

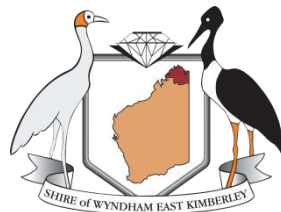
I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

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Shire President

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Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

# MINUTES ORDINARY COUNCIL MEETING

25 September 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.**

## **C O N T E N T S**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....	4
3. DECLARATION OF INTEREST .....	5
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	5
5. PUBLIC QUESTION TIME .....	5
6. APPLICATIONS FOR LEAVE OF ABSENCE .....	6
7. PETITIONS .....	6
8. CONFIRMATION OF MINUTES .....	6
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	7
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	8
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....	8
12. REPORTS .....	9
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL .....	9
12.2. CHIEF EXECUTIVE OFFICER .....	9
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions ..	9
12.3. COMMUNITY DEVELOPMENT .....	11
12.3.1. CSRFF Annual Grant Applications .....	11
12.3.2. Development Approval Application - Lot 506 Casuarina Way, Kununurra - Tourist Accommodation .....	15
12.3.3. Integrated Youth Partnership Model .....	25
12.3.4. Kununurra Neighbourhood House - Request to Vary Agreement for Lease .....	34
12.4. CORPORATE SERVICES .....	39
12.4.1. List Of Accounts Paid From Municipal Fund and Trust Fund .....	39
12.4.2. Interim Monthly Financial Report August 2018 .....	42
12.5. INFRASTRUCTURE .....	45
12.5.1. Partial Degazetting of Carlton Hill Road .....	45
12.5.2. Policy Review - CP/OPS-3653 Vehicle Crossover Subsidy .....	50
12.5.3. Policy Review - CP/OPS-3652 Cattle Grids .....	53
12.5.4. Policy Review - CP/OPS-3655 Road Development .....	56
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	59
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	59
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	59
15.1. LATE ITEM - MANAGEMENT OF RUNWAY STRIP, EAST KIMBERLEY REGIONAL AIRPORT .....	59
16. MATTERS BEHIND CLOSED DOORS .....	64
17. CLOSURE .....	64

**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON 25 SEPTEMBER 2018 AT 5:00PM**

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**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.

Members of the public are also informed that a late item has been received for Council's consideration.

The Deputy Shire President Declared the Meeting open at 5.00pm

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

**ATTENDENCE**

Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr G Lodge	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
S Dyson	Director Infrastructure
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
N Lennon	SWEK Employee
P Bawden	SWEK Employee
L Irvin	Resident
M Northover	Resident
S Rushby	Resident
D Aladin	Resident
B Nadge	Reporter ABC News
P De Kruijff	Reporter Kimberley Echo

## APOLOGIES

Cr D Menzel  
Cr J Farquhar

Shire President  
Councillor

### 3. DECLARATION OF INTEREST

- Financial Interest

Nil

- Impartiality Interest

Councillor	Item	Title	Description of interest
Cr N Brook	12.5.1	Partial Degazetting of Carlton Hill Road	My husband is employed by Kimberley Agricultural Investments (KAI)
Cr D Pearce	12.5.1	Partial Degazetting of Carlton Hill Road	KAI is a client of my business, Kimberley Boab Consulting Pty Ltd

- Proximity Interest

Nil

### 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 5. PUBLIC QUESTION TIME

**Questions from Lee Irvin, Ivanhoe Caravan Park, Kununurra**

**1. Why has the Shire CEO decided to withdraw the infringement for Michael Harvey for illegally camping within 50m of the Ivanhoe Village Caravan Park gates and the Ag Showgrounds Caravan Park?**

All reviews of infringements are considered on their merits and treated individually and accordingly.

Whilst the Shire was confident in its opinion and position, any consideration by the Courts is open to interpretation and as such there is a possibility that the Magistrate may form a view which might be less favourable to the Shire (this has been proven in other recent court cases).

The Shire needs to be mindful of the efficient application of limited Shire resources and expenditure of limited ratepayer funds. Potential legal challenges can be both costly and time consuming and would divert resources away from other work as well as potentially incurring the need for legal advice and/or representation.

**2. Is the Council confident with the current policies that SWEK works under to enforce this state legislation and if not, will these policies be reviewed with public comment to ensure this won't happen again?**

The Shire has taken this opportunity to review our Ranger Operating Procedures in relation to this particular matter, including the Caravan Park and Camping Grounds Legislation and specifically part 2 of the Regulations.

All reviews of infringements are considered on their merits and treated accordingly.

**3. Does the Shire intend to withdraw all contested infringements in the future?**

No. Anyone can request a review of an infringement and we are required to consider all relevant matters before making such decisions.

**4. If so, what do you propose to do to ensure local businesses are not negatively impacted by people who camp illegally within the town boundaries, and often (in my experience) use the facilities without paying for them**

The Shire will continue to apply the relevant Legislation and all travellers who are approached will be reminded and encouraged to consider local accommodation businesses who rely upon the patronage of visitors and travellers to our region.

The Shire is very aware of these challenging economic times and all stays, no matter how short, help our local tourism operators. As you are clearly aware, the Shire has a range of places to stay from caravan parks to hotel, motels, apartments and backpackers and I am confident one would be to everyone's liking and budget.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

<p><b>That Council confirms the Minutes of the Ordinary Council Meeting held on 28 August 2018.</b></p>
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## **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115849**

**Moved: Cr N Brook**

**Seconded: Cr M Dear**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 28 August 2018**

**Decision:7/0**

Note: The Minutes of the Ordinary Council Meeting held on 28 August 2018 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

### **9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

On Monday 3 September the Shire of Wyndham East Kimberley hosted a WALGA Kimberley Zone and Kimberley Regional Group meeting. One of the main topics of conversation was liquor restrictions. The Kimberley Zone is keen to implement the liquor restrictions that Kununurra and Wyndham have across the whole of the Kimberley. The Banned Drinkers Register was also discussed with members keen to implement this across the Kimberley. The Government has decided to trial the register in the Pilbara before allowing it to be implemented in other areas of the State. Other topics included the preparation for the next joint Kimberley Northern Territory forum and working with ATEA consulting on a review of the Kimberley Regional Groups Business Plan.

On Wednesday 5 September the Shire President with five Councillors attended a Corporate Sundowner with Regional Development Australia.

On Friday 7 September the Shire President opened the Kimberley Writers Festival at the Community and School Library.

On Wednesday 12 September the Shire supported the Champions to Country Breakfast at Celebrity Tree Park and the Shire President hosted a "Tree planting" to commemorate the visit of four elite athletes; Belinda Stowell, three time Olympic Gold Medallist in Sailing; Nina Kennedy, Commonwealth Games Bronze Medallist in Pole Vault; Sean Pollard, Paralympian in Snowboarding; and Tamsin Cook, Olympic Silver Medallist in Swimming. The breakfast was very well attended with many students gaining inspiration from each of the athletes.

On Monday 17 September the Shire President hosted a Citizenship Ceremony on Australian Citizenship Day and welcomed 18 new Citizens. The Shire Chambers was full of family and friends that attended to give their support.

On Friday 21 – Saturday 22 Ngnowar Aerwah Wyndham held a very successful Munumburra Festival at the Shire Oval.

Kununurra made news for all the wrong reasons on the weekend, experiencing very serious fires. It was a trying weekend for all. Our thoughts and commiserations go out to those people that lost property in the fires. Fortunately there was no loss of life or serious injury. Thanks also go out to DFES, Parks and Wildlife,

WAPOL, the Shire, Main Roads WA, various contractors and in particular the volunteers from SES and local fire brigades who gave up their time on the weekend to fight the fires and keep our Community safe.

There are many lessons we can learn from the weekend. One of the things the Shire will consider and speak to various authorities about is why we do not have access to water bombing infrastructure in Kununurra. Discussion around the Community is that this would have aided us during the event. Also the level of preparedness through the Community. There were sections where there was no credible attempt to put fire breaks in around private property and Government property and/or reduce fuel loads on blocks which may have contributed to the issues dealt with over the weekend. The Shire will be involved in a debrief with DFES and will take these matters to DFES to make sure next time, our Community is better equipped to deal with these issues.

## **10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

## **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**



## **12. REPORTS**

### **12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

### **12.2. CHIEF EXECUTIVE OFFICER**

#### **12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions**

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Executive Assistant
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

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

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115850**

**Moved: Cr G Lodge**

**Seconded: Cr N Brook**

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

**Decision:7/0**

#### **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 August 2018 Council resolutions (Attachment 1). Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

## **ATTACHMENTS**

Attachment 1 - Council Action Register - August 2018

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

## 12.3. COMMUNITY DEVELOPMENT

### 12.3.1. CSRFF Annual Grant Applications

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Coordinator Recreation and Leisure
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/a
<b>FILE NO:</b>	GS.05.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Endorses the Community Sport and Recreation Facilities Fund (CSRFF) Annual Grants applications from the Shire of Wyndham East Kimberley to resurface the Kununurra Multipurpose Courts and from the Kununurra Motocross Club application to upgrade lighting infrastructure.
2. Ranks the Shire's application as priority one and the Kununurra Motocross Club application as priority two.

