

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

24 July 2018

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.

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 24 JULY 2018 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Shire President declared the meeting open at 5.01pm

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

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
M Northover	Resident
B Nadge	Reporter ABC News
P de Kruijff	Reporter Kimberley Echo

APOLOGIES

Cr M McKittrick	Councillor
S Dyson	Director Infrastructure

3. DECLARATION OF INTEREST

- Financial Interest

Councillor	Item	Title	Description of interest
C Askew CEO	16.1	CEO Performance Review	I have a financial interest as this report concerns my performance and remuneration review

- Impartiality Interest

Councillor	Item	Title	Description of interest
Cr N Brook	12.3.3	2018-19 Annual Community Grant Recommendations	I have an impartiality Interest in this item as the Chairperson of the Ord Valley Events Incorporation Board.
Cr D Pearce	12.3.3	2018-19 Annual Community Grant Recommendations	I have an impartiality interest in this item as I am a member of the East Kimberley Women's Alliance, and my husband is a member of the Ord River Darts Club.
C Askew CEO	12.3.3	2018-19 Annual Community Grant Recommendations	I have an impartiality interest in this item as my wife is a member of the East Kimberley Women's Alliance and I am a member of the Ord River Darts Club.

- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 June 2018

Cr Chafer advised Council of the need for a correction to the Minutes and proposed an amendment to the officer recommendation.

COUNCIL DECISION

Minute Number: 24/07/2018-115808

Moved: Cr T Chafer

Seconded: Cr D Pearce

That Council confirm the Minutes of the Ordinary Council Meeting held on 26 June 2018 subject to the following correction;

- 1. That Council delete part three (3) of resolution 115782 of 26/06/2018 as it contradicts the endorsed amendment (115781), subsequent resolution and intention of Council to offer 100% rates assistance to the Kununurra Agricultural Society**

Carried 8/0

Note: The Minutes of the Ordinary Council Meeting held on 26 June 2018 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President acknowledged a series of visits, meetings and briefings that took place over the month;

June 27 - Dr Chris Mitchell, Seafarms, provided a presentation and update on Project Seadragon. This was followed by an additional presentation by Linda Lee, Jessica Arnold and Dr Hugh Millar from NT Government Department Primary Industry regarding "Regional Biosecurity Emergency Response Plan," and Lyn Cameron from WA Department Primary Industries and Regional Development provided information on current "citrus canker" outbreak and management.

July 3 - Minister for Police, Michelle Roberts and Police Commission, Chris Dawson discussions regarding Youth Issues.

July 10 - meeting with Premier Mark McGowan and Local Member Josie Farrer to discuss youth issues, direct flights to Melbourne and the airport runway expansion. Both Mr McGowan and Ms Farrer planted a tree at Celebrity Tree Park.

July 16 - a welcome media release was received by Panoramic Resources regarding the Savannah Project restart.

July 20 - Minister for Sport and Recreation, Mick Murray, accompanied the Shire President on a tour of the Leisure Centre and discussed the Leisure/Aquatic Centre upgrade, water playground and the Golf Course redevelopment

July 23 - meeting with Monty Pascoe, Year 11 Kununurra District High School student who attended Youth Parliament successfully passing a bill.

July 23 - Airbus staff David Gallimore, Ignacio Benitez Cruz and Les Potter provided a detailed presentation and update on the Airbus activity at Wyndham Airport.

July 23 - Scott Oswald of Donovan & Payne Architects discussion regarding design options for the Leisure/Aquatic Centre.

The Shire President also acknowledged upcoming events that include a visit from the US Consul General; the WALGA Local Government Convention, WALGA Zone Meeting and Kimberley Regional Group Meeting; and a visit from the Governor of Western Australia in August.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1 CEO Performance Review

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Common Seal Policy

DATE:	24 July 2018
AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	CP/GOV 3110
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Draft Common Seal Policy CP/Gov-3110 as set out in attachment 1 of this report

COUNCIL DECISION

Minute Number: 24/07/2018-115809

Moved: Cr T Chafer

Seconded: Cr A Petherick

That Council adopt the Draft Common Seal Policy CP/Gov-3110 as set out in attachment 1 of this report

Carried 8/0

PURPOSE

To provide greater clarity, consistency and efficiency as to the proper and authorised use of the Shire's Common Seal.

To establish, in accordance with the requirements of section 9.49A of the Local Government Act 1995:

1. Protocols for affixing and administration of the Shire of Wyndham East Kimberley Common Seal; and
2. Authority for the Chief Executive Officer and other nominated officers to sign (execute) documents on behalf of the Shire of Wyndham East Kimberley.

3. The arrangements for the keeping of the Common Seal in a secure location and the appointment of a person who is to have custody of the seal.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The use of the Common Seal is currently administered in accordance with the Local Government Act 1995 and formally reported to Council monthly as required.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 2.5(2)

(2) The local government is a body corporate with perpetual succession and a common seal.

Local government act 1995 - sect 9.49a execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.**
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

New Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017 – 2027

Focus Area 4 Civic Leadership

COMMUNITY ENGAGEMENT

The proposed draft policy provides clarity and guidance to the Administration in the proper and authorised use of the Common Seal. It provides protocols for affixing and administering of the Shires Common Seal and authority for the Chief Executive Officer to sign (execute) documents on behalf of the Shire of Wyndham East Kimberley

ATTACHMENTS

Attachment 1- CP/GOV 3110 Common Seal Policy

12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	24 July 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute Number: 24/07/2018-115810

Moved: Cr N Brook

Seconded: Cr J Farquhar

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

Carried 8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

Strategy 4.2.2: Ensure community input informs planning and decision making

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the June 2018 Council resolutions (Attachment 1).

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

ATTACHMENTS

Attachment 1 - Council Action Register - June 2018

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.2.3. Standing Item - Use of the Common Seal

DATE:	24 July 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 21 June 2018 to 18 July 2018

COUNCIL DECISION

Minute Number: 24/07/2018-115811

Moved: Cr M Dear

Seconded: Cr J Farquhar

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 21 June 2018 to 18 July 2018.

