draw together information about existing programs and services, as well as draw on the capacity of prospective partners in relation to the efficient and effective use of available resources.
- Enable Council to make informed decisions about community safety priorities.

The Shire's previous Community Safety Plan was adopted by Council in 2009.

COMMENTS

The draft Community Safety Plan 2025-2030 is informed by the Shire's Strategic Community Plan, community feedback, WA Police crime statistics, and the 2024 Community Scorecard Survey. It takes a community centric approach by addressing local priorities such as emergency management, anti-social behaviour and alcohol abuse, while also focusing on early intervention and prevention. The plan incorporates demographic data, crime trends, and early childhood development metrics to inform collaborative solutions to the Shire's unique needs.

Following feedback from community and key stakeholders the draft plan will be updated and presented to Council for adoption. This will provide an opportunity for residents and stakeholders to further contribute their perspectives, ensuring the plan is inclusive and widely supported.

During the finalisation stage, officers will identify new measures to regularly assess progress toward safety outcomes, complementing existing quarterly and annual reports on crime rates, ranger activities, and hospital presentations in Kununurra, Wyndham, and the Shire. This will be incorporated as a "Measuring Progress" section within the document. The Community Perceptions Scorecard Survey serves as an indicator of public perception regarding community safety. Effective assessment of community safety necessitates a comprehensive approach that integrates both quantitative and qualitative data, aligned with the community-focused outcomes and objectives outlined in the draft plan.

STATUTORY IMPLICATIONS

Section 1.3 of the Local Government Act 1995 requires the Shire in carrying out its functions as a local government to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

The updated Community Safety and Crime Prevention Plan will be a supporting and informing plan in the Integrated Planning Framework and in-turn supports the requirements of *Section 5.56 of the Local Government Act (1995)* to 'Plan for the Future' of the district.

The Shire has several statutory implications relating to community safety through its Local Laws and through its designated role in a range of State legislation including:

- *Health Act (1911)*
- *Bush Fires Act (1954)*
- *Dog Act (1976)*
- *Control of Vehicles (Off-Road Areas) Act (1978)*
- *Litter Act (1979)*
- *Environmental Protection Act (1986)*
- *Liquor Control Act (1988)*
- *Caravan Parks and Camping Grounds Act 1995*

- *Emergency Management Act (2005)*
- *Tobacco Products Control Act (2006)*
- *Food Act (2008)*
- *Biosecurity and Agriculture Management Act (2007)*
- *Cat Act (2011)*
- *Building Act (2011)*

POLICY IMPLICATIONS

The following Council policies are relevant to the development of a community safety plan for the Shire of Wyndham East Kimberley:

Safety-Specific Policies

- POL-1021: Work Health and Safety
- POL-1011: Risk and Opportunity Management
- POL-1015: Surveillance Devices

Community-Related Policies with Safety Implications

- POL-3000: Community Engagement
- POL-3001: Community Development
- POL-3004: Alcohol Management
- POL-3008: Leasing of Council Managed Reserve Land - Community

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Goal 1: Safe communities - A community where we all feel safe

Goal Outcome 1.1: Community Awareness - Community are aware and understand how to stay safe and prevent crime

Goal Outcome 1.2: Safe Physical Environment - People feel safe on the streets and in public areas and can engage in healthy vibrant active lives

Goal Outcome 1.3: Families, Children, Young People - Families are supported and children and young people make better choices

Goal Outcome 1.4: Alcohol and Other Drugs - Less alcohol and drug related harm in the community

Strategy 1.1: The Shire will work to improve the distribution and awareness of information and resources on safety and crime prevention

Strategy 1.2: The Shire will design places, spaces and buildings following designing out crime principles and strategies to counter and reduce crime and anti-social behaviour

Strategy 1.3: The Shire will advocate for greater support for families, children and young people

Strategy 1.4: The Shire will advocate for services to support the reduction of alcohol and drug related harm

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 Plans and Annual Budget.