### COUNCIL DECISION

Minute Number: 25/09/2018 - 115851

Moved: Cr A Petherick

Seconded: Cr G Lodge

That Council:

1. Endorses the Community Sport and Recreation Facilities Fund (CSRFF) Annual Grants applications from the Shire of Wyndham East Kimberley to resurface the Kununurra Multipurpose Courts and from the Kununurra Motocross Club application to upgrade lighting infrastructure.
2. Ranks the Shire's application as priority one and the Kununurra Motocross Club application as priority two.

Decision: 7/0

## **PURPOSE**

For Council to endorse submissions from the Shire and from the Kununurra Motocross Club for the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Annual Grants round.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Advocator - advocate and support initiatives on behalf of the community and the Kimberley

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries. Under the program's selection criteria, local government authorities are required to consider CSRFF applications and/or submit applications themselves, advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications and, if supported, rank those submissions in priority order.

There are three types of CSRFF grants: small grants for amounts up to \$66,666; annual grants for amounts up to \$166,666, and forward planning grants for amounts up to \$2,000,000. The closing date for the current annual grant round to be submitted to the Department of Local Government, Sport and Cultural Industries is 30 September 2018. Submissions were therefore required by the Shire by 3 September 2018 for Council consideration.

The Shire submission for funding is for the purpose of resurfacing multipurpose courts in Kununurra, as well as the installation of an adjustable basketball hoop system at the Kununurra outdoor basketball court. The project supports current usage and could potentially increase usage by providing a safer and more playable surface. The proposal is supported by a range of clubs, schools and not-for-profit organisations and will support youth programs. The total project will cost \$220,000 of which \$110,000 is being sought from the CSRFF Annual Grant fund. The application, which provides additional detail on the project is at Attachments 1,2 and 3.

At the time of closing, the only additional funding submission had been received, from the Kununurra Motocross Club, which is provided as at Attachment 4. The Kununurra Motocross Club have requested CSRFF Annual Grant funding for the purpose of constructing permanent lighting at the Kununurra Motocross track on Ivanhoe Road. The new (permanent) lighting would replace temporary or mobile lighting stands which are at the end of their usable life and enable the Club to extend the motocross season and hold night

practice sessions. The estimated cost of this project is \$397,320 and the Club has requested \$198,660 from the CSRFF Annual Grant fund.

### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **FINANCIAL IMPLICATIONS**

The Shire has included \$220,000 capital works expenditure within the 18/19 Annual Budget for the resurfacing of the outdoor courts in Kununurra, which is dependent upon income of \$110,000 for a Sport and Recreation Grant, being for this CSRFF Annual Grant.

There are no financial implications associated with the Kununurra Motocross proposal, however, the Shire has previously allocated \$50,000 to the project from the Annual Community Grants within the 2017/18 Annual Budget, which has previously been paid to the Club.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: Healthy vibrant active communities

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

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

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

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

The resurfacing of the outdoor court surfaces in Kununurra is specifically referenced in the Corporate Business Plan, at Action 428. The Shire has already resurfaced the outdoor courts in Wyndham, at Action 454.

### **RISK IMPLICATIONS**

There are no risks associated with the Shire's involvement in this process. Kununurra Motocross Club are a lessee of the Shire and Building approvals will be required for any construction on the lease area, requirements that the Club is aware of.

## **COMMUNITY ENGAGEMENT**

The Shire has consulted with users of the multi-purpose courts for the purpose of determining need and preparing the application for grant funding, which has included the clubs, schools and other organisations that use the facilities to conduct youth programs.

## **COMMENTS**

The upgrade of the Kununurra Multipurpose (outdoor) Courts is a priority for the Shire as captured in the Strategic Community Plan and Corporate Business Plan and is budgeted for. The Motocross Club application, being for the installation of permanent track lighting, is similarly important, particularly as the Shire has previously provided funds for this purpose. For this reason, it is recommended that the Council support both projects.

With respect to the ranking of the submissions, it is suggested that the priority ranking for the Shire's multi-purpose courts resurfacing is justified on the basis of the number of Club's and users that would benefit from the project and its wider potential to support other users and the implementation of youth program activity in particular. Accordingly, it is recommended that the Shire's multi-purpose (outdoor) courts resurfacing project be ranked priority one, and the Kununurra Motocross Club track lighting project be ranked priority two.

## **ATTACHMENTS**

Attachment 1 - CSRFF Shire Wyndham East Kimberley Multipurpose Court Surface Upgrade Application

Attachment 2 - CSRFF Shire Wyndham East Kimberley Multipurpose Court Quotes

Attachment 3 - CSRFF Shire Wyndham East Kimberley Multipurpose Court Site Map and Fees

Attachment 4 - CSRFF Kununurra Motocross Application

### **12.3.2. Development Approval Application - Lot 506 Casuarina Way, Kununurra - Tourist Accommodation**

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A1736P
<b>FILE NO:</b>	A1736P
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form(s) for development and building approvals to develop the land for tourist accommodation at R51637 Lot 506 Casuarina Way, Kununurra.**
- 2. Grants development approval consent to develop the land for tourist accommodation at R51637 Lot 506 Casuarina Way, Kununurra, subject to the following conditions:**
  - a. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
  - b. Prior to the issue of a Building Permit, an updated site plan showing the following is to be submitted to the local government for approval:**
    - i. Setbacks of all buildings to boundaries (buildings shall be located a minimum of 1.5 metres from the lease boundary and a minimum of 1.8 metres separation between each building);**
    - ii. Dimensions of buildings, accessways, car parking spaces, landscaping areas;**
    - iii. Turning circles of vehicles to demonstrate that vehicles can enter and exit the proposed car parking spaces safely.**
  - c. Prior to applying for a Building Permit, a stormwater management plan must be submitted to the local government for approval. In addition to the local governments requirements the stormwater management plan shall include measures to ensure the development does not pose**

contamination risks to surface or groundwater resources. The approved stormwater management plan is to be implemented during constructed, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.

- d. The proposed development shall be finished in materials and colours to be compatible with existing development on site and all exposed roof areas shall be muted colours (highly reflective materials are to be avoided).
- e. Car parking spaces are to be provided for the tourist accommodation at a minimum rate of one (1) space per two (2) bedrooms of accommodation. Car parking bays are to be constructed to a minimum compact gravel standard, line marked and maintained to the satisfaction of the local government.
- f. All access ways providing vehicular access to the tourist accommodation buildings shall be appropriately sealed and drained to the satisfaction of the local government.
- g. A detailed landscaping plan for the area around the tourist accommodation buildings and along the foreshore area shall be prepared and submitted for approval to the local government. The landscaping shall be undertaken in accordance with any recommendations by the Department of Water and Environmental Regulation to ensure species are chosen to provide shade, to contribute to the natural environment of the area and ensure the integrity of the foreshore bank is maintained. The plan shall include:
  - i. The location, number and type of proposed trees and shrubs;
  - ii. Any lawns to be established;
  - iii. The areas to be reticulated or irrigated;The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and thereafter maintained at all times to the satisfaction of the local government.
- h. Tourist accommodation shall be occupied by persons undertaking short stays only, where stays by any person are limited to a maximum of three (3) months in any twelve (12) month period.
- i. The proposed tourist accommodation buildings shall be connected to the reticulated sewerage system.

#### **ADVICE NOTES TO APPLICANT**

- 1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal,



you may have a right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.

2. An owner of land may in respect of which development approval has been granted by the Local Government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if development has not been substantially commenced within this time.
4. This approval is not a Building Permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws).
5. It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. Council will not accept responsibility for incorrectly located buildings.
6. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.
7. In relation to stormwater, best management practices for stormwater and erosion should be used during planning, design and construction of the development.
8. In relation to landscaping, plants should be chosen in consultation with the Department of Water and Environmental Regulations (to ensure the integrity of the bank is maintained and plants will not decrease the environmental significance of the area).
9. It is recommended that construction occur during the dry season with any required rehabilitation works completed before the onset of the wet season.

