

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

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

# MINUTES ORDINARY COUNCIL MEETING

11 December 2018

## **DISCLAIMER**

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

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

Signed on behalf of Council



**CARL ASKEW**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING MINUTES  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON 11 DECEMBER 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.

The Shire President declared the Meeting open at 5.00pm

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

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor (via video conferencing)
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
N Kearns	Director Planning and Community Development
S Dyson	Director Infrastructure
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
K Wright	Resident
B Nadge	ABC Reporter

### 3. DECLARATION OF INTEREST

- Financial Interest

Councillor	Item	Title	Description of interest
Cr N Brook	12.2.5	Additional Flight Options	I am the Local Coordinator of the East Kimberley Marketing Group

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Carl Askew	12.2.5	Additional Flight Options	I represent the Shire at the East Kimberley Marketing Group

- Proximity Interest

Councillor/Staff	Item	Title	Description of interest
Cr M Dear	12.5.3	East Kimberley Regional Airport - Runway Extension Project Business Case and Cost Benefit Analysis	As General Manager of the OIAMC that owns land alongside the airport.

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

Nil

### 5. PUBLIC QUESTION TIME

Nil

### 6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

### 7. PETITIONS

Nil

### 8. CONFIRMATION OF MINUTES

#### OFFICER'S RECOMMENDATION

<b>That Council confirms the Minutes of the Ordinary Council Meeting held on 20 November 2018</b>
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Note: The Minutes of the Ordinary Council Meeting held on 20 November 2018 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

## **Council Decision**

**Minute Number: 11/12/2018 - 115892**

**Moved: Cr J Farquhar**

**Seconded: Cr M Dear**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 20 November 2018**

**Decision:9/0**

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

27-30 November - The Shire President and CEO attended Canberra to meet with various Ministers and their staff; this included Senator the Hon Matthew Canavan; Hon Anthony Albanese MP; Hon Tony Burke MP; Deputy Prime Minister the Hon Michael McCormack MP; Senator the Hon Bridget McKenzie; and Tarja Saastamoinen, Assistant Secretary, and Alistair Sherwin Regional Manager Kimberley from the Department of Prime Minister and Cabinet. It was a valuable visit particularly to remind people of East Kimberley and its location. During conversations we highlighted the need for an extended runway, the upgrade to Kununurra Leisure Centre and provided information packs on Kununurra and other projects taking place in the region.

3-4 December – The Shire President, Deputy Shire President and CEO attended the Kimberley Joint NT Forum and Kimberley Zone/KRG meeting in Darwin. This was well attended by Kimberley Zone representatives and a number of matters of regional significance were discussed including the development of a business case for the Tanami Road; Kimberley voluntary alcohol restrictions; Regional Waste Management Plan; land tenure reform; Local Government Act review; municipal services review; and the Zone Strategic and Business Plans.

5 December – Local Planning Scheme No. 9 was signed by Shire President and CEO and delivered to the Department for signing by the Minister and gazettal.

The Shire President thanked all Councillors and Staff for their support and participation throughout the year and wished everyone a Happy Christmas and safe New Year.

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

- Item 16.1. Safer Communities Project - CCTV
- Item 16.2. Tourism House - Proposed Lease of Suite

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

Nil

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

### 12.2. CHIEF EXECUTIVE OFFICER

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

<b>DATE:</b>	11 December 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: 11/12/2018 - 115893**

**Moved: Cr T Chafer**

**Seconded: Cr N Brook**

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

**Decision:9/0**

#### 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

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

## **RISK IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

This report includes actions from the November 2018 Council resolutions (Attachment 1). Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

## **ATTACHMENTS**

Attachment 1 - Council Action Register - November 2018

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



### 12.2.2. Standing Item - Use of the Common Seal

<b>DATE:</b>	11 December 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 receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 November - 7 December 2018**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115894**

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

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 November - 7 December 2018**

**Decision: 9/0**

#### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 17 November - 7 December 2018.

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

Regulator - enforce state legislation and local laws

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

#### **9.49A. Execution of documents**

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Focus Area 4: Civic Leadership

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

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

### **RISK IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

There were three documents for the time period of 17 November - 7 December 2018 with the Shire of Wyndham East Kimberley Common Seal applied.