Control: Developing a Community Safety Plan will assist the Shire in planning future operational and capital expenditure in achieving the goals and outcomes set out in the Strategic Community Plan.

FINANCIAL IMPLICATIONS

There are no additional financial implications to those already accommodated in the Shire's current operational budget and all work associated with the preparation of the draft document has been done in-house. The Plan will help identify future funding needs and potential funding bodies to assist with implementing strategies.

COMMUNITY ENGAGEMENT

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

- Development of the Strategic Community Plan 2023-2033
- Previous engagement with WA Police and other state agencies
- Community Perceptions survey 2024
- Community feedback about safety from the Kununurra Reimagined project

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

- Invite community members and key stakeholders to comment on the draft plan

ATTACHMENTS

1. Attachment 1 - Draft Community Safety Plan 2025-2030 [**12.3.1.1**]

12.3.2. AMENDMENTS TO SHIRE MANAGED RESERVES – WYNDHAM

AUTHOR:	Acting Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
ASSESSMENT NO:	A5002P/A5000P/A5003P
FILE NO:	LP.06.3
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119295

Moved: Cr B Robinson

Seconded: Cr M Dear

That Council:

1. In accordance with section 51 of the *Land Administration Act 1997*, authorises the Chief Executive Officer to submit a Crown Land Enquiry form with the Department of Planning Lands and Heritage seeking the approval of the Minister for Lands to:
 - a. Amalgamate all land and buildings contained within the land described as Lot 1313 on DP174785 being Reserve 30798 into the adjoining Lot 991 on DP168933 being Reserve 26907;
 - b. Excise a portion of land, buildings and improvements contained within Lot 1267 on DP170955 being Reserve 27757 as shown on the attached Site Plan dated 23/10/2025 and amalgamate that portion of land into Reserve 26907 as amended in accordance with 1 a) above;
 - c. Cancel Reserve 30798; and
 - d. Amend the Management Order, document I652172, as it applies to Reserve 26907 as necessary to reflect changes foreshadowed in 1 a) and b) above.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

For Council to authorise modifications to three Shire managed Crown Reserves to assist with the future progress of the Wyndham Community Hub redevelopment project.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Council has initiated planning for the expansion and redevelopment of the Shire's primary recreational facilities in Wyndham located on Reserves near the intersections of Koolama Street, Civic Way and St. Pauls Way, Wyndham. Whilst the planning of those spaces is currently in the conceptual design stage, it is evident that any expanded footprint will necessarily extend northwards from the existing recreational building towards the swimming pool.

- The two multipurpose courts and associated facilities are wholly located on Reserve 26907 which is vested to the Shire with the ascribed land use, Civic Purpose and Recreation;
- The swimming pool and ancillary buildings are located on a separate lot being Reserve 30798 which is vested to the Shire with the ascribed land use, Swimming Pool; and
- There is a further Reserve located immediately north of the swimming pool reserve – Reserve 27757 that is vested to the Shire with the ascribed land use, Clubs. That reserve is largely vacant, however, a shade structure and section of the pool's perimeter fencing have been constructed on a portion of the Reserve and the shade structure straddles the cadastral boundary of Reserves 27757 and 30798.

A survey plan, prepared by a licensed land surveyor will be prepared to accurately depict the proposed modifications to the current and proposed amendments, however, concept plans are provided now to illustrate the proposed changes and intent.

Plans of the current and proposed land assembly are provided at Attachment 1.

COMMENTS

It is proposed to rationalise the current land assembly to facilitate the proposed Wyndham Community Hub by:

1. Amalgamating Reserve 30798 (Swimming Pool) with the adjoining Reserve 26907 (Civic and Recreation);
2. Excising a portion of Reserve 27757 (Club) into the amended Reserve 26907.

The above actions are being proposed to remove the impediment that the cadastral boundary between Reserves 26907 and 30798 creates for the future issue of a building permit, noting that a building permit cannot be issued for a building that extends over two separate land parcels. The inclusion of land from Reserve 27757 into Reserve 26907 addresses existing encroachments and will create clearer options for future improvements to the amenity of the pool.