Carried 8/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 21 June 2018 to 18 July 2018

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

(1) A document is duly executed by a local government if —

- (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was one document for the time period of 21 June 2018 to 18 July 2018 with the Shire of Wyndham East Kimberley Common Seal applied.

The following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document
09/07/2018	Kimberley Regional Group Governance Agreement

ATTACHMENTS

Nil

12.3. COMMUNITY DEVELOPMENT

12.3.1. Wyndham Youth Aboriginal Corporation MoU

DATE:	24 July 2018
AUTHOR:	Nick Kearns, Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CS.12.5
ASSESSMENT NO:	N/a
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Supports entering into partnership with the Wyndham Youth Aboriginal Corporation for the use of the Ted Birch Youth and Recreation Centre for the provision of youth services in Wyndham for an initial period of 12 months.
2. Authorises the Chief Executive Officer to negotiate the details of a Memorandum of Understanding to effect part 1 of this resolution.

COUNCIL DECISION

Minute Number: 24/07/2018-115812

Moved: Cr G Lodge

Seconded: Cr J Farquhar

That Council :

1. Supports entering into partnership with the Wyndham Youth Aboriginal Corporation for the use of the Ted Birch Youth and Recreation Centre for the provision of youth services in Wyndham for an initial period of 12 months.
2. Authorises the Chief Executive Officer to negotiate the details of a Memorandum of Understanding to effect part 1 of this resolution.

Carried 8/0

PURPOSE

For Council to authorise the Chief Executive Officer to enter into a Memorandum of Understanding (MoU) between the Shire and the Wyndham Youth Aboriginal Corporation (WYAC) for the use of the Ted Birch Youth and Recreation Centre and for the provision of youth services in Wyndham in partnership with the Shire for an initial 12 month period. This would include the ability of the participating organisations to co opt other (youth related) organisations to complement programs and activities conducted from the Centre.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices.

BACKGROUND

The Shire has operated the Ted Birch Youth and Recreation Centre in Wyndham since its inception and recognises the role the centre plays in engaging the town's youth. Funding for the centre's operation has traditionally come from the Shire with additional funding provided by the Department of Child Protection and Family Services (Department of Communities). Through ongoing collaboration and dialogue, the opportunity has now been presented for the Shire to establish a working partnership with the Wyndham Youth Aboriginal Corporation (WYAC) for the purpose of delivering a broader range of youth activities from the centre for the purpose of building capacity, resilience and life skills among the town's young people.

WYAC was established in October 2017 and was shaped by extensive consultation with the Wyndham Aboriginal community and the Wyndham Youth Advisory Group (WYAG), of which both parties are members. The Department of the Prime Minister and Cabinet (PM&C) has provided funding to WYAC to deliver social and recreational activities and case management to at-risk youth aged between 6-25 years for an initial period of 6 months, until 30 June 2018. Further funding has now been provided by PM&C to facilitate the services operations until 31 December 2018, with other funding opportunities being investigated. To this end, WYAC have developed a draft MoU for Shire input which is at Attachment 1.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

In February 2016, the Kimberley Regional Group/Kimberley Zone (KRG) produced the Strategic Framework For Young People as a guideline for the Shires of Broome, Derby/West Kimberley, Halls Creek and Wyndham/East Kimberley to enable a strategic approach to addressing youth and interrelated issues across the region. The framework acknowledges that whilst youth within the region face many challenges, advances will only be achieved if local government works in partnership with other sections of the community including young people, their families, community agencies and state and federal governments. The proposed MoU and its aims fully support the KRG strategy.

FINANCIAL IMPLICATIONS

Operational expenditure for the Ted Birch Youth and Recreation Centre is already allocated in the 2018/19 operational budget and comprises of staffing, program, building maintenance costs and utilities.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

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

Strategy 4: Work with partners to inspire young people to become engaged in their families, schools and communities.

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

Strategy 4: Support the development of a broader range of educational opportunities, including alternative education pathways.

Goal 2.3 Making towns safe and inviting for locals and visitors.

Strategy 1: Lead an interagency approach to address community safety concerns including crime reduction planning and programs.

RISK IMPLICATIONS

The Shire needs to develop a clear position and strategy with regard to the provision of youth services in Wyndham, with the proposed MoU providing a platform for the ongoing delivery of services.

COMMUNITY ENGAGEMENT

Ongoing meetings and dialogue have taken place with local community representatives, PM&C and a range of service agencies that deliver services in the town.

COMMENT

The establishment of an MoU between the Shire and the WYAC will provide both organisations with clarity as to their roles in the provision of youth services in Wyndham. It is now clear that the establishment of mutually beneficial partnerships in the “youth space” with Aboriginal organisations will be a key driver in delivering effective services to address the issue of anti-social behaviour and street present children in the town.

The proposed WYAC/Shire partnership model as generally outlined in the MoU will provide mentoring and case management to young people referred by WAPOL and Youth Justice. Case workers will work with young people to comply with their court orders, improve their

relationships, connect them to culture, improve their emotional wellbeing, engage with education, training or employment and assist them to develop life skills.

The service will:

- Employ a mixture of local Aboriginal people and qualified staff to provide diversionary activities and referrals to specialist support services.
- Work with local service providers to coordinate the provision of youth services and pursue a collective impact approach re service provision and outcomes.
- Provide a range of passive and non passive recreational activities for both male and female participants.
- Provide transportation home or to another safe place as required for young people who are street present.
- Include after school 'Chilling Space' Mon -Fri 2.30 – 8.00pm and Saturday youth engagement activities.
- Work in partnership with Wyndham District High School staff in mentoring young people.
- Provide targeted engagement for street present young people.
- Facilitate supervised back to country experiences for young people.

The proposed MoU and its aligned services will have an immediate focus on anti-social behaviour and crime prevention with the aim of decreasing the possibility of young people entering the justice system. The WYAC/Shire partnership will increase service capacity in the area of youth services and the recreational opportunities available for youth in Wyndham.