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

<b>Date of Use</b>	<b>Document</b>
26/11/2018	Wyndham Land Exchange, Lot 826 and Lot 828 Koolama Street, Wyndham
5/12/2018	Access to unallocated Crown Land; PIN 638581 for the purpose of vegetation management
6/12/2018	Local Planning Scheme No.9

## **ATTACHMENTS**

Nil

### 12.2.3. Social Media Policy

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Senior Governance Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew Chief Executive Officer
<b>FILE NO:</b>	CP/GOV 3111
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Absolute Majority

#### **OFFICER RECOMMENDATION**

**That Council adopt the Draft CP/GOV 3111 Social Media Policy as contained in the attachment of this report.**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115895**

**Moved: Cr J Farquhar  
Seconded: Cr D Pearce**

**That Council adopt the Draft CP/GOV 3111 Social Media Policy as contained in the attachment of this report.**

**Decision:9/0**

#### **PURPOSE**

1. To ensure that high quality messaging and content is issued through social media, consistent with Council's brand and formal position on strategic and operational matters.
2. To assist with the generation of positive social media coverage and to protect and enhance the organisations' reputation.

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

Leader - plan and provide direction through policy and practices  
Regulator - enforce state legislation and local laws

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

Social Media is a growing medium in which the Shire communicates and engages with the community. The development of a social media policy becomes growingly important as the

organisation faces uncertainties in dealing with negative remarks, legal issues, security problems, and ethical behaviour.

This policy formalises the Shire's position, mitigating the risks associated with social media use for both Council, Staff and the general public, while establishing protocols for the Shire's official communications within the community.

The Shire of Wyndham East Kimberley Code of Conduct for Council Members, Committee Members and Employees includes behavioural requirements which help inform Council and Staff when considering their online profile, comments and content and have been considered in the compilation of this policy;

#### *4.1 Personal Behaviour*

(a) Council Members, Committee Members and employees will:

- (i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- (ii) perform their duties impartially and in the best interests of the Shire of Wyndham East Kimberley uninfluenced by fear or favour;
- (iii) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Wyndham East Kimberley and the community and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop;
- (iv) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (v) always act in accordance with their obligation of fidelity to the Shire of Wyndham East Kimberley.

(b) Council Members will represent and promote the interests of the Shire of Wyndham East Kimberley

The *Local Government (Rules of Conduct) Regulations 2007*, were also considered in the formulation of this policy, generally requiring Council Members to:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Not reflect adversely on a decision of the Council (except to move a motion for a decision to be revoked or changed);
- Not reflect adversely on the character or actions of another Council Member or Employee;
- Not use offensive or objectionable expressions in reference to any Council Member or Employee.

WALGA recommends the use of a Social Media Policy to reinstate the behaviour of Council and Employees of the Shire of Wyndham East Kimberley, an information page has been attached to the report for reference.

## **STATUTORY IMPLICATIONS**

### *Local Government Act 1995*

#### 2.8. Role of mayor or president

(1) The mayor or president —

(c) carries out civic and ceremonial duties on behalf of the local government; and

(d) speaks on behalf of the local government

#### 5.41. *Functions of CEO*

*The CEO's functions are to —*

*(f) speak on behalf of the local government if the mayor or president agrees; and*

### *Local Government Rules of Conduct Regulations 2007*

#### 3. *General principles to guide the behaviour of council members*

(1) *General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —*

(a) *act with reasonable care and diligence; and*

(b) *act with honesty and integrity; and*

(c) *act lawfully; and*

(d) *avoid damage to the reputation of the local government; and*

(e) *be open and accountable to the public; and*

(f) *base decisions on relevant and factually correct information; and*

(g) *treat others with respect and fairness; and*

(h) *not be impaired by mind affecting substances.*

(2) *The general principles referred to in subregulation (1) are for guidance of council members but it is not a rule of conduct that the principles be observed.*

## **POLICY IMPLICATIONS**

CP/GOV-3102 Media and Corporate Communications Policy

Shire of Wyndham East Kimberley Code of Conduct for Council Members, Committee Members and Employees

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017 – 2027*

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community  
Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire

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

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

There was no engagement required for this policy

## **COMMENTS**

CP/GOV 3102 Media and Corporate Communications Policy provides Council Members, Committee Members and Employees in the Shire of Wyndham East Kimberley with direction for official communications. This policy should be used in conjunction with CP/GOV-3111 Social Media Policy.