## **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115852**

**Moved: Cr D Pearce**

**Seconded: Cr M McKittrick**

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form(s) for development and building approvals to develop the land for tourist accommodation at R51637 Lot 506 Casuarina Way, Kununurra.**
- 2. Grants development approval consent to develop the land for tourist accommodation at R51637 Lot 506 Casuarina Way, Kununurra, subject to the following conditions:**
  - a. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
  - b. Prior to the issue of a Building Permit, an updated site plan showing the following is to be submitted to the local government for approval:**
    - i. Setbacks of all buildings to boundaries (buildings shall be located a minimum of 1.5 metres from the lease boundary and a minimum of 1.8 metres separation between each building);**
    - ii. Dimensions of buildings, accessways, car parking spaces, landscaping areas;**
    - iii. Turning circles of vehicles to demonstrate that vehicles can enter and exit the proposed car parking spaces safely.**
  - c. Prior to applying for a Building Permit, a stormwater management plan must be submitted to the local government for approval. In addition to the local governments requirements the stormwater management plan shall include measures to ensure the development does not pose contamination risks to surface or groundwater resources. The approved stormwater management plan is to be implemented during constructed, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.**
  - d. The proposed development shall be finished in materials and colours to be compatible with existing development on site and all exposed roof areas shall be muted colours (highly reflective materials are to be avoided).**
  - e. Car parking spaces are to be provided for the tourist accommodation at a minimum rate of one (1) space per two (2) bedrooms of accommodation. Car parking bays are to be constructed to a minimum compact gravel standard, line marked and maintained to the satisfaction of the local government.**

- f. All access ways providing vehicular access to the tourist accommodation buildings shall be appropriately sealed and drained to the satisfaction of the local government.
- g. A detailed landscaping plan for the area around the tourist accommodation buildings and along the foreshore area shall be prepared and submitted for approval to the local government. The landscaping shall be undertaken in accordance with any recommendations by the Department of Water and Environmental Regulation to ensure species are chosen to provide shade, to contribute to the natural environment of the area and ensure the integrity of the foreshore bank is maintained. The plan shall include:
  - i. The location, number and type of proposed trees and shrubs;
  - ii. Any lawns to be established;
  - iii. The areas to be reticulated or irrigated;The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and thereafter maintained at all times to the satisfaction of the local government.
- h. Tourist accommodation shall be occupied by persons undertaking short stays only, where stays by any person are limited to a maximum of three (3) months in any twelve (12) month period.
- i. The proposed tourist accommodation buildings shall be connected to the reticulated sewerage system.

#### **ADVICE NOTES TO APPLICANT**

1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with Clause 76 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
2. An owner of land may in respect of which development approval has been granted by the Local Government may make an application to the local government requesting the local government to amend or cancel an approval in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations Act 2015 (WA)*.
3. This approval is valid for a period of two (2) years. A new application will be required to be submitted if development has not been substantially commenced within this time.

4. This approval is not a Building Permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws).
5. It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. Council will not accept responsibility for incorrectly located buildings.
6. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.
7. In relation to stormwater, best management practices for stormwater and erosion should be used during planning, design and construction of the development.
8. In relation to landscaping, plants should be chosen in consultation with the Department of Water and Environmental Regulations (to ensure the integrity of the bank is maintained and plants will not decrease the environmental significance of the area).
9. It is recommended that construction occur during the dry season with any required rehabilitation works completed before the onset of the wet season.

**Decision:7/0**

## **PURPOSE**

For Council to consider an application for development approval to construct tourist accommodation at R51637 Lot 506 Casuarina Way, Kununurra.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - enforce state legislation and local laws

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The property is located off Casuarina Way, Kununurra to the rear of Lakeside Resort and directly abuts the southern foreshore of Lily Creek lagoon.

Ingle Pty Ltd commenced leasing the property 1 July 1993 and at that the time the lease was for five years and the permitted land use was for “foreshore beautification, motel tenant access and tour departure access” under a portion of Reserve 41812. Ingle Pty Ltd use the land in conjunction with the adjoining property (Lot 2263 Deposited Plan 187973, 50 Casuarina Way, Kununurra), trading as Lakeside Resort which operates as a tourist facility with accommodation, caravan and camping sites and a restaurant. There was no extension or revision of that lease however and the tenant continued to occupy the site until 2015 when a new (21 year) lease was approved which enabled use of the land in conjunction with the adjoining resort, but added additional requirements to ensure public access to the foreshore and to ensure that any improvements constructed on the land would be removed or ‘gifted’ on its termination. Any improvements or changes of use must also be approved in writing by the Lessor, being the Shire, which holds the Management Order over the land.

#### Relevant approval history

Council determined at the 11 August 2003 Ordinary Council Meeting, that development to establish overflow caravan and camping sites, a road and power and water supply took place on what was then a portion of Reserve 41812 without relevant approvals from the Shire. It was (Minute No. 6405) further determined that Council would accept a development application on the basis that overflow use is limited to caravan and camping overflow as defined in the *Caravan and Camping Regulations 1997* and on the basis that land tenure issues were to be resolved.

Development approvals have also been granted for boat hire and use and development of unallocated crown land adjacent to R41812 and in April 2016, development approval was granted for a projector screen frame.



Locality Plan: R51637 Lot 506 Casuarina Way, Kununurra

### Proposal

The applicant proposes to construct five accommodation buildings on the site to be used as tourist accommodation. The buildings are proposed to be constructed in an area which is currently used for overflow camping and caravan storage, directly adjacent to some existing motel accommodation units located on the adjoining property (which is owned and operated by Ingle Pty Ltd). Each of the buildings will include four bedrooms with ensuite with a total of 20 rooms provided. The buildings will be 'transportable' style buildings and it is proposed to install a bullnose verandah along the facade of each of the buildings. The applicant is also proposing to construct ten car parking spaces to be used in association with the accommodation and access will be via the primary accessway through the Lakeside Resort and with egress through the secondary accessway.

### **STATUTORY IMPLICATIONS**

#### **Draft Local Planning Strategy and draft Local Planning Scheme 9 (LPS9)**

One of the key planning purposes for land within the Kununurra Surrounds area is to protect areas of environmental significance, including the Ramsar listed Lake Kununurra. In accordance with the model provisions under draft Local Planning Scheme No. 9 'Environmental Conservation Reserve' has been assigned to the Lake Kununurra foreshore, national parks and other areas within the conservation estate.

### **Current Local Planning Scheme 7 (LPS7)**

The land is identified as Special Foreshore Reserve under Local Planning Scheme No. 7 and the objective is to identify and protect foreshore areas that have special conservation values particularly in regards to flora and fauna values and by ensuring areas of significance are identified and recorded through appropriate studies.

### ***Land Administration Act 1997***

The Shire holds the Management Order for the Reserve for the purpose of caravan park and camping ground, boat launching, mooring and ancillary uses, with the power to lease for a maximum of 21 years and authorisation from the Shire is required to make application for planning or building approval.

### **POLICY IMPLICATIONS**

Policy CP/PMG-3781 “Leasing of Council Managed/Owned Land - Commercial” is relevant, however it is considered that the proposed development is in accordance with the lease.

### **FINANCIAL IMPLICATIONS**

The relevant development approval application fee has been paid.

### **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**

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

### **COMMUNITY ENGAGEMENT**

Given the proximity to Lily Creek Lagoon, the application was referred for comment to the Department of Water and Environmental Regulation. The Department provided the following comments:

- *It is important that the development does not pose contamination risks to surface and groundwater resources.*
- *Given the close proximity (less than 30m) to the water's edge, the development should be connected to mains sewer and best management practices of stormwater and erosion should be used during planning, design and construction.*

- *In addition, construction should occur during the dry season with any required rehabilitation works completed before the onset of the wet season.*

## **COMMENTS**

The proposal is considered to be consistent with the Local Planning Scheme and consistent with the authorised use of the executed lease and with the designated purpose for which the land is reserved and as described in the Shire's Management Order. The proposal would not cause any negative impacts associated with the protection of environmental values given the scale of the proposal and that it would be built within an already cleared area of the land.

The proposal is recommended for approval, subject to conditions that require the submission of revised plans to more accurately indicate the setbacks of the buildings to the boundary of the site and to show parking and accessways, including to ensure that vehicles can enter and exit the site safely. Additional conditions are suggested with respect to the treatment of stormwater, which will require the preparation of a Stormwater Management Plan and the comments received from the Department of Water and Environmental Regulation, which is relevant to this aspect of the proposal, will be included as advice notes. The buildings will also need to be constructed/painted in muted colours and materials consistent with the existing development to ensure that the new buildings aren't highly visible beyond the site and landscaping will be required to also soften its appearance.

Under the Planning Scheme provisions, tourist accommodation may only be used for temporary accommodation of tourists, visitors and travellers, in light of this it is recommended that a condition be included that restricts short stays to a maximum of three months within any twelve month period. This is consistent with similar short-term accommodation approvals granted previously by the Shire.

## **ATTACHMENTS**

Attachment 1 - Application Documents



### 12.3.3. Integrated Youth Partnership Model

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Nick Kearns, Director Planning and Community Development
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/a
<b>FILE NO:</b>	CP.09.7
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Endorses a collaborative response to youth and community issues as outlined in this report; and**
- 2. Partners with other stakeholders to implement the Kununurra Integrated Youth Partnership Model as per Attachment 2.**

### COUNCIL DECISION

**Minute Number: 25/09/2018 - 115853**

**Moved: Cr G Lodge**

**Seconded: Cr N Brook**

**That Council:**

- 1. Endorses a collaborative response to youth and community issues as outlined in this report; and**
- 2. Partners with other stakeholders to implement the Kununurra Integrated Youth Partnership Model as per Attachment 2.**

**Decision:4/3**

**For: Cr T Chafer, Cr N Brook, Cr G Lodge, Cr M McKittrick  
Against: Cr M Dear, Cr D Pearce, Cr A Petherick**

*Cr A Petherick requested the votes be recorded*

*As part of the discussion on this item it was requested that the Administration arrange a briefing for Council with all relevant agencies and service providers to further discuss the issues raised and the proposed solutions and responses.*

## **PURPOSE**

For Council to respond to community issues in a holistic manner and work with other stakeholders, including supporting the development and implementation of an integrated community services model to address issues associated with street present children and young people in Kununurra.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Facilitator – bring stakeholders together

Leader – plan and provide direction through policy and practices

Advocator – advocate and support initiatives on behalf of the community

Funder – provide funds or other resources

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

At its meeting on 27 February 2018, Council resolved to invite representatives of the East Kimberley District Leadership Group (EKDLG) as well as Western Australia Police (WAPOL) and the Aboriginal Social Reference Group to discuss the underlying causes and current strategies to support vulnerable youth and address related crime prevention for the purpose of collaborating on new initiatives and support including the possibility of introducing a night time youth curfew. This arose from a series of incidents of late night break-ins and vandalism occurring within the Kununurra town centre, attributed to street present children and young people.