Shire Officers have provided input into the draft MoU in relation to the development of a formalised Operational Plan for the centre, greater flexibility regarding centre access times and the provision of discounted/free entry to the Wyndham Memorial Swimming Pool for structured WYAC program participants, however, some minor changes to the document may be required, particularly to allow both organisations to potentially co-opt other organisations into the partnership - related to youth activities and case management.

It is recommended that Council support entering into partnership with the Wyndham Youth Aboriginal Corporation (WYAC) for the purposes of provided coordinated youth services in Wyndham, from the Ted Birch Youth and Recreation Centre. Furthermore, that the partnership be formalised within a Memorandum of Understanding (MoU), to run until 30 June 2019, and that the detail within that MoU be to be finalised by the Chief Executive Officer in discussion (and agreement) with the WYAC.

ATTACHMENTS

Attachment 1: Draft MoU SWEK/WYAC

12.3.2. Community Lease - Ord River Magpies

DATE:	24 July 2018
AUTHOR:	Nick Kearns, Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7620
FILE NO:	CP.07.22
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to offer a 21 year lease to the Ord River Magpies Football Club Inc for Part Lot 504 on Plan 61898, Part Reserve 29799, 199 Coolibah Drive, Kununurra, as detailed in Attachment 2, subject to the approval of the Minister for Transport: Planning: Lands.

COUNCIL DECISION

Minute Number: 24/07/2018-115813

Moved: Cr J Farquhar

Seconded: Cr G Lodge

That Council authorises the Chief Executive Officer to offer a 21 year lease to the Ord River Magpies Football Club Inc for Part Lot 504 on Plan 61898, Part Reserve 29799, 199 Coolibah Drive, Kununurra, as detailed in Attachment 2, subject to the approval of the Minister for Transport: Planning: Lands.

Carried 8/0

PURPOSE

To inform Council of the intent to enter into a Community Lease (21 years) with the Ord River Magpies Football Club Inc for Part Lot 504 on Plan 61898, Part Reserve 29799, 199 Coolibah Drive, Kununurra, subject to the approval of the Minister for Transport: Planning: Lands.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND

The Ord River Magpies Football Club are located on Lot 504, Reserve 29799, 199 Coolibah Drive, Kununurra.

Officers met with representatives from the club in February 2016 to discuss general lease terms. From this initial meeting the Ord River Magpies requested a lease over part Reserve 29799 and in March of that year the Council authorised the CEO to enter into negotiations with the Ord River Magpies for a new Community Lease. Subsequent to this, Council, at its Ordinary Meeting of 26 April 2017 approved the granting of a 10 year lease. This was not, however, acted upon. Instead, the club has been working with Shire Officers to ensure that the lease document fairly encompasses the scope of their activities and they have also submitted a business plan for the purpose of being granted a longer, 21 year lease which is provided at Attachment 1.

A copy of the draft lease is provided at Attachment 2.

STATUTORY IMPLICATIONS

The *Local Government Act 1995* provides for leasing under *section 3.58 Disposing of Property* and the *Land Administration Act 1997* provides for the leasing of Crown land reserves for one or more purposes of public interest.

Local Government Act 1995

Under section 3.58 of the Local Government Act 1995 (LGA), the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the LGA. However, there are exemptions from the requirements outlined in *regulation 30 of the Local Government (Functions & General) Regulations 1996*, which sites that a disposition of land is an exempt disposition if –

- (i) the land is disposed of to a body, whether incorporated or not -
- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (iii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."

As such, a lease to Ord River Magpies would be considered an exempt disposition and the Shire could directly enter into a lease negotiation.

POLICY IMPLICATIONS

The lease will be in accordance with Council Policy *CP/PMG-3780 Leasing of Council Managed Reserve Land - Community*.

FINANCIAL IMPLICATIONS

The Ord River Magpies Football Club previously paid no rental to the Shire through the sub-lease arrangement with the Kununurra Agricultural Society. This will be increased to \$500.00 per annum, excluding GST, indexed for CPI as per *CP/PMG-3780 Leasing of Council Managed Reserve Land - Community* on the execution of the lease.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Goal 1.2: Increase participation in sporting, recreational and leisure activities.

Strategy 3: Support and build capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities.

RISK IMPLICATIONS

Non compliance with the Department of Local Government and Communities advisory standards and regulations.

Potential risk to organisational brand.

COMMUNITY ENGAGEMENT

No external engagement has been undertaken.

COMMENTS

The Ord River Magpies Club have provided the Shire with a Business Plan, therefore in accordance with Council Policy it is proposed to offer a 21 year lease. The Business Plan indicates that the Club has the goal of broadening membership and grow teams (juniors and women's teams) over the next 10 years as well as to make a number of improvements to the Club facility.

It is recommended that Council authorises the Chief Executive Officer to offer a 21 year lease to the Ord River Magpies Football Club Inc for Part Lot 504 on Plan 61898, Part Reserve 29799, 199 Coolibah Drive, Kununurra, subject to the approval of the Minister for Transport: Planning: Lands.

ATTACHMENTS

Attachment 1 - Ord River Magpies Football Club Business Plan 2017-2027

Attachment 2 - Draft Lease Ord River Magpies Football Club

12.3.3. 2018-19 Annual Community Grants Recommendations

Cr N Brook declared an impartiality Interest in this item as the Chairperson of the Ord Valley Events Incorporation Board.

Cr D Pearce declared an impartiality interest in this item as a member of the East Kimberley Women's Alliance, and whose husband is a member of the Ord River Darts Club.

C Askew declared an impartiality interest in this item as his wife is a member of the East Kimberley Women's Alliance and he is a member of the Ord River Darts Club.