## **ATTACHMENTS**

Attachment 1: CP/GOV-3111 Social Media Policy

Attachment 2: Infopage Social Media - WALGA - Guideline

#### 12.2.4. Policy Management Policy

<b>DATE:</b>	11 December
<b>AUTHOR:</b>	Senior Governance Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew Chief Executive Officer
<b>FILE NO:</b>	CP/GOV 3112
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER RECOMMENDATION

**That Council adopt the Draft CP/GOV 3112 Policy Management Policy as contained in the attachment of this report.**

#### Council Decision

**Minute Number: 11/12/2018 - 115896**

**Moved: Cr M McKittrick**

**Seconded: Cr T Chafer**

**That Council adopt the Draft CP/GOV 3112 Policy Management Policy as contained in the attachment of this report.**

**Decision:9/0**

#### PURPOSE

To provide clear direction to Council and Shire Administration on the Management of Shire of Wyndham East Kimberley Policies and policy decisions.

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

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

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

The Shire of Wyndham East Kimberley currently follows an informal process in the development, amendment and review of Council policies. This policy establishes rules and principles which provide clear direction to the Council and Shire Administration to manage policy decisions. This policy reinforces the commitment of Council to decisions which are



equitable, fair, just and transparent, whilst meeting the strategic direction of the Shire and its obligations to statutory requirements.

The policy has several key objectives;

- To provide the Shire with a record of policy decisions.
- To provide staff with guidelines in which to act in accordance with Council's direction.
- To enable staff to act promptly in accordance with Council's requirements, but without continual reference to Council.
- To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
- To enable the Shire to maintain a structured review of Council Policies and to ensure they are in keeping with statutory requirements, community needs current trends and circumstances.
- To enable the Community to obtain immediate advice on matters of Council Policy

The policy formalises the guidelines for the development of new policies, major amendments, minor amendments, and policy review.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

### *2.7. Role of council*

- (1) *The council —*
- (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
- (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

*[Section 2.7 amended by No. 17 of 2009 s. 4.]*

*Local Government (Administration) Regulations 1996 Regulation 10*

### *10. Revoking or changing decisions made at council or committee meetings — s. 5.25(e)*

*(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

*(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or Local Government*

*(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

*(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

*(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*

*a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*

*(b) in any other case, by an absolute majority.*

*(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

*[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]*

## **POLICY IMPLICATIONS**

This is a new Shire of Wyndham East Kimberley Policy

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017 – 2027*

Focus Area 4: Civic Leadership  
Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services  
Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

There was no engagement required for this policy

## **COMMENTS**

This policy formalises the review process for Council policies with all policies to be reviewed every five years with a report to Council from the administration detailing the proposed

changes. This does not however limit the review of individual policies if identified as requiring review or amendment prior to the due date. Minor amendments to existing policies can occur without a report to council, provided that the alterations do not alter the substantive operation of the policy. A policy response (new policy) will be considered where it meets the policy development criteria.

An Organisational Directive has been formulated to assist the Shire's Administration with the Management of Council Policy.

### **ATTACHMENTS**

Attachment 1: CP/GOV-3112 Policy Management Policy

### 12.2.5. Additional Flight Options

*Cr N Brook declared a financial interest as the Local Coordinator of the East Kimberley Marketing Group*

*Carl Askew, CEO declared an impartiality interest as he represents the Shire at the East Kimberley Marketing Group*

*Cr N Brook departed Chambers at 5:13pm*

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Carl Askew, Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>FILE NO:</b>	TT.15.3
<b>DISCLOSURE OF INTERESTS:</b>	The CEO declares an impartiality interest as he represents the Shire at the East Kimberley Marketing Group

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Note that the timeline to fully investigate and conclude commercial arrangements for Council to financially contribute to and/or support a trial of an air service proposed between Kununurra and Melbourne for forty (40) return services between May and October 2019 cannot be achieved in time for the service to commence in 2019;**
- 2. Authorise the CEO and Administration to further investigate the business case, potential risk exposure and any possible broader impacts on the community, to financially contribute to and/or support a trial of an air service between Kununurra and Melbourne for forty (40) return services between May and October 2020 and report back to Council before December 2019;**
- 3. Reaffirm its support for the trial and request the CEO to continue negotiations with the East Kimberley Marketing Group and their partners to develop an Agreement to deliver the proposal as outlined in point 2 above.**

*Cr Lodge proposed an alternative motion for point 2 of the Officer's recommendation*

**Council Decision**

**Minute Number: 11/12/2018 - 115897**

**Moved: Cr G Lodge**

**Seconded: Cr T Chafer**

**That Council alter point 2 as follows:**

**Authorise the CEO and Administration to further investigate the business case, potential risk exposure and any possible broader impacts on the community, to financially contribute to and/or support a trial of an air service between Kununurra and Melbourne for forty (40) return services between May and October 2020 and report back to Council before Mid 2019;**