The amalgamation is viewed as being an uncontentious matter insofar that all the parcels are currently managed by the Shire and the intended new development is consistent with the purposes of the current and proposed management orders. Similarly, all of the land parcels are Zoned Rural Townsite under the Shire's Local Planning Scheme No.9 there is no impediment to the proposed changes from a land use planning perspective.

In order to progress this matter it will be necessary for the Council to lodge a Crown Land Enquiry with the Department Planning Lands and Heritage (DPLH) to initiate the action. The Council will be liable for costs to prepare a survey of the proposed amendments and also for modifications to consolidate the power and water services to the property. Those costs have been identified for inclusion in the budget for the proposed building works.

STATUTORY IMPLICATIONS

Local Planning Scheme No. 9: All lots have same Zoning of Rural Townsite.

Land Administration Act 1997 – Under Section 51 the Minister may by order cancel, change the purpose of, reduce the area of, excise an area from or amend the boundaries of, or the locations or lots comprising, a reserve.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area: Liveability

Goal 2: Healthy communities - Encouraging active, healthy lifestyles

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

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

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

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

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: Council by way of resolution can seek Minister's Approval to modify the current land assembly to remove barriers to design and the future issue of a building permit.

FINANCIAL IMPLICATIONS

Action will require survey to be provided and future rationalisation of water and power services. Costs for that work identified within broader project.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

Not required - There has been initial consultation with stakeholders about the future community hub, however, modifications to the land assembly does not introduce a material change to the current management and use of the land.

ATTACHMENTS

1. Attachment 1 - Wyn Com Hub - Reserve Details [12.3.2.1]
2. Attachment 2 - Wyndham Community Hub - Proposed Land Assembly [12.3.2.2]

12.4. CORPORATE SERVICES

12.4.1. MONTHLY FINANCIAL REPORT

AUTHOR:	Finance Coordinator
RESPONSIBLE OFFICER:	Alexandra Bell, 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

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119296

Moved: Cr T Chafer

Seconded: Cr B Robinson

That Council receives the Monthly Financial Report for the period ended 30 September 2025.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

To present the Monthly Financial Report for the period ended 30 September 2025, for Council's consideration, in accordance with statutory requirements.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council is required to prepare monthly financial statements in accordance with Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996*. Council adopted materiality thresholds of 10% or \$50,000 for reporting variances at the Ordinary Council Meeting held on 22 October 2024.

COMMENTS

Council officers have prepared the Monthly Financial Report with variance analysis of income and expenditure where actuals differ from budget by more than 10% or \$50,000. Details are provided in Note 3 - Explanation of Material Variances on page 6.

In accordance with Regulations 34(4) and 35(2), the financial statements will be presented to Council within two months after month-end and recorded in the minutes.

Note: The financial figures reported as at 30 September 2025 remain subject to adjustment. The 2024/2025 end-of-year journals have not yet been finalised and the annual audit is in progress. Accordingly, balances relating to Work in Progress, Capitalisation, Reserve movements, contract liabilities, and other balance day adjustments are provisional at this stage. In addition, income and expenditure figures are subject to change due to timing differences and the ongoing accrual of year-end expense provisions. Preparation of the 2024/2025 Financial Statements is substantially complete, with the external audit scheduled for 13–17 October 2025.

STATUTORY IMPLICATIONS

[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)
[Regulation 35 of the Local Government \(Financial Management\) Regulations 1996](#)

POLICY IMPLICATIONS

Significant Accounting Policies have been applied in the preparation of the report.

STRATEGIC IMPLICATIONS

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

Focus Area: Sustainability

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

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

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

RISK IMPLICATIONS

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

Controls: Monthly Financial Report and List of Accounts Paid reported to Council monthly as required by Legislation and Regulations (including Regulation 13 regarding monthly lists of accounts/payments).