DATE:	24 July 2018
AUTHOR:	Nick Kearns, Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the 2018/19 Annual Grants Scheme funding as follows:

Applicant	Requested	Recommended
Ord Valley Events Incorporated - 2019 Ord Valley Muster	\$65,000	\$20,000
2018 NAIDOC Committee - 2018 NAIDOC Week Events	\$16,000	\$4,000
Kununurra Agricultural Society - 2019 Agricultural Show	\$10,000	\$10,000
Wyndham Youth Aboriginal Corporation - Street Art	\$15,000	\$5,000
Lake Argyle Swim - 2019 Lake Argyle Swim	\$20,000	\$10,000
Tura New Music - 2018/19 Echo's Tour and workshops	\$10,000	\$5,000
Kununurra Water Ski Club - 2019 Dam to Dam	\$10,000	\$10,000
Kununurra Neighbourhood House - KNH Events Program	\$20,750	\$5,000
Little Athletics - Establishment of Little Athletics	\$2,053.90	\$1,500

Apex Club Kununurra - Apex Fitness Park	\$15,000	\$15,000
Kimberley Action Sports - 2019 Lake Argyle Adventure Race	\$5,000	\$5,000
East Kimberley Cricket Association - Multi-sports storage shed	\$32,257.13	\$30,000
Kununurra Neighbourhood House - Ageless IT	\$3,975	\$1,500
Kununurra Campdraft and Rodeo - Wastewater septic upgrade	\$154,360.80	\$30,000
Kununurra Gymnastics Club - Coach Training Program	\$6,696	\$5,000
Ord River Darts Club Incorporated - Growth of Club	\$10,000	\$2,000
East Kimberley Women's Alliance - Women's Issues Survey	\$7,490	\$5,000
Kununurra District High School - Monty Pascoe, Youth Parliament	\$1,000	\$1,000
Total Recommended	\$402,582.83	\$165,000

2. Requests the Chief Executive Officer to advise the unsuccessful Annual Grant applicants that their applications were not successful and provide feedback:

- a. Waringarri Crows Football Club
- b. St Joseph's Primary School Kununurra
- c. Kununurra Visitor Centre
- d. Kununurra Community Gardens
- e. Kununurra Water Ski Club

Cr Pearce moved an amendment as circulated to Councillors by email prior to the meeting.

COUNCIL DECISION

Minute Number: 24/07/2018-115814

Moved: Cr D Pearce

Second: Cr J Farquhar

That Council:

1. Endorses the 2018/19 Annual Grants Scheme alternative funding recommendation as follows:

Applicant	Requested	Recommended
Ord Valley Events Incorporated - 2019 Ord Valley Muster	\$65,000	\$20,000
NAIDOC Committee - 2019 NAIDOC Week Events	\$16,000	\$4,000

Kununurra Agricultural Society - 2019 Agricultural Show	\$10,000	\$10,000
Wyndham Youth Aboriginal Corporation - Street Art	\$15,000	\$10,000
Lake Argyle Swim - 2019 Lake Argyle Swim	\$20,000	\$10,000
Kununurra Water Ski Club - 2019 Dam to Dam	\$10,000	\$10,000
Kununurra Neighbourhood House - KNH Events Program	\$20,750	\$7,250.10
Little Athletics - Establishment of Little Athletics	\$2,053.90	\$2,053.90
Apex Club Kununurra - Apex Fitness Park	\$15,000	\$15,000
Kimberley Action Sports - 2019 Lake Argyle Adventure Race	\$5,000	\$5,000
East Kimberley Cricket Association - Multi-sports storage shed	\$32,257.13	\$20,000
Kununurra Neighbourhood House - Ageless IT	\$3,975	\$2,000
Kununurra Campdraft and Rodeo - Wastewater septic upgrade	\$154,360.80	\$20,000
Kununurra Gymnastics Club - Coach Training Program	\$6,696	\$6,696
Ord River Darts Club Incorporated - Growth of Club	\$10,000	\$2,000
East Kimberley Women's Alliance - Women's Issues Survey	\$7,490	\$5,000
Kununurra Visitor Centre	\$32,250	\$6,000
Total Recommended	\$425,883	\$155,000

2. Requests the Chief Executive Officer to advise the unsuccessful Annual Grant applicants that their applications were not successful and provide feedback:

- a. Waringarri Crows Football Club
- b. St Joseph's Primary School Kununurra
- c. Kununurra Community Gardens
- d. Kununurra Water Ski Club
- e. Kununurra District High School
- f. Tura New Music

3. Update Council Policy CP/COM-3582 Community Grant Scheme to include a provision on an annual basis of \$10,000 for a Future Leaders Fund.

Carried 7/1

PURPOSE

For Council to review the recommendations for funding under the 2018/19 Annual Community Grant Scheme funding.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Services, activities, and opportunities provided by local organisations are highly valued by the community. These organisations often provide specific services more efficiently, effectively and more 'targeted' than the Shire. These organisations build resilience within the community and their presence means that during times when government spending is scaled back, services within the community are less likely to be impacted. For these reasons it is in the interest of the Shire to support these organisations to be as strong, resilient and effective as possible. This is achieved by:

- providing facilities such as ovals, courts, lighting and swimming pools. These are hired to community/not for profit organisations at a significantly subsidised rate (less than the cost of providing these facilities).
- providing community leases which not only allow organisations space to develop facilities for their activities but often to generate income that supports their core purposes and enable them to source external funding.
- Providing direct financial support to enable projects to commence or to deliver events and programs.

The Community Grants Assessment Panel reviews whether grant funding had been provided in previous years and whether the proposal may be 'leveraged against' to help the Shire either deliver services or capital (improvement) projects, such as with regard to the Apex Fitness Park proposed for Celebrity Tree Park. Not all projects are recommended to be funded and of those recommended for funding, the Shire is not always able to fund the entire amount.

In this latest round, the Shire has received 23 applications for Annual Community Grants, totalling \$559,432.83. Of these, 10 were lodged for the purpose of funding specific programs and projects, 8 were for events and 4 were for capital works projects. These latter applications (4), nevertheless, accounted for half of the funding request. One application was received outside the application period and was therefore determined to be non-eligible and was not subsequently assessed by the internal Community Grants Assessment Panel.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

A copy of Council Policy *CP/COM 3582 Community Grant Scheme* is at Attachment 1. It outlines the objectives of the scheme, Policy Statements and eligibility requirements. The Policy Statements are drafted for the purpose of ensuring that the scheme directs funds to those proposals which best align with Council's core strategy, being the Strategic Community Plan as well as to outline limitations of that funding and some of the key administrative responsibilities so that the process is clear to applicants.