A meeting was convened with Council on 22 March 2018 with members of the EKDLG. In attendance, and presenting, were Tracey Gillett – Kimberley Regional Executive Director Department of Communities, Allan Adams – Kimberley District Superintendent WAPOL, Christy Hawker – Chief Executive Officer, Binarri-binya yarrowoo (Empowered Communities East Kimberley) and Rochelle Binks – East Kimberley District Director Child Protection, Department of Communities.

The presentation (at Attachment 1) covered a range of topics including underlying causes of youth related crime such as family violence; child neglect; substance abuse; mental health; foetal alcohol spectrum disorder (FASD); poor living conditions including overcrowding; and the over-representation of Aboriginal youth in care and in the justice system.

WAPOL reported that the Kimberley District has the highest rate of offending (per head of population) in the State for key volume crime offences generally associated with juvenile offending i.e. burglary, motor vehicle theft, general theft and damage (vandalism) with similar rates across the East and West Kimberley. While apprehending rates are high, the diversion rates are low, which is recognised by WAPOL as an inherent weakness of the system. Therefore they are reviewing available diversionary options for offenders and families to

access as well as Police engagement at key trigger points (early offending, Integrated Offender Management Meetings, Court appearances).

Binarri-binyja yarrowoo, comprised of 18 Aboriginal community based member organisations in Kununurra and Halls Creek, is initiating a range of strategies within its regional development agenda, including a key focus on improving educational outcomes for young people, while also engaging in regional forums, such as the EKDLG for the purpose of promoting Aboriginal-led initiatives to improve the lives of Aboriginal people and communities.

The Department of Communities reported that while there are a significant number of services working with young people and families to address youth related crime and other social issues, these efforts require improved coordinated and communicated. Organisations delivering youth services also acknowledge the mismatch between client needs and service delivery models; limited or duplicative investment of resources and funding; limited evaluation and information sharing; and missed opportunities for meaningful intervention. Addressing these service system failures is a key focus of the EKDLG.

Much of the work of the EKDLG, since meeting with Council in March 2018, has been focused on developing a range of strategies to promote a targeted collaborative approach and support participating members (partner organisations) to better engage young people and their families, reduce street presence and youth related crime and improve community safety and wellbeing. To this end, a sub-group of the DLG has been established – the Children and Young People Priority Working Group, of which the Shire is an active participant. This working group, which meets monthly, aims to address issues associated with vulnerable children and youth and better ‘harness’ the effort of each organisation through collaboration and coordination. The working group has endorsed a range of initiatives including the Integrated Youth Partnership Model developed by Kununurra Waringarri Aboriginal Corporation (KWAC).

#### Integrated Youth Partnership Model

The Shire has been working closely with the KWAC since early 2018, along with key stakeholders (Police, Youth Justice, East Kimberley Chamber of Commerce and Industry and MG Corporation) and funding bodies to support development of a new model to directly address and reduce street present children and young people in Kununurra. A copy of the Integrated Youth Partnership Model is provided at Attachment 2

The core elements of this integrated model are:

1. A central coordination function via employment of a Youth Partnership Coordinator. This coordinator will be responsible for establishing partnerships with government and non-government services and providing a central coordination point for WAPOL and Youth Justice to identify individual needs and determine appropriate diversionary activities, while acknowledging that some young people will be unable to avoid tertiary justice intervention such as detention.
2. Direct management and oversight by an Aboriginal community organisation, being KWAC, to ensure that the interventions initiated are purposeful, culturally appropriate and community driven.

3. Building on existing youth diversionary activities which demonstrate success though currently poorly resourced and funded, such as 'back to country' programs, youth night patrol and other programs.
4. Implementing new activities that are developed by young people, coordinated by the recently established Youth Leadership Group and supported by youth activity workers.
5. Inclusion of local businesses, including the East Kimberley Chamber of Commerce and Industry and other stakeholders such as sporting clubs.
6. A governance framework which is inclusive of all partners with a commitment to information sharing and collaboration.

The Integrated Youth Partnership Model includes participation and program support from:

- Shire
- WAPOL
- Youth Justice
- Save the Children
- Department of Communities
- East Kimberley Chamber of Commerce and Industry

The model is supported by MG Corporation and the Department of Prime Minister and Cabinet (P&MC) as a key funding provider. It also strongly supports the EKDLG's efforts to put in place a more responsive and connected service system which identifies children and young people at risk and provides appropriate supportive pathways and opportunities for positive engagement, including with families, to improve outcomes with respect to community and family safety, youth crime, child neglect and other harm reduction. The Integrated Youth Partnership Model proposed by KWAC has similarities to the East Kimberley Youth Services model, developed and implemented by the Shire in 2008 to 2011/12. That model similarly established a Regional Youth Coordinator, supported by Youth Activity/Project workers in Kununurra and Wyndham, provided diversionary and developmental activities, and coordinated youth and community services through the East Kimberley Youth Service Providers Network. Governance of the model was provided by a Stakeholder Reference Group, which included Shire, State government and Federal government as the three funding bodies committing approximately \$100,000 per annum each over 3 years.

With changes to the service provision landscape and government funding programs the Shire moved away from direct youth service provision, reducing its direct involvement and supporting other service providers such as Save the Children in the provision of youth services through facilities access such as the Kununurra Youth Hub. However the Shire has continued its direct youth service delivery involvement in Wyndham.

The Integrated Youth Partnership Model proposed by KWAC closely mirrors the Wyndham Youth Aboriginal Corporation's (WYAC) project which is successfully conducted from the Ted Birch Youth and Recreation Centre in Wyndham. This Shire community partnership is supported by a coordinator and staff that implement diversionary and development activities with direction from a newly established Youth Advisory Council. The WYAC has also successfully partnered with other government agencies and not-for-profits in delivering better and more focussed services for young people in the town.

### Current approaches

As noted, there are a range of services being funded by government with most delivered by non-government organisations to address youth related needs and issues in Kununurra, including:

- Save the Children's (STC) youth diversionary programs operated from the Kununurra Youth Hub. This includes a night patrol, YES (Youth Engagement Strategy), Youth Justice and Strong Tomorrow Case Management Program, and their Transitional Support Service.
- Mirima Dawang Woorlab-gerring's Language Nest
- Gawooleng Yawoodeng's Stepping Stones program and tutoring for primary aged children
- Wunan's PaCE program
- Bluearth after school activities for middle years children
- KEY (Kununurra Empowering Youth) School Holiday Program

KWAC currently run some 'back to country' trips for youth in Kununurra on a mostly voluntary basis and have recently been able to secure additional funding from WAPOL to extend the program to at least 17 trips per year. They have also submitted for Federal funding to extend the program and broaden its application to girls and boys in line with the newly established Youth Leadership Group. In addition, KWAC has undertaken its own research for the purpose of developing the Integrated Youth Partnership Model – a new youth diversionary model and link more activities to the 'back to country' program. In addition, MG Corporation have proposed a more intensive cultural program, being their Rangka-ranggab (Cultural Youth Diversion) Program and a proposal to establish a local wellness centre as an alternative to youth detention in Perth. The State Government, principally through the Department of Communities and EKDLG is also aiming to better streamline and connect its services as they relate to youth and families.

### Youth curfews

There is limited evidence in support of the effectiveness of youth curfews in reducing crime, with the costs of implementing curfews largely outweighing the benefits and are often discriminatory in nature (Review of Effective Practice in Juvenile Justice, NSW Government 2010).

A youth curfew implemented in Northbridge, Perth in 2003, was initiated through a *Youth Policy* prepared by the then WA Labor Party aimed at protecting youth welfare and making the Northbridge entertainment precinct safer. It had legislative power under the *Child Welfare Act 1947*. There are mixed reports as to its success as crime rates actually increased in Northbridge since the curfew and it has been reported to have contributed to a displacement of youth related crime to other suburbs. The Barnett Government rejected a similar proposal from Kununurra businesses in 2008. The Northbridge curfew is now outsourced to Mission Australia as a community based service and no longer directly enforced by WAPOL.

