

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Agenda

30 September 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 AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON MONDAY 29 SEPTEMBER 2025 AT 5:00PM**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**
- 3. DECLARATION OF INTEREST**
- 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 5. PUBLIC QUESTION TIME**
- 6. APPLICATIONS FOR LEAVE OF ABSENCE**
- 7. PETITIONS**
- 8. CONFIRMATION OF MINUTES**
- 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**
- 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
- 12. REPORTS**
 - 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

12.2. OFFICE OF THE CEO

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. ADOPTION - SCHEME AMENDMENT NO.2

AUTHOR:	Planning Officer
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
FILE NO:	LP.04.62
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

Caretaker Statement: *The recommendation in this report relates to the progression of a statutory planning scheme amendment under the Planning and Development Act 2005. While scheme amendments can represent a significant policy decision, in this instance the amendment is administrative in nature and does not constitute a major policy decision as defined under section 4.87 of the Local Government Act 1995. The matter is therefore considered appropriate for determination during the Caretaker Period.*

That Council:

1. Notes that no submissions were received during the advertising period for Amendment No.2 to the Shire of Wyndham – East Kimberley Local Planning Scheme No.9
2. Resolves, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support Amendment No.2 to the Shire of Wyndham East – Kimberley Local Planning Scheme No.9 without modification.
3. Requests the Chief Executive Officer to forward this resolution, the amendment documentation and the required information pursuant to regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Western Australian Planning Commission for consideration and determination by the Minister for Planning.

PURPOSE

For Council to adopt amendment No.2 to the Shire's Local Planning Scheme No.9.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council, in July 2025, agreed to advertise the second amendment to Local Planning Scheme 9, being a standard amendment, to incorporate the mandatory and additional updates to align with the recent Short-term Rental Accommodation (STRA) planning reforms introduced by the State Government.

The amendment was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 29 July to 8 September 2025.

No submissions were received during the advertising period.

STATUTORY IMPLICATIONS

The proposed amendment is consistent with the requirements of:

- *Planning and Development Act 2005*, which mandates that local planning scheme comply with state planning regulations.
- *Planning and Development (Local Planning Schemes) Regulations 2015*, regarding required updates to zoning tables, land use definitions, and consistency with state exemptions for STRA.
- *Guidelines issued by the Western Australian Planning Commission (WAPC)* for implementing STRA reforms, ensuring state-wide consistency while allowing flexibility for local conditions.

POLICY IMPLICATIONS

It is proposed that a new Planning Policy will be prepared once the Amendment has been finalised to provide information and guidance to parties seeking to establish and operate Short Term Accommodation developments.

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Goal 3: Access to housing - There are housing opportunities for everyone

Goal Outcome 3.1: Housing Supply - The supply of housing meets current and future demand

RISK IMPLICATIONS

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

Control: Ensure proposed amendments to the Local Planning Scheme are undertaken in accordance with LPS 9, the adopted strategic framework and the applicable regulations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposal.

Current and Future Asset Considerations

Not applicable.

COMMUNITY ENGAGEMENT

In line with the relevant statutory requirements, engagement included:

- Display of a public notice at the Shire administration offices, libraries and on the Shire website; and
- Display of the amendment documentation for public inspection.

The advertising period took place between 29 July and 8 September 2025. No submissions were received.

ATTACHMENTS

1. Attachment 1 - SWEK Scheme Amendment 2 [**12.3.1.1** - 13 pages]

12.3.2. WORKFORCE ACCOMMODATION - LOT 1503 POINCIANA STREET, KUNUNURRA

AUTHOR:	Tinka Hui, Planning Officer
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
ASSESSMENT NO:	A1078P
FILE NO:	DA47/25
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

***Caretaker Statement:** The recommendation contained in this report relates to a statutory development application determined under the Planning and Development Act 2005 and does not constitute a major policy decision as defined under section 4.87 of the Local Government Act 1995. It is therefore permitted to be considered during the Caretaker Period.*

That Council grants approval DA47/25 to use and develop land at Lot 1503 (9) Poinciana Street, Kununurra for workforce accommodation, subject to the following conditions:

- 1. The workforce accommodation shall not accommodate more than seven (7) persons at any one time. The eighth (8th) room is to be used solely as a spare room and shall not be used for accommodation at any time.**
- 2. The workforce accommodation shall not be separately leased or rented and shall only be used to accommodate seasonal workers directly employed by the business. The occupation of the workforce accommodation by any person is limited to a maximum of six (6) months in any twelve (12) month period. Any change of use will require consent from the local government.**

PURPOSE

For Council to decide on an application for development approval.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

An application for development approval has been lodged by Guerinoni Investment Pty Ltd for additional workforce accommodation at Lot 1503 (9) Poinciana Street, Kununurra. The property, which has an area of approximately 0.3 hectares, is zoned Service Commercial under Local Planning Scheme No. 9 (LPS 9) and is located on the corner of Dianella Way and Poinciana Street.

The site currently contains a 20m x 15m shed used for the storage and maintenance of machinery associated with remote road construction projects, and a 4-unit workforce accommodation facility for

staff. In 2013, Council granted approval (DA33/13) for the development of workforce accommodation on the site, comprising two dongas: one containing shared kitchen and laundry facilities, and the other containing four bedrooms, each with an ensuite.

The applicant now proposes to expand the existing workforce accommodation by adding one additional donga to provide four further bedrooms. This would increase the total workforce accommodation on the site to eight bedrooms.

Guerinoni Investment Pty Ltd has been established in Kununurra since 1956 and currently employs a workforce that includes 40–75% local Indigenous staff. The applicant advises that the expansion is required to meet seasonal labour needs and to address the ongoing shortage of affordable accommodation in the town. Due to the seasonal nature of civil works, the accommodation is not expected to be fully occupied year-round. The business primarily operates outside of Kununurra, with workers only returning to the site for vehicle servicing and maintenance. This operational pattern is expected to limit potential impacts on local amenity and infrastructure.

A copy of the proposed development plan is provided at Attachment 1.

It is noted that workforce accommodation is not a permitted use within the Service Commercial zone under LPS 9. The current application is therefore considered an extension of a non-conforming use, as the existing workforce accommodation was lawfully approved under the previous zoning.

Consultation with adjoining neighbours was undertaken between 15 August and 29 August 2025. No submissions were received during this period.

COMMENTS

The proposal has been assessed against the relevant planning framework, including Local Planning Scheme No. 9 (LPS 9), the Planning and Development (Local Planning Schemes) Regulations 2015, and Local Planning Policy No. 11 – Workforce Accommodation.

Not Permitted Use (“X” use)

In the Service Commercial zone, *workforce accommodation* is identified as a “not permitted” (X) use under LPS 9.

Non-conforming use

A non-forming use is a land use that was lawfully approved under the previous planning framework but would not be permitted under the current zoning. Such uses may continue, and Council has discretion to consider any extensions or alterations.

Consideration of non-conforming use

- The existing accommodation was lawfully approved in 2013 under the previous zoning, and as such may continue as a non-conforming use in accordance with Clause 22 of the Regulations.
- The use has continued without interruption since the last approval was granted.
- The current application seeks to expand this non-conforming use by adding an additional donga with four bedrooms for the following reasons provided by the applicant:
 - c) Difficulty securing operators due to a shortage of accommodation.

- c) Loss of existing operators who could not retain permanent housing after previous landlords sold properties, and who left town due to insufficient accommodation at 9 Poinciana Street.
- c) Loss of Aboriginal operators requiring urgent accommodation due to unstable home conditions, who also left town when no accommodation was available at 9 Poinciana Street.

The proposal is considered consistent with orderly and proper planning. Adjoining landholdings, including the Shire depot and 14 Dianella Way, were approved for caretaker's dwellings in 2013 and 2019 respectively, demonstrating that habitation is not out of character within the Service Commercial zone.

The proposal involves only one additional donga containing four bedrooms. The scale and height are modest and are not expected to impact the visual amenity or bulk of the area.

Due to the seasonal nature of the business, the workforce accommodation is unlikely to be fully occupied year-round. The business primarily operates outside the town and only returns for vehicle servicing and maintenance, which reduces potential impacts on local amenity and infrastructure.