To be eligible to apply for a grant - either for an Annual Community Grant, Quick Grant or Rates Assistance Grant, applicants must meet one or all of the following criteria:

- Must be, or be under the auspice of, a community organisation as defined in the Policy;
- Must not have any outstanding debts to the Shire;
- Must have no outstanding previously received Grant acquittals to the Shire;
- May not be an organisation where the primary purpose is to promote political beliefs; or
- May not be an organisation where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.

Applications for Annual Community Grants (which must exceed \$500 - being over the Quick Grant limit) can be either for:

- Capital Works
- Purchase of equipment
- General project expenses (including events)

All applications for Annual Community Grants are evaluated by an internal Community Grants Assessment Panel made up of three Shire Officers and facilitated by the Director Planning and Community Development. In addition to referring to eligibility criteria and Policy Statements, that Panel also applies a weighted criteria to each application with regard to:

- Demonstrated need for funding
- Benefit to the community including community development outcomes
- Demonstrated partnerships and ability to source additional funds and/or partnerships
- Demonstrated community support for the organisation and the project or activities planned
- The organisations demonstrated capacity to achieve measurable outcomes for the community
- Demonstration of links to Shire strategy

The Policy was last updated in August 2017 and is scheduled for review early in the financial year and in light of feedback received by community groups/applicants and from the Council.

FINANCIAL IMPLICATIONS

The funding available within the Community Grants Scheme is \$265,000, \$5,000 of which was provided from a distribution of assets by the Kununurra CRC Inc. This amount has been distributed amongst the components of the Scheme as follows:

1. Quick Grants - \$20,000
2. Annual Grants - \$165,000
3. Rates Assistance Grants - \$80,000

In the event that a proposal does not proceed or is unable to proceed as it is intended, it may be reallocated to either one of the project applications submitted or put to some other purpose.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Focus Area 3: Economic Prosperity

Focus Area 4: Civic Leadership

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

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

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Goal 4.2: Good decision making through engagement with the community

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

Non-compliance with policy and processes resulting in financial or reputation loss.

COMMUNITY ENGAGEMENT

Community engagement has included: advertising and promotion in the Kimberley Echo; on the Shire Website and Shire Facebook Page from 1 April 2018 until the closing date of 31 May 2018. In addition, eligible clubs and organisations were contacted to highlight the availability of the grants.

COMMENTS

The Community Grants Assessment Panel has recommended to fund eighteen of the twenty-two applications received. Six of these were for events, with the highest ranking events being the Ord Valley Muster, NAIDOC Week and the annual Kununurra Agricultural Show. The Panel has also recommended funding to projects that implement community based programs such as the Wyndham Youth Aboriginal Corporation's 'Street Art' project, complementing the Shire's partnership with that organisation and the Kununurra Neighbourhood House 'Ageless IT' project.

Recreation projects recommended include the Apex Club Kununurra proposal to construct a fitness park at Celebrity Tree Park in Kununurra and which may be leveraged against to construct a similar project in Wyndham; to build capacity within the Ord River Darts Club; Little Athletics Kununurra (this also includes activities in Wyndham) and for the Kununurra Gymnastics Club.

The Panel has recommended to support only two community infrastructure projects, being to contribute to the first stage of the wastewater system upgrades at the Kununurra Campdraft and Rodeo licenced area which will benefit a range of clubs, as well as the construction of a new storage facility for sporting clubs at Kununurra Town Oval - a priority project to support the growth of a range of sporting clubs in the town.

The Panel recommended support for the East Kimberley Women's Alliance Inc. to identify issues affecting women in the East Kimberley and which will underpin their future focus and direction.

It is recommended that Council supports the recommendations of the Community Grants Assessment Panel as summarised in the Officer recommendation.

ATTACHMENTS

Attachment 1 - CP/COM-3582 Community Grants Scheme Policy

12.3.4. Kununurra Wyndham Alcohol Accord - Letters

DATE:	24 July 2018
PROPONENT:	Kununurra Wyndham Alcohol Accord
AUTHOR:	Community Development Officer
REPORTING OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CS.08.1
DECLARATION OF INTERESTS:	N/A

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises the Kununurra Wyndham Alcohol Accord that:

- 1. It supports the implementation of a Banned Drinkers List relevant to liquor outlets in Kununurra and Wyndham; a request for more active participation of licensees in the Accord, and for additional Police resources in Kununurra.**
- 2. In lodging any request under Section 64 of the Liquor Control Act 1988, additional community engagement should be undertaken and that any such request should meet the requirements within the Public Interest Assessment Policy.**

It should be noted that the absolute discretion to impose, vary or cancel a condition of licence lies with the licensing authority. In this regard, conditions will only be imposed, varied or cancelled where the licensing authority considers it is in the public interest to do so, consistent with the purpose and objects of the Act. In addition, the Public Interest Assessment Policy details information sources and reports that decision makers may have regard to in forming their decisions.'

COUNCIL DECISION

Minute Number: 24/07/2018-115815

Moved: Cr T Chafer

Seconded: Cr A Petherick

- 1. It supports the implementation of a Banned Drinkers List relevant to liquor outlets in Kununurra and Wyndham; a request for more active participation of licensees in the Accord, and for additional Police resources in Kununurra.**

- 2. In lodging any request under Section 64 of the Liquor Control Act 1988, additional community engagement should be undertaken and that any such request should meet the requirements within the Public Interest Assessment Policy.**

Carried 8/0

PURPOSE

For Council to support the Kununurra Wyndham Alcohol Accord with respect to lobbying for: increased Police resources for Kununurra; compulsory participation of liquor license holders in the Accord, and to assist in establishing a banned drinkers register.