The Shire has previously sought legal advice regarding implementation of youth curfews. This initial advice (received in 1999) confirmed that whilst the Shire technically had the

power to establish a youth curfew, through its application of local laws, it would not have been supported by the State Government and Governor at that time and potentially any local laws to this effect may have been repealed. In any case, it is likely that the Shire would not have had the resources necessary, being Rangers, to properly enforce the curfew. The advice identified potential alternatives, being program based and community led. For example, the recent establishment of a voluntary youth curfew in Roebourne, as an Aboriginal led community initiative could be implemented in Kununurra if there was sufficient and appropriate community based support.

In 2010, the State Government's Education and Health Standing Committee also discussed the potential of establishing a curfew in Kununurra. WAPOL at that time were reluctant to promote a night time curfew instead focusing on improving school attendance by promoting a ban on children attending shops during the day, which is still applied across most shops in the Kununurra town centre. This sentiment was echoed by WAPOL in their presentation to Council in March, notably that they have insufficient resources to enforce a night time youth curfew – that it would become a 'game' for young people, and that they have difficulty in enforcing court-ordered (bail conditions) youth curfews through the sometimes uncooperative behaviour of some parents or instances where the young person has no immediately (apparent) guardian. It is also unlikely that the State Government would install a night time youth curfew given current Police resources in Kununurra and the priorities of the EKDLG, which are focussed on improved collaboration, coordination and partnership responses.

There are two other projects that the Shire is undertaking that also support the reduction of street present children and young people and juvenile crime in the Kununurra town centre, being the implementation of:

1. the federally funded Safer Communities Project
2. an updated Community Safety and Crime Prevention Plan

Both of these are listed as priority actions within the Shire's Corporate Business Plan.

The Safer Communities project is a federally funded initiative to install CCTV and additional lighting in both the Kununurra and Wyndham town centres. It is being developed in conjunction with WAPOL.

Community engagement is proposed to be initiated soon with respect to updating the Shire's Community Safety and Crime Prevention Plan. Families, children and youth will be a key priority of the plan, in particular to support the implementation of priority focussed youth (crime) diversionary programs.

## **STATUTORY IMPLICATIONS**

Shire responsibilities are legislated under the *Local Government Act 1995*. Within the Act, there is no specific mention of addressing youth issues. Responsibility for providing community services is within Section 3.18 of the Act which states:

*(2) In performing its executive functions, a local government may provide services and facilities.*

*(3) A local government is to satisfy itself that the services and facilities that it provides –*

*(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*

*(b) do not duplicate, to an extent that the local government deems inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*

*(c) Are managed efficiently and effectively.*

The Shire's actions with regard to youth issues therefore, are directed through policy and planning, in particular through the integrated planning and reporting framework including the Strategic Community Plan 2017-2027, Corporate Business Plan 2018-2022 and the Kimberley Regional Group Strategic Framework for Young People (Feb 2016).

### **POLICY IMPLICATIONS**

The purpose of CP/COM-3580 Community Development Policy is to implement a community development approach which “empowers and strengthens the community, encourages collaborative approaches and celebrates the diversity of our community”. A key element of the policy statement is to “collaborate with other agencies, organisations and groups promoting partnership approaches to service delivery.”

### **FINANCIAL IMPLICATIONS**

An allocation of \$75,000 has been included in the 2018/19 Shire budget to implement Corporate Business Plan (CBP) action #347 to support the development of a youth strategy and provide a coordinated approach to reducing street present children.

The Integrated Youth Partnership Model supports implementation of this CBP action.

### **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.*

#### Kimberley Regional Group - Strategic Framework for Young People (February 2016)

The proposed initiative will complement the work of the Kimberley Regional Group (Kimberley Zone) which was adopted in 2016 for the purpose of devising a number of strategies aimed at supporting young people through a common approach, which promotes greater understanding of underlying issues, improved communication and the development of partnerships and collaboration. It also closely mirrors key elements of the partnership between the Wyndham Youth Aboriginal Corporation and the Shire.

#### **RISK IMPLICATIONS**

The Shire faces a reputational risk if the needs of the children and youth demographic are not appropriately considered with respect to service delivery as well as those of the whole community in regard to safety and crime prevention. The Shire's active participation in the implementation of the Integrated Youth Partnership Model, along with the development of the Community Safety and Crime Prevention Plan supports mitigation of this risk.

#### **COMMUNITY ENGAGEMENT**

The Shire has not sought community input about the Integrated Youth Partnership Model at this stage, however ongoing community engagement is part of the development and implementation of the initiative. The model has been developed through research and community member engagement, including street present children and young people and their families as conducted by KWAC.

#### **COMMENTS**

Council has received the information and advice earlier this year from WAPOL and senior government human services agency representatives who have core legislated responsibilities in regard to youth and family issues, crime prevention and community safety and employ professionals with expertise in these fields. In addition, there are a wide range of non-government organisations including Aboriginal community organisations that are funded to provide community social services to address local needs.

The Integrated Youth Partnership Model proposes a collaborative approach which draws upon government and non-government agencies working in the youth space, focuses on extending the 'back to country' activities and providing a range of new activities that have a core diversionary and alternative pathway focus which will complement other services and programs such as Save the Children's night patrols and MG's Cultural Youth Diversion Program. The integration of the approaches proposed by KWAC, in partnership with the Shire, Save the Children, WAPOL and others and informed by the wider stakeholder group, will provide opportunities to better link efforts to:

- Map (document) all current and available resources (human, financial and physical) and opportunities (short, medium and long term).



- Enhance knowledge sharing and ownership by community members and families along with other stakeholders, services and agencies to develop an agreed direction.
- Secure/identify resources, commitment and timeframes to implement an agreed direction, as well as develop review and evaluation mechanisms.
- Enhance existing activities and efforts in this area, including with respect to broader community safety and crime support initiatives.

The Department of Communities has committed to directly resourcing the Youth Coordinator position, initially to be based at the KWAC offices with a longer term transition the Kununurra Youth Hub. Save the Children is also providing support to operationalise the KWAC model, which is similar to their Youth Partnership Project in Armadale, Perth. As a partner, the Shire would be able to provide support through existing budget allocations for new or expanded activities as well as operational support with respect to community engagement, related community development activities, governance assistance and advocacy.

There is a sufficient level of evidence to suggest that the model proposed by KWAC, will support an improved level of collaboration and improve outcomes with respect to addressing street present youth, particularly as it will incorporate co-design with young people via the Youth Leadership Group, be culturally appropriate and additionally garner buy-in from the broader range of stakeholders that have been involved in its development, including support by the State Government as expressed by the EKDLG.

It is recommended that Council partners with other stakeholders to implement the Kununurra Integrated Youth Partnership Model.

## **ATTACHMENTS**

Attachment 1 – East Kimberley Overview – Presentation to Council March 2018.

Attachment 2 – Kununurra Integrated Youth Partnership Model, as proposed by KWAC.

#### 12.3.4. Kununurra Neighbourhood House - Request to Vary Agreement for Lease

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A6991
<b>FILE NO:</b>	CP.07.29, A6991P
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

1. Approves the 'Latest Date' in the Agreement for Lease, executed on 20 December 2016, being varied to 30 June 2019; and
2. Approves that the extension of term for development approval DA6/14 for Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra will remain until 30 June 2019 subject to the condition precedents outlined in the Agreement for Lease for the land having been met by 30 June 2019.

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115854**

**Moved: Cr A Petherick**

**Seconded: Cr G Lodge**

**That Council:**

1. Approves the 'Latest Date' in the Agreement for Lease, executed on 20 December 2016, being varied to 30 June 2019; and
2. Approves that the extension of term for development approval DA6/14 for Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra will remain until 30 June 2019 subject to the condition precedents outlined in the Agreement for Lease for the land having been met by

## **PURPOSE**

For Council to consider a request from the Kununurra Neighbourhood House to amend the Agreement for Lease for Lot 507 Chestnut Avenue to extend the 'Latest Date' to meet the conditions precedents to 30 June 2019.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Advocator - advocate and support initiatives on behalf of the community and the Kimberley  
Funder - provide funds or other resources

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The initial application for development approval for the proposed new Kununurra Neighbourhood House (Community Purpose) at Lot 507 was considered and approved by Council on 25 February 2014 (Minute No. 10323) and the development approval (DA6/14) in accordance with this decision was issued on 5 March 2014. Since then, Council has endorsed updated plans for the proposal and extended the term for commencement, subject to meeting conditions of an Agreement to Lease that was formally entered into in 2016, which is provided at Attachment 1. The intent of entering into a lease was to include agreed timeframes and milestones within which development must commence, therefore the Agreement for Lease outlines that the Lessee has agreed to accept that lease following the satisfaction of certain conditions in accordance with this agreement, which in summary requires the Kununurra Neighbourhood House, within 2 years of signing the agreement, to:

1. secure sufficient funding to complete all or a substantial part of the development;
2. have entered into a construction contract or similar agreement for the construction of all or a substantial part of the development on terms acceptable to the Lessee; and
3. have obtained a building permit required for the construction of all or a substantial part of the development.

Since signing the Agreement to Lease in December 2016, Kununurra Neighbourhood House has secured a substantial portion of funding which would allow it to obtain necessary approvals and begin construction, which would likely be in stages.