**Decision: 7/1  
Against: Cr A Petherick**

*Cr McKittrick put forward a motion that each point of the recommendation be voted on separately.*

**Council Decision**

**Minute Number: 11/12/2018 - 115898**

**Moved: Cr M McKittrick**

**Seconded: Cr D Pearce**

**That Council consider and vote on each item individually**

**Decision: 5/3  
Against: Cr A Petherick, Cr G Lodge, Cr M Dear**

**Council Decision**

**Minute Number: 11/12/2018 - 115899**

**Moved: Cr T Chafer**

**Seconded: Cr M McKittrick**

**That Council:**

- 1. Note that the timeline to fully investigate and conclude commercial arrangements for Council to financially contribute to and/or support a trial of an air service proposed between Kununurra and Melbourne for forty (40) return services between May and October 2019 cannot be achieved in time for the service to commence in 2019;**

**Decision: 7/1**

**Against: Cr A Petherick**

**Minute Number: 11/12/2018 – 115900**

**Moved: Cr D Pearce**

**Seconded: Cr T Chafer**

- 2. Authorise the CEO and Administration to further investigate the business case, potential risk exposure and any possible broader impacts on the community, to financially contribute to and/or support a trial of an air service between Kununurra and Melbourne for forty (40) return services between May and October 2020 and report back to Council before Mid 2019;**

**Decision: 6/2**

**Against: Cr A Petherick, Cr M McKittrick**

**Minute Number: 11/12/2018 – 115901**

**Moved: Cr G Lodge**

**Seconded: Cr T Chafer**

- 3. Reaffirm its support for the trial and request the CEO to continue negotiations with the East Kimberley Marketing Group and their partners to develop an Agreement to deliver the proposal as outlined in point 2 above.**

**Decision: 5/3**

**Against: Cr M McKittrick, Cr D Pearce, Cr A Petherick**

*Cr N Brook returned to Chambers at 5:47pm. The Shire President informed her of the Council's decisions.*

## **PURPOSE**

For Council to endorse the CEO and the Administration to further investigate a proposed trial of a new (additional) air service between the east coast of Australia (Melbourne) and Kununurra from the East Kimberley Marketing Group (EKMG) with the proposal to trial two flights per week for 20 weeks (40 flights) from May 2020 using an 80 seat F100 aircraft to increase the tourism and business potential between Kununurra and Melbourne.

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

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

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Provider - provide physical infrastructure and essential services

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

The East Kimberley Marketing Group (EKMG) has been working toward the introduction of additional flights in to Kununurra from Melbourne since prior to 2015. Significant work including research and marketing studies have been commissioned and completed by the

EKMG as well as ongoing negotiations with a number of airline providers. The Council has previously and continues to appoint an Elected Member representative to the Group and the EKMG has previously received \$49,500 support from the Shire for various related studies as outlined in their initial proposal to Council in November 2016 and subsequent proposal in 2017.

This matter was most recently considered by Council at its meeting in October 2018.

## **Council Decision - October 2018**

### **COUNCIL DECISION**

**Minute Number: 30/10/2018 - 115867**

**Moved: Cr D Pearce**

**Seconded: Cr T Chafer**

**That Council:**

**1. Authorises the CEO and administration to further investigate the business case and potential risk exposure and benefits to the Community, SWEK and the EKRA in financially supporting a trial of a direct air service between Kununurra and Melbourne, including:**

**a) A benefit-cost analysis and risk assessment of the flights proposal from EKMG, addressing the full range of impacts on the business operations of the East Kimberley Regional Airport.**

**b) Sensitivity analyses of the proposed Melbourne flights, modelling varying proportions of passenger flight substitution over existing routes, and the extent to which this will impact on airport passenger numbers (using historical EKRA passenger numbers as a guide).**

**c) An assessment of broader impacts on the community arising from the proposal, not limited to tourism. This is to include positive impacts as well as risks.**

**d) Provision of a timeline identifying those critical milestones that need to be achieved to best ensure the success of the project.**

**2. Requests the CEO to report back to Council on progress towards investigating these matters at the next Council Briefing.**