BACKGROUND

The Kununurra Wyndham Alcohol Accord was formed in 2012. The aim of the Accord is to minimise alcohol-related harm in Kununurra and Wyndham and promote responsible practices in the sale, supply and service of liquor with the aim to provide a safe environment for the community. Membership of the Accord includes representatives of:

- Local licensees
- WA Police
- Shire of Wyndham East Kimberley
- Health Services
- Miriuwung Gajerrong Corporation
- Waringarri Aboriginal Corporation
- Balangarra Aboriginal Corporation
- Other nominated groups or agencies

The Accord Committee provides a regular opportunity for key stakeholders to engage in open discussion with a view to resolving local issues associated with the sale, service and consumption of alcohol, alcohol related harm minimisation strategies and the ongoing prevention of future problems.

In March 2018 a sub committee (Strategy Working Group) was formed with the aim of establishing a sound set of practical and proactive strategies which would contribute to the reduction of alcohol related harm in our local communities. The Strategy Working Group comprised of 3 local licensees, Council representation and other nominated agencies.

The Strategy Working Group has recommended that the Accord write letters to respective Ministers in order to lobby for the following key strategies:

1. A local 'Banned Drinkers Register' encompassing Kununurra and Wyndham
2. Support to WAPOL for additional Police resources for Kununurra
3. Accord participation as a condition of local Licensee's Liquor Licenses, to ensure engagement with the Accord.

These letters are only in draft form and the Accord is seeking some external legal advice with respect to some aspects of the proposals suggested, such as in relation to nomination of people onto the recommended Banned Drinkers Register.

A copy of the Accord Document is at Attachment 1.

A copy of the (Accord) Strategy Working Group Minutes is at Attachment 2.

STATUTORY IMPLICATIONS

The *Liquor Control Act 1988*, section 64 provides for a definition of an approved liquor accord and for the Director of Liquor Licensing to approve a liquor accord to impose conditions under section 64.

64. Power of licensing authority to impose, vary or cancel conditions

(1a) *The licensing authority may impose, vary or cancel a condition under subsection (1) —*

- (a) *of its own motion; or*
- (b) *on the application of the licensee; or*
- (c) *at the written request of the parties to a liquor accord.*

(1b) *In subsection (1a) —*

liquor accord *means a written agreement or other arrangement —*

- (a) *that is entered into by 2 or more licensees in a local community, and persons who represent the licensing authority, departments of the Public Service, State agencies or local government, and other persons; and*
- (b) *that has the purposes of minimising the harm caused in the local community by the excessive consumption of liquor and promoting responsible practices in the sale, supply and service of liquor in the local community; and*
- (c) *that is approved by the Director.*

Making a request under section 64 of the Act

Where a liquor accord determines that in order to achieve agreed outcomes in the local context, it may be in the public interest for conditions to be imposed on licences within that liquor accord community or district, the liquor accord may lodge a written request with the licensing authority.

In lodging that request, the liquor accord will be required to submit the following information:

- *details of the problems that the proposed conditions are intended to address*
 - *evidence that supports the assertions made about those problems;*
 - *details of who has been consulted (for example; the police, local government, public health agencies; etc) and their position regarding the conditions;*
 - *information on how the proposed conditions are expected to address the problems;*
 - *expected duration of the proposed conditions if imposed;*
 - *details of the intended review and evaluation strategy in respect of the proposed conditions;*
- and*
- *evidence that the liquor accord members have agreed to the request being made (that is; the minutes of meeting must reflect the discussion and agreed outcome, etc).*

In considering the proposed conditions, liquor accords should have regard to harm minimisation issues and strategies, and be careful not to engage in anti-competitive practices.

It should be noted that the absolute discretion to impose, vary or cancel a condition of licence lies with the licensing authority. In this regard, conditions will only be imposed, varied or cancelled where the licensing authority considers it is in the public interest to do so, consistent with the purpose and objects of the Act. In addition, the Public Interest Assessment Policy details information sources and reports that decision makers may have regard to in forming their decisions.'

POLICY IMPLICATIONS

CP/COM - 3584 Alcohol Management Policy. A copy of the Policy is at Attachment 3.

FINANCIAL IMPLICATIONS

There are no financial implications directly associated with the operation of the Accord, including the Shire's secretariat function.

STRATEGIC IMPLICATIONS

Participation in and the support of the Kununurra Wyndham Alcohol Accord supports Action 405 of the Corporate Business Plan, to *reduce the likelihood of alcohol related harm*.

General discussion was held on alcohol related issues in the Kimberley at the Kimberley Regional Group Meeting in April this year. At that meeting, the Kimberley Regional Group advised of the will to have uniform liquor restrictions across the region, including for the implementation of a Banned Drinkers List, and this issue is likely to be further discussed at the next scheduled meeting.

COMMENT

It is the intention of the Accord to implement a local banned drinker register to facilitate a cooperative approach to managing access to alcohol by those involved in alcohol related anti-social behaviour or harm. Licensees would then use the register when exercising their right to ban individuals from their premises, therefore banning the individual from all participating licensed premises. The Accord are also exploring mechanisms to offer a 'voluntary ban' to individuals who wish to request this as a means of support to their efforts to reduce the impact of alcohol related "hum bugging" by family members to purchase alcohol on their behalf. It is, therefore, the view of Accord that such consequences for offenders will contribute to the reduction of alcohol related harm in our communities.

Although the Kununurra Police have received supplementary resources recently, there would still appear not to be enough uniformed officers to facilitate adequate levels of staffing for the stations three reliefs. At present, much of the town's antisocial and criminal behaviour occurs after dark with the afternoon and night shifts being able to put only one vehicle on the road for policing. As a result, many instances of antisocial behaviour are not dealt with as they occur

and Kununurra Police are experiencing a constant backlog of jobs. Unfortunately, residents have now come to accept that certain behaviours are beyond the scope of police and have become apathetic to reporting incidents.

The Police are an important part of any solution and must possess the resources and staffing to assist in responding to the marked increase in youth driven antisocial behaviour and criminal activity. The Accord is of the view that a well-staffed Police Station and associated action plan may have an immediate impact on crime reduction and win back the confidence of a community who feel locked behind fences and doors at night.

The Accord seeks to lobby for all licensed premises in Kununurra and Wyndham to be compelled to the Alcohol Accord, by attending meetings and engaging with the aims and strategies of the Accord. The reason for this request is to ensure all licensees are actively engaged in working within our community to reduce alcohol related harm. The current voluntary attendance of only 3 licensees is not satisfactory for the Accord and it is their view that this will remain the case until compulsory participation is a condition of maintaining a liquor license.