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.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

ATTACHMENTS

1. Attachment 1 - September 25 Financial Report Print [**12.4.1.1**]

12.4.2. LIST OF ACCOUNTS PAID FROM MUNICIPAL FUND AND TRUST FUND

AUTHOR:	Finance Coordinator
RESPONSIBLE OFFICER:	Alexandra Bell, Director Corporate Services
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119297

Moved: Cr T Chafer

Seconded: Cr B Robinson

That Council receives the List of Accounts Paid from the Municipal Fund for the period 1 – 30 September 2025 comprising:

Municipal fund payments (1 – 30 September)	\$3,779,805.48
Payroll (1 – 30 September)	\$560,400.53
<u>Direct debits, August credit card, (1 – 15 September)</u>	<u>\$29,963.92</u>
Total	\$4,370,169.93

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

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

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

In accordance with Council's Delegations Register (adopted 27 February 2024), delegation to the CEO exists under Regulations 12 and 13 of the *Financial Management Regulations 1996* for payment authorisation from the Municipal and Trust Funds.

COMMENTS

A list of all payments from the Municipal and Trust Funds is prepared monthly, in accordance with statutory requirements. It includes the supplier's name, amount, date, and transaction description.

The list is tabled at the next Ordinary Council Meeting and entered into the minutes. Purchasing card transactions by staff, as required under Regulation 13A, are included in the attached report.

STATUTORY IMPLICATIONS

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

[Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO](#)

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.](#)

[13A. Payments by employees via purchasing cards](#)

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2023-2024 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy *POL-2004 Purchasing*.

STRATEGIC IMPLICATIONS

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

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

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

RISK IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

All payments are in line with the 2025–26 Adopted Budget and any approved budget amendments. The report ensures Council has visibility over the financial transactions of the Shire.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - List of Accounts Paid September 2025 [12.4.2.1]

12.4.3. SUPERANNUATION PAYMENTS FOR ELECTED MEMBERS

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Alexandra Bell, Director Corporate Services
FILE NO:	
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119298

Moved: Cr T Chafer

Seconded: Cr B Robinson

That Council resolves to treat allowances and entitlements to Elected Members, including superannuation payments, under the provisions of the *Local Government Act 1995*.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

The purpose of this report is to seek Council approval to opt into the provisions of the Local Government Act 1995, enabling the Shire to make compulsory superannuation contributions on behalf of Elected Members.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Under the Section 5.99B(2) of the *Local Government Act 1995*, local governments may decide to pay superannuation contributions to its Council Members. This was provided for in the 2025/26 Annual Budget and adopted by Council with an absolute majority. The policy *POL-1001 Elected Member Allowances and Entitlements* was amended to reflect payments to Elected Members. The decision to make these contributions ensures alignment with current superannuation laws and is intended to provide Elected Members with the same retirement benefits as other employees of the local government.

The Shire of Wyndham East Kimberley is classified as Band 2 and is subject to specific guidelines related to the remuneration and allowances for Elected Members, including the provision for superannuation contributions. Currently the Shire processes payments for Elected Members under the provisions of the *Local Government Act 1995*. This means the payments are processed as if the

Elected Members are suppliers to the Shire as they are not employees. Superannuation payments will be calculated at the legislated percentage of Elected Member allowances and paid directly to the relevant superannuation funds. The scheme is designed to provide greater financial security for Elected Members after their term of service.

An alternate method of processing the payments is to process them with reference to the *Taxation Administration Act 1953* and the *Superannuation Guarantee (Administration) Act 1992*. This would require Elected Member remuneration to be processed through the payroll system. This option would have different tax and superannuation implications for Elected Members and different obligations for the Administration.

Advice the Shire Administration has received is that Council needs to formally decide whether to have the Elected Member remuneration paid through the *Local Government Act 1995* process as is currently done or to switch to the process whereby the payments will be processed through the payroll system.

This matter has not previously been presented to Council.

COMMENTS

Under the *Local Government Act 1995*, the Shire can treat Elected Members as suppliers or independent contractors as is being done at present. Sitting fees and other allowances are paid through the Accounts Payable system and not the payroll system. This means that PAYG tax is not withheld and any tax implications becomes the responsibility of the elected members. Superannuation will be treated similarly and paid directly to the superannuation fund of the Elected Members choice.