**3. Authorise, in accordance with section 6.11 (2) of the *Local Government Act 1995*, the advertising of a change to the Airport Reserve purpose to *“The Reserve is to provide support for the Shire’s Airport operations and facilities and to promote an expansion of airport operations and increased passenger numbers through the airport. These include normal operations, asset management, expansion of facilities and operations and projects that support the strategic objectives for the Airport”*.**

**Decision:6/1**  
**Against: Cr A Petherick**

When the matter was considered by Council at its Ordinary Meeting on 22 November 2016 Council resolved as follows;

**COUNCIL DECISION**

**Minute No: 22/11/16-11549**

**Commissioner resolved:**

**That Council:**

- 1. Provide *in principle* support for a trial of an air service proposed by East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2017 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the basis of the following:**
  - a. Consideration of a supporting financial package comprising:**
    - i. Waiver of Passenger Service Fees for screening and terminal usage.**
    - ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the local community of at least \$100,000).**
    - iii. Marketing campaign funded and professionally resourced to promote the commencement and for the duration of the trial service.**
  - b. Advise the East Kimberley Marketing Group that Landing Fees should be met for flights as they comprise a contribution towards the asset management and maintenance of the runway and other airside infrastructure.**
  - c. Further negotiate with East Kimberley Marketing Group regarding pricing structure, landing fees, marketing, key performance indicators, underwriting and “claw back” mechanism and Council’s assistance with the proposed trial.**
- 2. Refer the cost of the trial for consideration in both the Mid-Year Budget Review 2016-17 and Annual Budget 2017-18.**

**Carried 1/0**

At the 28 November 2017 Ordinary Council Meeting, the item was once again considered and Council resolved;

**COUNCIL DECISION**

**Minute Number: 28/11/2017-117835**

**Moved: Cr Chafer**

**Seconded: Cr Pearce**

**That Council reaffirm its decision of 22 November 2016 and specifically:**



**1. Provide support for a trial of an air service proposed by the East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2018 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the following basis:**

**a. Consideration of a supporting financial package comprising:**

- i. Waiver of Passenger Service Fees for screening, Terminal Passenger Handling Fees and Landing Fees to a maximum value of \$153,000. conditional upon the flights arriving and departing between 10:00 am and 4:00 pm (WA time) when the airport staff are onsite and available.**
- ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the State Government and/or local community of at least \$200,000).**

**b. Further negotiate with the East Kimberley Marketing Group and the Airline regarding the type of aircraft, flight schedules and the implications for connections with Melbourne Airport and services required of EKRA, confirmation of the opportunity for, booking arrangements and seamless ticketing or connectivity to secondary destinations, confirmation of details related to fare structures and ticketing costs, key performance indicators.**

**2. Condition its support and contribution to the trial upon the development and execution of a professional marketing campaign properly funded and resourced by the State Government to promote the commencement and for the duration of the trial service;**

**3. Refers the cost of the trial for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19; and**

**4. Refers the replacement of Landing Fees to the Airport Reserve from Municipal funds for consideration in both the Mid-Year Budget Review 2017-18 and Annual Budget 2018-19.**

**Carried 8/0**

### **STATUTORY IMPLICATIONS**

Council is subject to a number of provisions under the Local Government Act in relation to the allocation of funds, including from its Reserves.

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
  - (a) *changes\* the purpose of a reserve account; or*
  - (b) *uses\* the money in a reserve account for another purpose,**it must give one month's local public notice of the proposed change of purpose or proposed use.*
  - \* *Absolute majority required.*
- (3) *A local government is not required to give local public notice under subsection (2) —*
  - (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
  - (b) *in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

Council also needs to be mindful of issues related to the National Competition Policy and associated Competition Principles Agreement - an intergovernmental agreement between the Commonwealth and State/Territory governments that sets out how governments will apply National Competition Policy principles to public sector organisations within their jurisdiction.

The State Government released a policy statement effective from July 1996 called the Clause 7 Statement, which forms part of the Competition Principles Agreement. The provisions of Clause 7 requires Local Government to report annually on their implementation, application and effects of Competition Policy as well as the structural reform of public monopolies and the implementation of Legislative review. Competition Policy does not require contracting out or competitive tendering. It does not preclude local government from continuing to subsidize its business activities from general revenue, nor does it require privatisation of government functions. Competitive neutrality principles apply to those significant business activities conducted by (or under the control of) one or more local government.

### **POLICY IMPLICATIONS**

There are no specific policy implications that impact on the consideration of this report however there is a need to meet good governance principles in assessing the request.