The Strategy Working Group has also reviewed issues which may have a broader community impact such as with respect to banning certain products from being sold from take away alcohol outlets - the most notable being Poker Face and as well in relation to proposing a postcode blacklist to prevent alcohol from being delivered via Australia Post or from otherwise outside the region. In relation to these types of measures it is suggested that before providing a formal submission, the Accord should undertake appropriate engagement with the community, generally in line with the Public Interest Assessment Policy referred to in the applicable legislation of which the Shire may be able to assist.

Copies of the letters from the Accord are at Attachment 4.

ATTACHMENTS

Attachment 1 - Kununurra Wyndham Alcohol Accord Document and Letter of Endorsement
Attachment 2 - Strategy Working Group Minutes - 10 April 2018
Attachment 3 - CP/COM - 3584 Alcohol Management Policy
Attachment 4 - Accord Letters

12.4. CORPORATE SERVICES

12.4.1. List Of Accounts Paid From Municipal Fund and Trust Fund

DATE:	24 July 2018
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 132159 - 132384 (07 Jun 18 - 28 Jun 18)	\$ 1,620,958.93
Municipal cheques 51772 - 51786 (07 Jun 18 - 38 Jun 18)	\$ 225,645.70
Trust Cheques 1177 - 1181 (28 Jun 18)	\$ 2,040.00
Trust EFT 501605 - 501621 (01 Jun 18 - 29 Jun 18)	\$ 12,501.45
Payroll (06 Jun 18 - 20 Jun 18)	\$ 490,253.43
Direct bank debits (01 Jun 18 - 29 Jun 18)	\$ 103,743.77
TOTAL	\$ 2,455,143.28

COUNCIL DECISION

Minute Number: 24/07/2018-115816

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 132159 - 132384 (07 Jun 18 - 28 Jun 18)	\$ 1,620,958.93
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Municipal cheques 51772 - 51786 (07 Jun 18 - 38 Jun 18)	\$ 225,645.70
Trust Cheques 1177 - 1181 (28 Jun 18)	\$ 2,040.00
Trust EFT 501605 - 501621 (01 Jun 18 - 29 Jun 18)	\$ 12,501.45
Payroll (06 Jun 18 - 20 Jun 18)	\$ 490,253.43
Direct bank debits (01 Jun 18 - 29 Jun 18)	\$ 103,743.77
TOTAL	\$ 2,455,143.28
	Carried 8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2017/18 which was adopted by the Council on the 22 August 2017, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2017/18 Adopted Budget and any subsequent amendments thereto. This

report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

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

Controls: Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

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

ATTACHMENTS - Item 12.4.1

Attachment 1 - List of Accounts Paid June 2018

12.4.2. Interim Monthly Financial Report June 2018

DATE:	24 June 2018
AUTHOR:	Coordinator Financial Management
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the interim monthly financial report as at 30 June 2018.

COUNCIL DECISION

Minute Number: 24/07/2018-115817

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council receives the interim monthly financial report as at 30 June 2018.

Carried 8/0

PURPOSE

For Council to receive the interim monthly financial report for the period ended 30 June 2018.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by the *Local Government (Financial Management Regulations) 1996*.

At the 18 July 2017 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute No: 18/07/2017-11742

Commissioner resolved:

That the Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 1/0

These materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS

CP FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report for the period to 30 June 2018.

12.4.3. CP/FIN-3204 Purchasing Policy Amendments

DATE:	24 July 2018
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended *CP/FIN-3204 Purchasing Policy* as attached to this report.

COUNCIL DECISION

Minute Number: 24/07/2018-115818

Moved: Cr D Pearce

Seconded: Cr T Chafer

That Council adopt the amended *CP/FIN-3204 Purchasing Policy* as attached to this report.

Carried 8/0

PURPOSE

To consider amendments to *CP/FIN-3204 Purchasing Policy* for the provision of a local supplier preference for purchasing thresholds less than \$10,000.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

CP/FIN-3204 Purchasing was last reviewed in August 2017.

STATUTORY IMPLICATIONS

A local government is to adopt a purchasing policy in accordance Regulation 11A, *Local Government (Functions and General) Regulations 1996*

POLICY IMPLICATIONS

CP/FIN-3204 Purchasing will be amended as displayed following a simple majority vote.

FINANCIAL IMPLICATIONS

Financial implications may occur in that the Shire may pay a higher price for goods / services to be supplied from a local supplier as opposed to a non local supplier who may offer the goods / services at a more competitive price.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Proposed amendments have been made to *CP/FIN-3204 Purchasing* to facilitate a purchasing preference for local suppliers for purchasing thresholds less than \$10,000.

The two preferences are contained within the Policy; Section 3, Table A, Purchasing Thresholds "Up to \$1000" and "Over \$1000 and Up to \$10,000" and are as follows:

Up to \$1,000

In the case of goods / services which are available locally, the purchase may occur directly with a Local Supplier, as considered appropriate by the officer, even if the good / service can be supplied by a non-local supplier at a cheaper price, provided sufficient budget provisions are available and the price difference is no greater than 20%.

Over \$1,000 and Up to \$10,000

In the case of goods / services which are available locally, the purchase may occur with a Local Supplier, as considered appropriate by the officer, if the price difference between a local and non-local supplier does not exceed \$200 or 10%, whichever is the greater, provided sufficient budget provisions are available.

The CP/FIN-3217 Regional Price Preference has always applied for purchases exceeding \$10,000. For clarity and consistency within the Table A, Table A now includes additional references that CP/FIN-3217 Regional Price Preference applies for thresholds exceeding \$10,000.

No further amendments are recommended as part of this review.

ATTACHMENTS

Attachment 1 - CP/FIN-3204 Purchasing - track changes displayed

Attachment 2 - CP/FIN-3204 Purchasing - amended

12.4.4. CP/FIN-3217 Regional Price Preference Policy Amendments

DATE:	24 July 2018
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the amended *CP/FIN-3217 Regional Price Preference* as attached to this report.