If Council decides not to opt into the *Local Government Act 1995* provisions, superannuation contributions can be made under the *Taxation Administration Act 1953* and the *Superannuation Guarantee (Administration) Act 1992* (SGA Act). Under this legislation, sitting fees or allowances paid to Elected Members would be treated similarly to employee remuneration, triggering superannuation contributions to be made. However, the key difference is that, although Elected Members are not employees under the *Fair Work Act 2009*, if paid sitting fees or allowances, they would still be entitled to superannuation contributions under the SGA Act but they may be subject to PAYG withholding tax.

In this scenario, the Shire would typically need to process these payments through the PAYG payroll system. This will complicate the Administration process as the timing and allocation of staff payments and Councillor payments are very different. The Administration would prefer to keep the process for staffing costs and Councillor remuneration separate.

STATUTORY IMPLICATIONS

The requirement for superannuation payments for Elected Members is outlined in the *Local Government Act 1995*, specifically under the following sections:

- Section 5.98: Remuneration and allowances for local government Elected Members
- Section 5.99: Payments of allowances to Elected Members

As a Band 2 Shire, the Shire must comply with these provisions if opting into the superannuation scheme.

Alternatively, if the Shire does not opt into the Local Government Act provisions, superannuation can be paid under the *Superannuation Guarantee (Administration) Act 1992*, which outlines the superannuation guarantee system and applies to payments like sitting fees.

POLICY IMPLICATIONS

There are no further policy implications arising from this item as policy POL-1001 Elected Member Allowances and Entitlements already provides for superannuation.

STRATEGIC IMPLICATIONS

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

Focus Area: SUSTAINABILITY

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

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

RISK IMPLICATIONS

Risk: Failure to create and maintain an organisational culture which promotes a safe and positive work environment, fosters employee satisfaction, motivates employees to perform and increases organisational effectiveness.

Control: The Shire will ensure compliance with the *Local Government Act 1995* through adopting fair and competitive remuneration practices, including superannuation contributions for Elected Members, to attract and retain capable leaders who can drive the Shire's vision and objectives effectively.

FINANCIAL IMPLICATIONS

There are no additional financial implications relating to this matter as the amount to be disbursed for superannuation for Councillors has been provided for in the annual budget.

Current and Future Asset Considerations

There are no asset considerations for this report.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

Nil

12.5. INFRASTRUCTURE

12.5.1. KUNUNURRA CEMETERY – CAPACITY AND FUTURE PLANNING

AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
ASSESSMENT NO:	A5564
FILE NO:	CP.08.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119299

Moved: Cr K Bond

Seconded: Cr T Chafer

That Council:

1. Notes that the Kununurra Cemetery, located at Lot 241, Reserve 26765, Hidden Valley Road, Kununurra, is projected to reach full capacity by 2027.
2. Notes that there is currently no identified or available replacement land suitable for future cemetery use within the Kununurra townsite.
3. Requests the Chief Executive Officer to:
 - a. Commence community engagement to inform the public of the calculated end of life of the Kununurra Cemetery and seek community feedback on future burial service preferences.
 - b. Continue consultation with Aboriginal Corporations and relevant State Government agencies to explore viable long-term alternatives, including shared regional arrangements.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

To inform Council that the Kununurra Cemetery is expected to reach full occupancy within approximately two years and to outline the challenges, statutory context, and potential options for the continued provision of cemetery services in the East Kimberley region.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council Briefing Session (12 September 2023): The initial report highlighted the projected exhaustion of burial space within five years and the absence of suitable alternative land within Kununurra.

Audit (Finance & Risk) Committee (4 March 2025): An updated assessment confirmed accelerated occupancy trends, now projecting full capacity by 2027. The Committee recommended that Council acknowledge the situation and initiate public and interagency consultation.