### **FINANCIAL IMPLICATIONS**

The current proposal is considered to be commercially sensitive at this time. Further investigations will continue to be treated as confidential and commercially sensitive data arising from these investigations will be provided to Council under confidential cover.

The quantum of funds needed to support the trial cannot be determined with certainty at this stage to the satisfaction of the Administration. Once the Shire has some indication on the pricing structure for the flights, updated costings and more certainty around the commercial arrangements, the Shire will then be better able to quantify the potential financial risk assumed.

The purpose of the Airport Reserve has been changed in line with the 30 October 2018 resolution of Council to read *“to provide support for the Shires Airport operations and facilities and to promote an expansion of airport operations and increased passenger numbers through the airport. These include normal operations, asset management, expansion of facilities and operations and projects that support the strategic objectives for the Airport”*. This change will allow for the possibility that, should Council support the trial financially, the funding for that support could be from the Airport Reserve.

Of concern to the Administration is that the Airport Reserve has a finite amount of funds that are needed in particular for funding the asset management program at the airport and to possibly assist in supporting the runway extension. Significantly depleting this Reserve may negatively impact on these priorities.

## **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 3.1.1: Improve the Shire’s transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

Strategy 3.1.2: Improve access and transport links to the East Kimberley (air, road and sea)

#### Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire’s financial viability

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

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

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

## **RISK IMPLICATIONS**

The wider risk implications are as follows:

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

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

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

**Control:** Increased accountability to the Audit (Finance and Risk) Committee

### **COMMUNITY ENGAGEMENT**

No community engagement has been undertaken to date by the Shire other than via communication with EKMG and associated meetings.

EKMG have been active in promoting the trial and have made a number of presentations to Council including the most recent Briefing session on 16 October 2018. They have also raised funds from the general community and Tourism industry operators as well as had a number of articles and reports in the local papers. As such there has been community awareness of the proposal with general positive support.

### **COMMENTS**

At the Ordinary Council Meeting of 30 October 2018 Council authorised the CEO and Administration to conduct further investigations into the possibility of financially supporting the trial of the flights to Melbourne and report to Council at the next Council briefing. In conducting the investigations it became apparent to Shire Officers that there would not be sufficient time to do an adequate due diligence that would meet the governance requirements for Council as well as properly negotiate commercial contractual terms for the trial to ensure that the timeline for the critical milestones could be achieved. Two timeline options were circulated to Councillors which identified key milestones to be achieved depending upon whether the trial was to take place in 2019 or 2020. These matters were discussed at the Council briefing on 13 November 2018.

Shire Officers consider that the proposal for a trial for direct flights to Melbourne has merit. For the Administration to properly address all the relevant issues, seek professional advice where required and assess the risks adequately, it recommends that the trial be deferred until May 2020. The proposed timeline for this was circulated to Councillors at the briefing.

### **ATTACHMENTS**

Nil

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. CBP Quarterly Progress Report - July to September 2018

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Senior Integrated Planning and Reporting Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	CM.10.7
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council notes the Corporate Business Plan 2018/19 - 2021/21 Quarterly Progress Report - July 2018 to September 2018**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115902**

**Moved: Cr M McKittrick  
Seconded: Cr A Petherick**

**That Council notes the Corporate Business Plan 2018/19 - 2021/22 Quarterly Progress Report - July 2018 to September 2018**

**Decision: 9/0**

#### **PURPOSE**

For the Council to receive the July 2018 to September 2018 Quarterly progress review (quarter one) of the Corporate Business Plan 2018/19 - 2021/22.

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

Leader - plan and provide direction through policy and practices

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

The Corporate Business Plan (CBP) is the 4-year service and project delivery program for the Shire. It is aligned to the strategic direction and priorities set within the 10-year Strategic Community Plan.

The purpose of the CBP is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term and is reviewed annually to ensure priorities are achievable and effectively timed.

The Corporate Business Plan Year 2018/19 - 2021/22 was adopted by Council at the 26 June 2018 Ordinary Council Meeting (**Minute No: 115783**).

The Quarterly Progress Report is generated from the Shire's integrated planning process. The report reflects the progress of individual actions of the Corporate Business Plan which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving the strategic direction of the Shire.

The staff member responsible for an action or task in the Corporate Business Plan is required to provide an update each quarter, giving an indication of how the action is progressing. This information is collated to provide an overview of how the organisation is performing to the CEO, Directors and Council to ensure that performance is being appropriately monitored and managed.