COUNCIL DECISION

Minute Number: 24/07/2018-115819

Moved: Cr J Farquhar

Seconded: Cr M Dear

That Council adopt the amended *CP/FIN-3217 Regional Price Preference* as attached to this report.

Carried 8/0

PURPOSE

To consider amendments to *CP/FIN-3217 Regional Price Preference*

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

CP/FIN-3217 Regional Price Preference was last reviewed at the September 2017 Ordinary Council Meeting.

STATUTORY IMPLICATIONS

The Council's Regional Price Preference Policy is to comply with the Local Government (Functions and General) Regulations 1996, particularly Part 4A.

POLICY IMPLICATIONS

If the Council adopts the proposed amendments to Council Policy *CP/FIN-3217 Regional Price Preference* the policy will be amended to reflect the changes.

FINANCIAL IMPLICATIONS

The Shire has a Regional Price Preference Reserve of \$200,000. It is considered that any changes to *CP/FIN-3217 Regional Price Preference* will be adequately funded from this reserve.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire has received advice from the Department of Local Government and further legal advice that the Shire's *CP/FIN-3217 Regional Price Preference* is not compliant with the *Local Government (Functions and General) Regulations 1996* as the Policy does not acknowledge the full provisions of Regulation 24B and requires amendment for compliance.

The amendment concerns making a provision for regional content in the assessment of quotations / tenders. Regulation 24B states:

(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —

(a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or

(b) some or all of the goods or services are to be supplied from regional sources.

CP/FIN-3217 Regional Price Preference only includes a provision for 24B(2a) and to ensure compliance with the Regulation is proposed for amendment to also include provision for 24B(2b)

Following this amendment, non regional tenderers will be able to claim the regional price preference for portions of the tender / quotation that utilise regional content; goods / services supplied from local subcontractors.

ATTACHMENTS

Attachment 1 - *CP/FIN-3217 Regional Price Preference - track changes*

Attachment 2 - *CP/FIN-3217 Regional Price Preference - track changes accepted*

12.5. INFRASTRUCTURE

12.5.1. Funeral Director's Licence Annual Renewal - Derby & Broome Funeral Services

DATE:	24 July 2018
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	PH.12.11
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's Licence to Derby & Broome Funeral Services for a period of one year from 1 July 2018 to 30 June 2019 in accordance with the Cemeteries Act 1986.

COUNCIL DECISION

Minute Number: 24/07/2018-115820

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council approves the issuing of an annual Funeral Director's Licence to Derby & Broome Funeral Services for a period of one year from 1 July 2018 to 30 June 2019 in accordance with the Cemeteries Act 1986.

Carried 8/0

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Each year the Funeral Director of Broome and Derby Funeral Services applies for the annual renewal of his Funeral Director's licence to conduct funerals within the Shire of Wyndham East Kimberley.

Broome and Derby Funeral Services has been operating in the Kimberley for approximately 25 years.

STATUTORY IMPLICATIONS

Cemeteries Act 1986.

Division 3 - Licensing of funeral directors.

16. *Licences*

A funeral director's licence:

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner suspended or cancelled; and*
- (c) is not transferable.*

17. *Applications for licences*

- (1) An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) An applicant who satisfies the Board that the applicant:*
 - (a) is of good repute and is fit to hold a funeral director's licence; and*
 - (b) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Undertakers (Funeral Directors) Annual Licence Fee is \$350.00 from 1 July 2018

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.

Objective 3.4: Enhancement of community facilities

Strategy 3.4.3 : Ensure Shire facilities are planned and managed to meet community needs

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Broome and Derby Funeral Services are one of two listed services for the Kimberley.

An application for Funeral Director's Licence has been received and paid for, with details of appropriate insurances provided.

ATTACHMENTS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13.1. 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

COUNCIL DECISION

Minute Number: 24/07/2018-115821

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council move in-camera with officers to leave at 5.29pm

Carried 8/0

16.1. CEO PERFORMANCE REVIEW

C Askew declared a financial interest as the item is regarding his performance, and remuneration review

DATE:	24 July 2018
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	PL.1907
DISCLOSURE OF INTERESTS:	Carl Askew declares a financial interest as the item is regarding his performance, remuneration review and contract of employment.

COUNCIL DECISION

Minute Number: 24/07/2018-115822

Moved: Cr T Chafer

Seconded: Cr M Dear

- 1. Notes that a review of the Chief Executive Officer's performance has been undertaken.**
- 2. Endorses the finding that Mr. Askew's performance has met performance requirements as the CEO of the Shire of Wyndham East Kimberley.**
- 3. Endorses the key result areas and actions for 2018/19.**
- 4. Schedules the next appraisal to be completed by 31 July 2019.**
- 5. Notes that Mr. Askew has elected not to seek a variation to his total reward package for the 2018/19 period. Council notes its appreciation of his leadership in demonstrating fiscal restraint.**

Carried 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* section 5.23 (2) (a).

5.23. Meetings generally open to public

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

- a matter affecting an employee or employees; and*
- the personal affairs of any person; and*
- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to note and endorse the recommendations of the CEO Performance Review Panel in relation to the CEO's annual performance and remuneration review.

COUNCIL DECISION

Minute Number: 24/07/2018-115823

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council move out of camera at 5.31pm

Carried 8/0

The Shire President read aloud the resolution of council (item number 115822).

The Shire President thanked the CEO for his hard work in the last 12 months and looked forward to the next 12 months and the achievement of the KPI's set for the CEO. The CEO thanked Council for their positive feedback and review assessment and looked forward to an exciting and challenging 12 months.

The Shire President also acknowledged the professional advice and facilitation of Mr John Phillips of JCP Consulting in assisting the Council with the review process. It was both a

valuable and educative process for all councillors with the knowledge gained being useful for future reviews.

ATTACHMENTS

Attachment 1 – CEO Key Performance Indicator's 2018 - 19

17. CLOSURE

The Shire President declared the meeting closed at 5.36pm