COMMENTS

Current Status

The Kununurra Cemetery is located at Lot 241, Reserve 26765, Hidden Valley Road, Kununurra. A review of plans of the existing site with occupancy records estimates that full occupancy of the Kununurra Cemetery may be reached within 2 years. Based on this estimate, alternatives need to be considered for the possibility of ongoing provision of service. Several options are put for discussion.

Access to a New Cemetery Location

The administration has reviewed possible alternative locations based on the following;

- **Local zoning laws and regulations:** It is important to ensure that the chosen location is zoned for cemetery use and that it complies with any local laws and regulations related to land use, construction, and environmental concerns.
- **Accessibility:** The cemetery should be easily accessible for mourners and funeral processions. It is important to consider factors such as distance from major roads, availability of public transportation, and proximity to population centres.
- **Land availability:** The cemetery requires a significant amount of land to accommodate burials, headstones, and other facilities. The location should have enough space to accommodate both current and future needs.
- **Environmental considerations:** The cemetery should be located in an area that is not prone to flooding or other natural disasters, and should be situated away from environmentally sensitive areas, such as wetlands or wildlife habitats.
- **Community sentiment:** The community's feelings about the cemetery should be taken into account. Some communities may be more open to having a cemetery nearby than others, and it is important to consider any potential objections or concerns from local residents.
- **Cultural and religious considerations:** Different cultures and religions have their own burial customs and traditions. When selecting a location for a cemetery, it is important to consider the needs and preferences of the communities it will serve.
- **Future growth and development:** The cemetery should be located in an area that is not likely to be developed in the future, as this could lead to the need for exhumation and relocation of graves. It is also important to ensure that the location will be able to accommodate future growth and expansion of the cemetery.

The administration has reviewed options, using diminishing considerations of potential requirements, and has not found any available land that is not subject to flooding, shallow rock geology, water logging, proximity to townsite or undesirable (immediately adjacent to the airport), under 'A: class

reserve or may require independent renegotiation or purchase. It is most unlikely that suitable land can be found that would not be subject to purchase or Native Title.

Expiry of Lease After 25 Years

The Cemeteries Act 1986, Division 2, 25.

- d) A Board may grant to a person for a term of 25 years the right of burial in a specified area of a cemetery and the right to place a memorial on that area.*
- d) Where the holder for the time being of a grant of a right of burial applies to the Board for the renewal of the grant the Board shall renew the grant for a further term of 25 years.*
- d) A right of burial granted under this section shall be subject to such conditions as may be prescribed by local law or by-law.*
- d) A right of burial granted under the Cemeteries Act 1897 or renewed under subsection (2) may, if the Board and the holder for the time being of the grant agree, be renewed from time to time for a further term not exceeding 25 years in the case of any one renewal.*

Under Section 25 of the Cemeteries Act 1986, burial rights are granted for a 25-year term, renewable for successive 25-year periods by agreement. While metropolitan local governments often manage cemeteries on this temporary tenancy basis, the practice is not culturally appropriate for many Aboriginal and regional communities in the North West. Introducing time-limited tenures may therefore be socially and culturally unacceptable within Kununurra

Consultation with Aboriginal Corporations

Discussions have been attempted with MG Corporation, Waringarri Aboriginal Corporation, and Balanggarra Aboriginal Corporation regarding both tenure arrangements and the potential identification of new cemetery land. Responses to date have been limited or non-committal. Continued engagement is recommended, given the significant cultural sensitivities surrounding burial practices and land use.

Cessation of Services

It is possible for a shire or local government to stop providing funeral services due to a lack of available land for cemetery development.

The Shire may need to make difficult decisions about how to allocate resources and prioritise services. This could involve reducing or eliminating funeral services or exploring alternative options (approaching others for land), such as partnering with nearby communities or private providers to provide funeral and burial services.

It is important to note that the decision to stop providing funeral services would likely have significant impacts on the community and should be made only after careful consideration of the social, cultural, and economic factors involved. It is also important to consider alternative options are available and accessible to all members of the community, regardless of their socioeconomic status or cultural background.