On 14 August 2017, the Shire received a request from Kununurra Neighbourhood House to extend the term of the development (planning) approval issued for use and development of a the new Neighbourhood House facility (Community Purpose) at Lot 507 Chestnut Avenue, Kununurra until 5 March 2020.

The request was considered at the Ordinary Council Meeting held on 27 February 2018, and Council resolved to approve the extension as follows:

## **COUNCIL DECISION**

**Minute No. 27/02/2018-117894**

**Moved: Cr T Chafer**

**Seconded: Cr M Dear**

**That Council approve an extension of term for development approval DA6/14 for Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra until 30 June 2019 subject to the condition precedents outlined in the Agreement for Lease for the land having been met by 20 December 2018.**

**Carried 7/0**

A copy of the Council Minutes from the February 2018 OCM, which outlines the previous decisions and approvals, including timelines is provided at Attachment 2.

In May 2018, Councillors requested that Officers investigate the potential for the proposed Kununurra Neighbourhood House facility to be established on an alternative site to allow the Ewin Early Learning Centre the potential to expand onto neighbouring Lot 507.

Although Kununurra Neighbourhood House had been advised verbally of the investigation of a potential alternative site, in June 2018 they sent a letter stating that it would be responsible of the Shire to formally request Kununurra Neighbourhood House to enter into discussions towards an amendment or variation of the Agreement for Lease, stating the reasons and estimated timeframe to consider the options and allow Kununurra Neighbourhood House to discuss the implications with their legal advisors and funding bodies. This letter is at Attachment 3.

The main time pressure on Kununurra Neighbourhood House is for the purpose of satisfying two outstanding condition precedents which they need to satisfy by 20 December 2018 and which they advised would take a minimum of 4 months to undertake, being:

- *6 weeks – Design and Documentation*
  - *Re-adjust the design on the existing site to stage the development as only two thirds (\$2.1 Million) of the funding required to build the whole development has been obtained.*
  - *Arrange for consultants to re-document detailed design plans and tender documentation based on readjustments made.*
- *4 weeks – tender for the major works contract*
- *4 weeks – tender assessment, negotiations with lowest tenderer if required, and signing of works contract*
- *10 days – for certified building permit application to be approved.*

Council considered the various implications of designating an alternative site for the proposed new Kununurra Neighbourhood House facility at its Briefing Session in August 2018 and decided not to proceed to secure an alternative site for the facility and a letter to that effect was sent to Kununurra Neighbourhood House encourage that they proceed with

the current approved proposal for the development of the new facility on Lot 507 Chestnut Avenue, Kununurra.

Although Kununurra Neighbourhood House and their architect have commenced the design and documentation process to meet the outstanding condition precedents, they have recently written to the Shire requesting that the Agreement for Lease be varied to extend the 'Latest Date' to meet these precedents from 20 December 2018 to 30 June 2019, which is at Attachment 4.

### **STATUTORY IMPLICATIONS**

*Land Administration Act 1997*  
*Local Planning Scheme No 7 - Kununurra and Environs*  
*Draft Local Planning Scheme No. 9*

### **POLICY IMPLICATIONS**

*CP/PMG 3780 Leasing of Council Managed Reserve Land - Community)*

### **FINANCIAL IMPLICATIONS**

There will be legal costs associated with preparing a deed to vary the Agreement for Lease, which under clause 7.2 may only be varied in writing signed by all parties, which may cost between \$1500 - \$3000.

It is noted that in their request the Kununurra Neighbourhood House has requested that the Shire cover the legal fees incurred for its part in the variation process, and has stated that they will manage their own legal costs.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: Healthy vibrant active communities

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

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

### **RISK IMPLICATIONS**

Potential delays with respect to the initiation of construction of the new Kununurra Neighbourhood House.

### **COMMUNITY ENGAGEMENT**

Nil

## **COMMENTS**

It is noted that Kununurra Neighbourhood House Inc have secured funding to complete a substantial part of the development, however have until 20 December 2018 to satisfy the other two condition precedents outlined in clause 3.2 of the Agreement for Lease, therefore Council approved the most recent extension of the term of the development approval to 30 June 2019 to provide a more appropriate timeframe that respects the intent of the Agreement for Lease.

The Neighbourhood House construction project was shovel ready with detailed designs and tender documentation. The estimated (total) cost of construction of the facility is approximately \$3.5 million. However, as the Kununurra Neighbourhood House have only obtained two thirds of the funding required (\$2.1 Million), they have been in the process of re-adjusting the design so that they can meet the conditions of the Agreement of Lease by 20 December 2018, and commence construction in early in 2019.

It is acknowledged that the Shire may have inadvertently caused delays to the Kununurra Neighbourhood House Inc commencing the re-adjustment of the design to meet the condition precedents, and that the request to vary the 'Latest Date' will not substantially impact on the proposed timeframe to construct the new Neighbourhood House facility in the 2019 dry season.

It is recommended that the Council agree to vary the 'Latest Date' in the Agreement for Lease and in turn vary the extension of term of development approval to remain valid in accordance with the varied 'Latest Date', as reflected in the Officer's Recommendation.

## **ATTACHMENTS**

Attachment 1 - Agreement for Lease

Attachment 2 - Item 12.31 - OCM 27 February 2018

Attachment 3 - Kununurra Neighbourhood House Letter - 22 June 2018

Attachment 4 - Kununurra Neighbourhood House Letter - 5 September 2018

## 12.4. CORPORATE SERVICES

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

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.20
<b>DISCLOSURE OF INTERESTS:</b>	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 132630 - 132976 (02 Aug 18 - 30 Aug 18)	\$ 2,394,234.89
Municipal cheques 51798 - 51818 (02 Aug 18 - 31 Aug 18)	\$ 113,690.92
Trust cheques 1182 -1191 (02 Aug 18 - 24 Aug 18)	\$ 2,500.00
Trust EFT 501647 - 501661 (09 Aug 18 - 31 Aug 18)	\$ 7,938.45
Payroll (01 Aug 18 - 29 Aug 18)	\$ 704,669.85
Direct bank debits (01 Aug 18 - 29 Aug 18)	\$ 144,708.06
<b>TOTAL</b>	<b>\$ 3,367,742.17</b>

### COUNCIL DECISION

Minute Number: 25/09/2018 - 115855

Moved: Cr M Dear

Seconded: Cr D Pearce

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

Municipal EFT 132630 - 132976 (02 Aug 18 - 30 Aug 18)	\$ 2,394,234.89
---	-----------------

Municipal cheques 51798 - 51818 (02 Aug 18 - 31 Aug 18)	\$ 113,690.92
Trust cheques 1182 -1191 (02 Aug 18 - 24 Aug 18)	\$ 2,500.00
Trust EFT 501647 - 501661 (09 Aug 18 - 31 Aug 18)	\$ 7,938.45
Payroll (01 Aug 18 - 29 Aug 18)	\$ 704,669.85
Direct bank debits (01 Aug 18 - 29 Aug 18)	\$ 144,708.06
<b>TOTAL</b>	<b>\$ 3,367,742.17</b>
<b>Decision:7/0</b>	

## **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 Councils 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 2018/19 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 August 2018

### 12.4.2. Interim Monthly Financial Report August 2018

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Coordinator Financial Management
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the interim monthly financial report as at 31 August 2018.**

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115856**

**Moved: Cr N Brook**

**Seconded: Cr M McKittrick**

**That Council receives the interim monthly financial report as at 31 August 2018.**

**Decision:7/0**

#### **PURPOSE**

For Council to receive the interim monthly financial report for the period ended 31 August 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 Number: 26/06/2018-115800**

**Moved: Cr M Mckittrick**

**Seconded: Cr M Dear**

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

***Carried 9/0***

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 *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 31 August 2018.

## 12.5. INFRASTRUCTURE

### 12.5.1. Partial Degazetting of Carlton Hill Road

*Cr N Brook declared an impartiality interest as her husband is employed by Kimberley Agricultural Investments*

*Cr D Pearce declared an impartiality interest as KAI is a client of her business, Kimberley Boab Consulting Pty Ltd.*

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	RD.07.18
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

That Council approves:

1. Advertising the proposed permanent closure of a 18.5 km section of Carlton Hill Road as shown on *Attachment 1 – Carlton Hill Road*, in accordance with section 58 of the *Land Administration Act 1997*.
2. A Shire application to the Department of Lands to relinquish the 18.5 km section of Carlton Hill Road reserve (subject to completion of item 1 above).
3. The disposal of the road reserve, road and drainage assets on the 18.5 km section of Carlton Hill Road, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.12M as at 31/07/2018.
4. The removal from the Shire's asset register of the 18.5 km section of Carlton Hill Road, when that section of the road is permanently closed.