The proposal represents a minor expansion, increasing the total site coverage by only 2%, without altering the landscape, land use, or general appearance of the site.

The business has been operating in Kununurra since 1956 and is a long-standing part of the local community. Supporting the proposal contributes to the sustainability of a valuable local enterprise.

Local Planning Policy 11 – Workforce Accommodation

Under the Policy, Townsite Workforce Accommodation allows a maximum of seven (7) persons to be housed on a lot at any one time.

If this application is approved, a total of eight bedrooms will be available on the site, which exceeds the Policy limit. However, as three-bedroom dongas are uncommon to source, and to provide the applicant with flexibility in accommodating staff, it is considered acceptable to approve the additional four-bedroom donga, subject to conditions limiting occupation to seven persons to ensure compliance with LPP 11.

Public Consultation

Adjoining neighbours were consulted between 15 August and 29 August. No objections were received.

Considering the above, it is recommended that the application be approved, subject to conditions ensuring compliance with LPP 11.

STATUTORY IMPLICATIONS

Local Planning Scheme No. 9

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Local Planning Policy 11 – Workforce Accommodation

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this matter.

RISK IMPLICATIONS

Risk: Approval may set an undesirable precedent for the expansion of other non-conforming uses in the Shire, undermining the intent of zoning controls and strategic planning objectives.

Control: this proposal represents a minor expansion, from four to seven rooms only, rather than a large-scale intensification. The risk can be managed by imposing conditions that limit occupancy to a maximum of seven persons and by making clear that the approval is site-specific and does not imply broader support for workforce accommodation within the Service Commercial zone.

Risk: The additional accommodation increases the intensity and density of the site, potentially placing additional pressure on services, access, and future development expectations.

Control: The increase is modest, with only one additional donga proposed, resulting in a total occupancy limit of seven persons. Conditions can ensure that servicing demands remain minimal and that the accommodation remains ancillary to the business rather than setting expectations for broader residential use within the zone.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the proposal.

Current and Future Asset Considerations

Not applicable.

COMMUNITY ENGAGEMENT

Advertising was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* deemed provisions during 15 August to 29 August 2025. No submissions were received.

ATTACHMENTS

1. Attachment 1 - DA47.25 [12.3.2.1 - 6 pages]

12.4. CORPORATE SERVICES

12.4.1. MONTHLY FINANCIAL REPORT

AUTHOR:	Erin Labuschagne, 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

Caretaker Statement: *The recommendation contained in this report relates to statutory financial reporting requirements under the Local Government (Financial Management) Regulations 1996 and does not constitute a major policy decision as defined under section 4.87 of the Local Government Act 1995. It is therefore appropriate for Council to consider this item during the Caretaker Period.*

That Council receives the Monthly Financial Report for the period ended 31 August 2025

PURPOSE

To present the Monthly Financial Report for the period ended 31 August 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 31 August 2025 remain subject to adjustment. The 2024/2025 end-of-year journals have not yet been finalised and the annual audit has not commenced. Accordingly, balances relating to Work in Progress, Capitalisation, Reserve

movements, contract liabilities, and other balance day adjustments are provisional at this stage. 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 - August 25 Financial Report [**12.4.1.1** - 6 pages]

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

AUTHOR:	Erin Labuschagne, 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

Caretaker Statement: *The recommendation contained in this report relates to statutory financial reporting requirements under the Local Government (Financial Management) Regulations 1996. It does not constitute a major policy decision as defined under section 4.87 of the Local Government Act 1995 and is therefore appropriate for Council consideration during the Caretaker Period.*

That Council receives the List of Accounts Paid from the Municipal Fund for the period 1 – 31 August 2025 comprising:

Municipal fund payments (1 – 31 August)	\$8,449,694.19
Payroll (1 – 31 August)	\$565,974.72
<u>Direct debits, June credit card, (1 – 15 August)</u>	<u>\$26,876.61</u>
Total	\$9,042,545.52

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 August 2025 [**12.4.2.1** - 18 pages]

12.5. INFRASTRUCTURE

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

17. CLOSURE