Research has been conducted on capacity at Wyndham Cemetery (attached concept plan) that identifies that at maximum yield design, there are 2098 plots available, although this is likely to be less to enable tree planting and rest areas for visitors. Standard plot size is 1.2m by 2.4m at 2m spacings. 3.1m has been allowed to enable access by construction vehicles. Plots have also been correctly realigned to face East. Based on average occupancy rates by available plots, the Wyndham site will cater to the Shire well into the future if Kununurra residents are prepared to use that location.

Additional Comments:

The Department of Planning, Lands and Heritage (DPLH) has provided assistance in identifying areas that are unsuitable or unavailable for cemetery development, they have not been able to provide advice on potential suitable location/s to date. Planning and development of a viable site will

take a minimum of three years for a new cemetery (best estimate), so regardless of any forward actions to establish a new site, there would now be a corresponding absence of services until a new site can be established.

Per previous verbal advice, it is proposed to start media advice to gauge general public sentiment around the expiry of this service, and if there is significant interest in continuance, that a report is made back to Council, requesting political support in order to seek a higher level of interest to progress by State Agencies.

STATUTORY IMPLICATIONS

Cemeteries Act 1986
Cemeteries Local Law 2003

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Goal 6: Accessible places - Places that are connected, accessible and well maintained

Goal Outcome 6.2: Access to services - Attractive and resilient Town Centres that connect residents and visitors to shops and services

RISK IMPLICATIONS

Risk: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

Control: Provide enough time to notify the community of impending cessation of services in the Kununurra Townsite.

FINANCIAL IMPLICATIONS

If the current site is closed, there will remain ongoing general maintenance. Should a new site be considered, and land become available, there will be land acquisition costs, possible heritage, environmental and site establishment costs.

Current and Future Asset Considerations

Kununurra Lot 241, Reserve 26765 Barringtonia Avenue, being Kununurra Cemetery will reach full occupancy in 2027 (calculated) there currently being no replacement plan for this service.

COMMUNITY ENGAGEMENT

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

- Media notification of full occupancy by 2027 (calculated) of Kununurra Cemetery.

- Consultation with Traditional Owner groups, community organisations, and the broader public.

ATTACHMENTS

1. Attachment 1 - Wyndham Cemetery Concept Plan [**12.5.1.1**]

12.5.2. REQUEST TO REMOVE TREE

AUTHOR:	Manager Operations
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
ASSESSMENT NO:	Adjacent to A1127
FILE NO:	A1127D
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119300

Moved: Cr K Bond

Seconded: Cr T Chafer

That Council resolve to decline the request to remove Boab Tree, adjacent to Ord Valley Aboriginal Health Services (OVAHS), Ironwood Drive, Kununurra.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

Consider a request to remove a tree, submitted by the property owner, on the basis that it may potentially affect the property's underground scheme power connection.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

This matter has not been previously considered by Council.

COMMENTS

The adjacent property owner, Ord Valley Aboriginal Health Service Aboriginal Corporation (OVAHS), have requested the removal of a verge tree, that they suggest may have potential to affect property connection to underground power.

This tree is located on Ironwood Drive, on the north side of the road at the entry to OVAHS and is situated approximately 4 meters from the site power supply box. OVAHS have suggested that root intrusion *may* affect the site power supply.

It is important to note that all trees located in proximity to services, such as power lines and connections, have some potential to affect those services. However, the Shire has a policy that encourages the planting and preservation of trees in our townsites to enhance the local environment.

Council has historically taken a strong stance on increasing the number of trees planted in townsites. The administration is continuing to work on this initiative, including upcoming presentations to Council that will further address the importance of tree planting and maintenance in urban areas.

Shire Officers further understand that at the time of the installation of the utilities in question that there was a strong desire to preserve the tree. To this end, services were located in such a manner that the tree would not impact on the power supply.

A final consideration is that after community consultation the tree may need to be relocated. The financial cost of doing this is estimated to be more than \$20,000.