## **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115857**

**Moved: Cr G Lodge**

**Seconded: Cr A Petherick**

**That Council approves:**

- 1. Advertising the proposed permanent closure of a 18.5 km section of Carlton Hill Road as shown on *Attachment 1 – Carlton Hill Road*, in accordance with section 58 of the *Land Administration Act 1997*.**
- 2. A Shire application to the Department of Lands to relinquish the 18.5 km section of Carlton Hill Road reserve (subject to completion of item 1 above).**
- 3. The disposal of the road reserve, road and drainage assets on the 18.5 km section of Carlton Hill Road, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.12M as at 31/07/2018.**
- 4. The removal from the Shire's asset register of the 18.5 km section of Carlton Hill Road, when that section of the road is permanently closed.**

**Decision: 7/0**

## **PURPOSE**

To seek Councils authorisation to permanently close (degazette) part of Carlton Hill Road and relinquish that part of the road reserve.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Kimberley Agricultural Investments (KAI) have been in discussion with the Shire regarding Carlton Hill Road. The attached correspondence clarifies the background to KAI's (and CPC's) use of the road. There is a Deed of Agreement between KAI and the Shire regarding Carlton Hill Road and in an effort to simplify this agreement, KAI have requested that a portion of Carlton Hill Road be degazetted and that they take over the maintenance and upkeep of this road. This will also allow for the removal of the Charge held by SWEK over the Carlton Plain Freehold title.

The section of road starts approximately 10.5 km along Carlton Hill Road from the Carlton Hill Road and Weaber Plain Road intersection.

KAI has proposed to close a significant portion of Carlton Hill Road and for KAI to take it over as a private access easement however an agreement with other key stakeholders on Carlton Hill Road will be put in place to ensure access is permitted.

### **STATUTORY IMPLICATIONS**

The statutory process to close a road is specified in Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*.

Section 58, requires the local government to advertise a proposed road closure for a period of 35 days before it can resolve to request the Minister for Lands to close a road, or portion thereof.

Regulation 9 requires that the local government provide relevant information to the Minister with a request to close a road permanently, including but not limited to:

- sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- copies of any submissions received when advertising the proposed road closure, and the local government's comments on those submissions.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report. The road closure process is a legislative and regulatory process as set by the State of Western Australia.

### **FINANCIAL IMPLICATIONS**

If Council resolves to proceed with advertising a proposed road closure, advertising costs are anticipated to be between \$300 - \$600.

If Council resolves to proceed with the closure of any portion of the road reserve, the Shire will also be requested to agree to pay survey costs. Survey costs will vary depending on the area proposed to be excised.

The road and drainage infrastructure on the section of road reserve under consideration has a depreciated replacement value of approximately \$1.12M as per the 2018 Fair Value Methodology. The value is in the formation and the pavement. There is no advantage to the Shire in removing any of the assets prior to transfer.

If the road was closed, the Shire's Federal grant funding for road maintenance would be reduced by approximately \$49,000 per annum based on 2017/18 grants. The maintenance cost to the Shire is about \$35,000 per annum to maintain the section of road under

consideration in good condition, this maintenance amount excludes repair to road completed under WANDRRA funding.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 3: Economic Prosperity

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

Strategy 3.1.4: Plan for current and future business and infrastructure land use needs

## **RISK IMPLICATIONS**

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

**Control:** Develop agreed standards of service and communicate with the community.

## **COMMUNITY ENGAGEMENT**

Engagement will take place in accordance with Section 58(3) of the *Land Administration Act 1997* and the Shire's Community Engagement Guidelines and will include;

- Formal notification in a paper with statewide distribution as required by the *Land Administration Act 1997*.
- Public notices in the local paper and the Shire notice boards, Facebook page etc.

## **COMMENTS**

KAI has proposed to close a significant portion of Carlton Hill Road and for KAI to take it over as a private road however an agreement with other key stakeholders on Carlton Hill Road will be required to ensure access is permitted to communication towers, borrow pits and tourism.

There is no community benefit in maintaining the entire length of Carlton Hill Road, although an important access road for Carlton Hill Station and other key stakeholders, it is not a road used by the majority of the community. If the road was closed the Shire's Federal grant funding for road maintenance would be reduced by approximately \$49,000 per annum based on 2017/18 grants. However there would be a reduction in the maintenance cost to the Shire for the reduced length of the road in the order of \$35,000 per annum, this maintenance amount excludes repairs to the road completed under WANDRRA funding.

The road and drainage infrastructure on the section of road under consideration has a current (30/07/2018) Depreciated Replacement Cost of approximately \$1.12M based on the



2018 Fair Value Methodology. The value is in the formation and the pavement. There is no advantage to the Shire in removing any of the assets prior to transfer.

Through discussions between the Shire, KAI, Department of Primary Industries and Regional Development (DPIRD) and Department of Planning, Lands and Heritage (DPLH) it has been indicated that this proposal would be seen as a favourable option for all key stakeholders however Council support and decision is required to proceed this matter further.

Costs involved with the process to permanently close a section of the road will include costs to advertise the proposed road closure in accordance with section 58 of the *Land Administration Act 1995* and survey fees.

### **ATTACHMENTS**

Attachment 1 - I-45480 Letter from KAI 2017

Attachment 2 - Carlton Hill Road Partial Closure Map

Attachment 3 - SWEK Letter to KAI General Manager

### 12.5.2. Policy Review - CP/OPS-3653 Vehicle Crossover Subsidy

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	RD.03.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council adopt the reviewed policy CP/OPS-3653 Vehicle Crossover Subsidy as set out in Attachment 1 of this report.**

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115858**

**Moved: Cr D Pearce**

**Seconded: Cr M McKittrick**

**That Council adopt the reviewed policy CP/OPS-3653 Vehicle Crossover Subsidy as set out in Attachment 1 of this report.**

**Decision:7/0**

#### **PURPOSE**

To review policy CP/OPS-3653 Vehicle Crossover Subsidy.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Leader - plan and provide direction through policy and practices.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council adopted the policy CP/OPS-3653 Vehicle Crossover Subsidy on 25 August 2015, this policy was reviewed on 5 October 2016.

## **COUNCIL DECISION**

Minute No: 11510

Commissioner resolved:

That Council amend its policy CP/OPS - 3653 Vehicle Crossover Subsidy to include a new section clarifying maintenance responsibility for crossovers in line with the previous policy.

Carried 1/0

## **POLICY IMPLICATIONS**

No further implications are made by this policy.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

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

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

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

## **RISK IMPLICATIONS**

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

**Controls:** Current budget and service levels.

Develop agreed standards of service and communicate with the community.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

There are no significant changes to this policy as per Attachment 1.

## **ATTACHMENTS**

Attachment 1 - DRAFT CP/OPS-3653 Vehicle Crossover Subsidy

### 12.5.3. Policy Review - CP/OPS-3652 Cattle Grids

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	RD.03.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council adopt the reviewed CP/OPS-3652 Cattle Grids Policy as set out in Attachment 1 of this report.**

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115859**

**Moved: Cr M McKittrick**

**Seconded: Cr M Dear**

**That Council adopt the reviewed CP/OPS-3652 Cattle Grids Policy as set out in Attachment 1 of this report.**

**Decision:7/0**

#### **PURPOSE**

To review the policy CP/OPS-3652 Cattle Grids to update the technical specifications relevant to this policy.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Leader - plan and provide direction through policy and practices.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council adopted the Policy CP/OPS-3652 on 25 August 2015.

## **COUNCIL DECISION**

Minute No. 11066

Moved: Cr B Robinson

Seconded: Cr G Taylor

That Council:

1. Rescinds, policy E13 Cattle Grids Located on public road network,
2. Adopts draft policy CP-OPS 3652 – Cattle Grids, as per Attachment 1 with the following amendments to the policy:
  - Point 9. Cattle Grids on Shire roads shall be maintained by the Shire to Shire standards.
  - Point 10. The cost of maintenance for all Cattle Grids on Shire roads shall be shared equally between the Shire and Pastoral Lessees. The Shire shall invoice Pastoral Lessees for their share of the costs associated with Cattle Grids maintenance.
  - Points 10 and 11 of the Draft CP/OPS 3652 Cattle Grids Policy shall be re-numbered to suit.

Carried Unanimously 8/0

## **STATUTORY IMPLICATIONS**

The Local Government Act 1995 Section 3.1 and the Main Roads Act 1930 Section 24 applies to this item.

## **POLICY IMPLICATIONS**

No further implications are made by this policy.

## **FINANCIAL IMPLICATIONS**

There are no direct additional financial implications in adopting the revised policy.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

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

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

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

### **RISK IMPLICATIONS**

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

**Controls:** Current budget and service levels.

Develop agreed standards of service and communicate with the community.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

This policy has been updated to reflect the current standards required for technical specifications as per Attachment 1.

### **ATTACHMENTS**

Attachment 1 - DRAFT CP/OPS-3652 Cattle Grids.

#### **12.5.4. Policy Review - CP/OPS-3655 Road Development**

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	RD.07.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council adopt the reviewed policy CP/GOV-3655 Road Development as set out in Attachment 1 of this report.**

#### **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115860**

**Moved: Cr N Brook**

**Seconded: Cr M McKittrick**

**That Council adopt the reviewed policy CP/GOV-3655 Road Development as set out in Attachment 1 of this report.**

**Decision: 7/0**

#### **PURPOSE**

For Council to consider the review of its policy CP/OPS-3655 Road Development.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Leader - plan and provide direction through policy and practices.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council adopted the Policy CP/GOV-3655 Road Development on 20 July 2004, the policy was last reviewed on 26 April 2016.