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

This Act is intended to result in:

- a) Better decision making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective government.

The Shire's Corporate Business Plan and quarterly progress reports are in line with the Western Australian Government's Integrated Planning and Reporting Framework which requires planning and reporting on local government activities.

## **POLICY IMPLICATIONS**

### CP/COM-3100 - Community Engagement Policy

The Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

- Increased community awareness about services, planning and program delivery;
- Increased awareness of the needs, priorities and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately;
- Council and the community working together to address local issues where appropriate.

## **FINANCIAL IMPLICATIONS**

Financial progress for the year to date is reported monthly by the Monthly Financial Statements. The attached report provides a quarterly financial summary.

## **STRATEGIC IMPLICATIONS**

The Corporate Business Plan Quarterly Progress Report serves to monitor the implementation of operational priorities and activities and report on the achievement of the Strategic Community Plan goals.

### *Strategic Community Plan 2017-2027*

#### Focus Area 1: Civic Leadership

- Goal 4.2            Good decision making through engagement with the community
- Strategy 4.2.1: Engage and communicate with all sections of the community to better understand needs and priorities
- Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire
- Goal 4.3            Ensure a strong and progressive organisation delivering customer focused services
- Strategy 4.3.1: Be adaptive, responsive with a strong customer focus
- Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

### *Corporate Business Plan 2018/19*

- CBP Action: #53 - Ensure compliance with the Integrated Planning and Reporting Framework
- CBP Task: Provide quarterly CBP progress reports

## **RISK IMPLICATIONS**

**Risk:** The Shire fails to carry out the actions set out in the corporate Business Plan.

**Control:** Regular reporting of progress to CEO, Directors and Council to ensure that performance is monitored and managed.

**Risk:** Community unaware of Shire activities and progress and become disengaged

**Control:** Provide quarterly and Annual reports to community on the Shires activities and progress

## **COMMUNITY ENGAGEMENT**

The Corporate Business Plan Quarterly Progress Report is made available to the community via the Shire's web page.

## COMMENTS

The Quarterly Progress Report – July to September 2018 is shown at Attachment 1 to this report. This is the first progress report for the 2018/19 year, and the first progress report against the new Strategic Community Plan 2017-2027. The Report details the progress during the September Quarter in delivering defined priorities by goal, strategy and directorate. This progress is further reviewed by the Shire's Executive Management Team to ensure that performance is monitored and managed.

Summary of progress by quarter is provided in the following table:

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on target	82%			
Complete	6			
Not started	19			

Progress against the Strategic Community Plan 2017-2027 is summarised below and detailed in the attached report.

Strategic Community Plan 2017-2027 Focus Areas	Percentage of actions completed	Percentage of actions on target
<b>1 Healthy vibrant active communities (People)</b> <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	0%	81%
<b>2 Enhancing the environment (Place)</b> <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i>	10%	86%
<b>3 Economic prosperity (prosperity)</b> <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	0%	72%
<b>4 Civic leadership (Governance)</b> <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	0%	67%

The highlights of the quarter included:

- Gibb River-Kalumburu Road Renewal / Upgrade completed
  - Approximately 60 km of forming and re-sheeting completed, 5 culverts installed, floodways repaired, signage installed and extensive drainage works completed.
- Pedestrian safety improvements - improve walkability of the Weaber Plain Road shared path



- State Blackspot funding application submitted for assessment by MRWA to improve pedestrian infrastructure at the Leichhardt Street intersection. If the Shire is successful in its application, works will be included in the 2018/19 capital works program for Council approval.
- Road Safety improvements to Lakeview Drive completed with the installation of traffic devices
- Contaminated land remediation works - Remove contaminated soil at Pearce Street, Wyndham was completed
- Wyndham Airport - Identify business opportunities
  - During the quarter a 2 year lease was signed with Airbus with an option to extend, helping to create jobs in Wyndham.
- Draft Community Safety and Crime Prevention Plan was developed with key stakeholders such as Western Australia Police ready for wider community comment during the second quarter.

### **ATTACHMENTS**

Attachment 1 - Corporate Business Plan Quarterly Progress Report - Q1 July 2018 to September 2018

## 12.4. CORPORATE SERVICES

### 12.4.1. Monthly Financial Report November 2018

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Coordinator Financial Operations
<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 monthly financial report as at 30 November 2018.**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115903**

**Moved: Cr D Pearce  
Seconded: Cr M Dear**

**That Council receives the monthly financial report as at 30 November 2018.**

**Decision: 9/0**

#### **PURPOSE**

For Council to receive the monthly financial report for the period ended 30 November 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 section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 26 June 2018 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**

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

**Control:** Annual audit performed.

### **COMMUNITY ENGAGEMENT**

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

No community engagement is required.