STATUTORY IMPLICATIONS

Under the *Local Government Act 1995*, the Council has the authority to make decisions regarding the management of public land and assets, including trees on verges and public spaces. Any removal or modification of trees must comply with the requirements set out in *POL-4016 Shire Tree Removal* policy.

POLICY IMPLICATIONS

This matter is governed by policy *POL-4016 Shire Tree Removal*, which outlines the circumstances under which trees can be removed or pruned. It is important that the policy is adhered to when making decisions regarding the removal of public trees.

STRATEGIC IMPLICATIONS

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

Focus Area: Liveability

Goal 6: Accessible places - Places that are connected, accessible and well maintained

Goal Outcome 6.1: Towns are easy to get around safely and sustainably - Places are connected by safe, accessible, well maintained roads, footpaths, cycle ways and trails.

Strategy 6.2: Plan and deliver vibrant, attractive town centres that support services for residents and visitors

RISK IMPLICATIONS

Risk: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

Control: Ensure decisions are made in line with Council Policy and relevant legislation. The risk of damage to underground services should be mitigated through careful monitoring of tree root growth.

FINANCIAL IMPLICATIONS

There are no financial implications, as the officer's recommendation is to decline the request for tree removal, and therefore no costs will be incurred.

Should Council resolve to remove the tree, costs will be incurred for removal, disposal, and any necessary restoration of affected area, with quotes to be obtained for these works in line with the POL-2004, Purchasing. The estimate for the removal of the tree is approximately \$10,000 and should it need to be relocated the cost would be more than \$20,000.

Current and Future Asset Considerations

This request to remove a tree may impact the landscape and aesthetic value of the area. Additionally, any future planning for the preservation and planting of trees in urban spaces should consider potential impacts on infrastructure and services.

COMMUNITY ENGAGEMENT

Community engagement is not required for this item as it is guided by policy *POL-4016 Shire Tree Removal*. However, should community engagement become necessary, the Shire will proceed in accordance with *POL-3000 Community Engagement*.

ATTACHMENTS

1. Attachment 1 - POL-4016 Shire Tree Removal V1.0 N-50111 [**12.5.2.1**]
2. Attachment 2 - Boab Location [**12.5.2.2**]
3. Attachment 3 - Tree Street View [**12.5.2.3**]

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

PROCEDURAL MOTION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119301

Moved: Cr D Menzel

Seconded: Cr S Timms

That Council closes the meeting to the members of the public at 5:38pm to consider Matters Behind Closed Doors listed at item 10.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr McNeil, Cr B Robinson, Cr S Timms.

Against: Nil

16.1. CONSIDERATION OF PURCHASE OF CONCRETE CRUSHING PLANT

AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	PH.14.6
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Executive Function
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119302

Moved: Cr T Chafer

Seconded: Cr C Cane

That Council

1. Approves the transfer of \$320,000 from the Waste Management Reserve to Heavy Plant – Purchase Price (GL 04140810) to enable the purchase and installation of second-hand crushing equipment and associated equipment; and
2. Authorises the Chief Executive Officer to procure and install suitable second-hand crushing plant and associated equipment, in accordance with the Shire's Purchasing Policy.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

PURPOSE

To consider the purchase of a second-hand concrete crushing plant for use at the Kununurra Landfill and future Shire gravel extraction sites.

MATTER WAS CONSIDERED BEHIND CLOSED DOORS

This item was considered behind closed doors as per the *Local Government Act 1995*:

[Section 5.23. \(2\) \(e\)](#)

PROCEDURAL MOTION / COUNCIL DECISION

Minute Number: 28/10/2025 - 119303

Moved: Cr D Menzel

Seconded: Cr M Dear

That Council reopens the meeting to the public at 5:39pm.

Carried: 8/0

For: Cr D Menzel, Cr T Chafer, Cr K Bond, Cr C Cane, Cr M Dear, Cr B Robinson, Cr S Timms.

Against: Nil

Decisions made behind closed doors were read aloud for the gallery and those viewing via the livestream.

17. CLOSURE

Cr D Menzel declared the meeting closed at 5:41pm.