## **COUNCIL DECISION**

**Minute No: 11334**

**Moved: Cr B Robinson**

**Seconded: Cr S Cooke**

**That Council rescind policy E5 Road Construction Specifications and adopt policy CPOPS 3655 - Road Development as attached.**

**Carried 8/0**

## **STATUTORY IMPLICATIONS**

The Local Government Act 1995 Section 3.1 and the Main Roads Act 1930 Section 24 applies to this item.

## **POLICY IMPLICATIONS**

The proposal establishes Council's policy position in relation to acceptable minimum standards of road development and planning within the Shire.

## **FINANCIAL IMPLICATIONS**

There are no direct additional financial implications in adopting the revised policy.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

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

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

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

## **RISK IMPLICATIONS**

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

**Controls:** Current budget and service levels

Develop agreed standards of service and communicate with the community

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

There are no significant changes to this policy as per Attachment 1

## **ATTACHMENTS**

Attachment 1 - DRAFT CP/OPS 3655 - Road Development

### 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

#### 15.1. LATE ITEM - MANAGEMENT OF RUNWAY STRIP, EAST KIMBERLEY REGIONAL AIRPORT

<b>DATE:</b>	25 September 2018
<b>AUTHOR:</b>	Manager East Kimberley Regional Airport
<b>RESPONSIBLE OFFICER:</b>	Director Infrastructure
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	CM.16.291
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority (Absolute Majority for part 2)

#### COUNCIL DECISION

Minute Number: 25/09/2018 - 115861

Moved: Cr D Pearce  
Seconded: Cr G Lodge

That Council consider the report for Management of Runway Strip, East Kimberley Regional Airport as a late item.

Decision:7/0

## **OFFICER'S RECOMMENDATION**

### **That Council:**

1. Endorses the outlined program to undertake geotechnical investigations and a trial program for the improved management of the Runway Strip at the East Kimberley Regional Airport.
2. Subject to section 6.8 of the Local Government Act 1995, approves funding of \$100,000 from the Airport Reserve for the three year investigations and trial program to improve management of the Runway Strip at East Kimberley Regional Airport.

## **COUNCIL DECISION**

**Minute Number: 25/09/2018 - 115862**

**Moved: Cr D Pearce**

**Seconded: Cr N Brook**

### **That Council:**

1. Endorses the outlined program to undertake geotechnical investigations and a trial program for the improved management of the Runway Strip at the East Kimberley Regional Airport.
2. Subject to section 6.8 of the Local Government Act 1995, approves funding of \$100,000 from the Airport Reserve for the three year investigations and trial program to improve management of the Runway Strip at East Kimberley Regional Airport.

**Decision:7/0**

## **PURPOSE**

To outline proposed investigations, a trial program and proposed budget to address geo-technical concerns with the Runway Strip at East Kimberley Regional Airport

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Provider - provide physical infrastructure and essential services

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL**

There has been no recent report on this matter to the Council.

## **STATUTORY IMPLICATIONS**

The Shire is required to maintain a safe runway strip to meet the Civil Aviation Manual of Standards.

**6.8. Expenditure from municipal fund not included in annual budget**

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

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

(2) Where expenditure has been incurred by a local government —

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The budget for the proposed geotechnical investigations and trial program is outlined in this Council Report. The estimated cost over three (3) years is \$100,000. While the approach involves short-term costs there are expected to be reduced maintenance costs in the future.

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

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

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

**RISK IMPLICATIONS**

Lack of maintenance and renewal of infrastructure resulting in an inadequate level of service.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

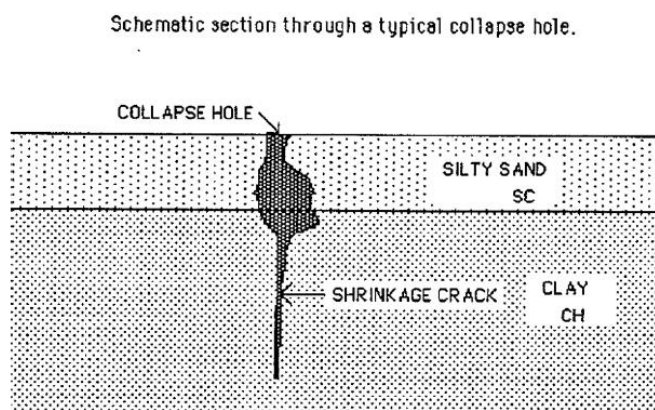
## **COMMENTS**

### **Background to Aerodrome**

The East Kimberley Regional Airport (EKRA) was constructed in 1969 on a site comprising black soil with high expansive characteristics i.e. expands when high moisture and contracts/cracks during the dry season. These conditions appear to have been exacerbated by the importation of a red-brown soil (unclassified fill) that was placed to varying thicknesses to achieve the design grades.

The implications of these soil characteristics are most significant for the 'runway strip' comprising the sealed runway and adjoining grassed strips. The latter need to be maintained to accommodate a situation where an aircraft leaves the formal runway during a landing or take-off. A minor risk is also posed to grounds maintenance vehicles crossing the grassed area. The current strip is 150m wide and over 1,800m in length.

Due to the characteristics of the soils there has been an ongoing need to address holes in the grassed areas that develop during the dry season and are known as 'Gilgai holes' or "Crab holes". The process is illustrated in the following graphic from previous work where shrinkage cracks in the underlying clay cause the loss of soil in the upper layer. This results in surface depressions of varying depth.



The operational response at the Airport has been to undertake regular inspections and where a depression is identified it is fully opened/excavated, material is collapsed and backfilled with locally sourced Pindan Sand (red silty soil) and compacted.

### **Proposed Maintenance Approach**

It is considered that a more proactive approach is needed to address the situation, long term.

The presence of black soils is not unique to the East Kimberley and they are found in other localities in northern Australia - in particular Queensland. Previous investigations for rail and road corridors have identified a range of responses.

The types of technologies to achieve a long-term solution are based on the provision of a barrier to prevent moisture changes in the reactive clays. Treatment options have included:

- Improved surface drainage through the steepening of gradients to shed water.
- In-situ stabilisation of soil through the addition of lime or cement to form a less permeability layer.
- Mechanical stabilisation of the upper layer through blending of the upper clayey material with sand to reduce plasticity/shrinkage.
- Installing an impermeable membrane.

These approaches have the potential to be expensive and need to be customised for local conditions. As such a proposed initial step will involve a short program of geotechnical soil sampling/laboratory testing followed by the establishment of monitoring/test plots over 2-3 seasons. This can compare differing techniques against control sites through regular surveys to detect movement, visual observations of crack development/treatment and use of high resolution video cameras.

Recognising the approaching Wet Season there is considerable merit in undertaking the soil testing and establishing the test plots by November 2018.

Dialogue has been undertaken with CASA the regulatory body and they are supportive of the proposed approach.

### **Scoping the Proposed Works**

To better appreciate commissioning of the proposed investigations and works officers have prepared documentation that recognises three distinct roles:

1. *Geotechnical specialist*: To undertake a field investigation, obtain representative data on soil behaviours through testing, prepare design options report with proposed methodology for the plot trials, support appointing an earthmoving/treatment contractor, monitor trial, provide quarterly reports and prepare contract documentation for the rectification works.
2. *Earthmoving/Treatment Contractor*: Anticipated to be a local operator to undertake works for the reference/trial sites.
3. *Contractor*: Anticipated to be a local operator to implement the full rectification works.

### **Delivering the Proposed Works**

Shire officers approached a number of geotechnical specialists with the ability to deliver the role in point 1. The opportunity was provided to five companies to respond to a 'Request for Quotation' with two submissions subsequently being lodged.

Each company has technical capabilities and a 'value for money' assessment has been completed for the submissions. On the basis of some additional information/clarifications being received officers will be in a position to commission the work.

Once the investigations have been commenced a further Request for Quotation will be prepared for the works in point 2.

Upon completion of the trial program contract documentation for the full rectification works in point 3 will be drafted and then advertised.

The 2-3 year program in points 1 and 2 is estimated to cost up to \$100,000 including all site visits, soil sampling testing at an accredited laboratory, documentation of trial program, establishment of trial plots and ongoing reporting/final works specification.

As the full rectification works cannot be scoped until after the trial is complete it is not possible to estimate a budget for point 3 at this time.

## **Conclusion**

The challenges in maintaining the runway strip at EKRA has been ongoing since the airport opened nearly fifty years ago. While the treatment/filling of the Gilgai/sinkholes has been accepted to date it raises some risks.

This report outlines a proactive program to achieve a long-term solution that has the potential to overcome the risk. While the approach involves short-term costs there are expected to be reduced maintenance costs in the future.

## **ATTACHMENTS**

Nil

## **16. MATTERS BEHIND CLOSED DOORS**

Nil

## **17. CLOSURE**

The Deputy Shire President declared the meeting closed at 6.03pm