## **COMMENTS**

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

## **ATTACHMENTS**

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

## 12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund

<b>DATE:</b>	11 December 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 133513 - 133792 (02 Nov 18 - 29 Nov 18)	\$ 3,309,034.51
Municipal cheques 51845 - 51886 (01 Nov 18 - 30 Nov 18)	\$ 123,803.82
Trust cheques 1194 - 1200 (01 Nov 18 - 29 Nov 18)	\$ 2,329.30
Trust EFT 501698 - 501722 (01 Nov 18 - 29 Nov 18)	\$ 14,075.65
Payroll (07 Nov 18 - 21 Nov 18)	\$ 479,266.86
Direct bank debits (01 Nov 18 - 28 Nov 18)	\$ 99,477.01
<b>TOTAL</b>	<b>\$ 4,027,987.15</b>

### Council Decision

Minute Number: 11/12/2018 - 115904

Moved: Cr M McKittrick

Seconded: Cr N Brook

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

Municipal EFT 133513 - 133792 (02 Nov 18 - 29 Nov 18)	\$ 3,309,034.51
Municipal cheques 51845 - 51886 (01 Nov 18 - 30 Nov 18)	\$ 123,803.82
Trust cheques 1194 - 1200 (01 Nov 18 - 29 Nov 18)	\$ 2,329.30

<b>Trust EFT 501698 - 501722 (01 Nov 18 - 29 Nov 18)</b>	<b>\$ 14,075.65</b>
<b>Payroll (07 Nov 18 - 21 Nov 18)</b>	<b>\$ 479,266.86</b>
<b>Direct bank debits (01 Nov 18 - 28 Nov 18)</b>	<b>\$ 99,477.01</b>
<b>TOTAL</b>	<b>\$ 4,027,987.15</b>
	<b>Decision: 9/0</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 2018/19 which was adopted by the Council on the 28 August 2018, 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**

Attachment 1 - List of Accounts Paid November 2018

### 12.4.3. Airport Reserve - Change of Purpose

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Vernon Lawrence - Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence - Director Corporate Services
<b>FILE NO:</b>	
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council note that one month's local public notice has been given for the change to the purpose of the Airport Reserve in accordance with section 6.11(2) of the *Local Government Act, 1995*.**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115905**

**Moved: Cr D Pearce**

**Seconded: Cr M Dear**

**That Council note that one month's local public notice has been given for the change to the purpose of the Airport Reserve in accordance with section 6.11(2) of the *Local Government Act, 1995*.**

**Decision: 9/0**

#### **PURPOSE**

The purpose of the report is to inform Council that the requirements for the change to the purpose of the Airport Reserve have been met and to further inform Council of any comments received from the community arising out of the advertising process.

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

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

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

The Council resolved to advertise for the change in purpose to the Airport Reserve at the 30 October 2018 Ordinary Council Meeting as part of the consideration on whether to support the trial of additional direct flights to Melbourne.



## **COUNCIL DECISION**

Minute Number: 30/10/2018 - 115867

Moved: Cr D Pearce

Seconded: Cr T Chafer

That Council:

1. Authorises the CEO and administration to further investigate the business case and potential risk exposure and benefits to the Community, SWEK and the EKRA in financially supporting a trial of a direct air service between Kununurra and Melbourne, including:

- a) A benefit-cost analysis and risk assessment of the flights proposal from EKMG, addressing the full range of impacts on the business operations of the East Kimberley Regional Airport.
- b) Sensitivity analyses of the proposed Melbourne flights, modelling varying proportions of passenger flight substitution over existing routes, and the extent to which this will impact on airport passenger numbers (using historical EKRA passenger numbers as a guide).
- c) An assessment of broader impacts on the community arising from the proposal, not limited to tourism. This is to include positive impacts as well as risks.
- d) Provision of a timeline identifying those critical milestones that need to be achieved to best ensure the success of the project.

2. Requests the CEO to report back to Council on progress towards investigating these matters at the next Council Briefing.

3. Authorise, in accordance with section 6.11 (2) of the *Local Government Act 1995*, the advertising of a change to the Airport Reserve purpose to *"The Reserve is to provide support for the Shire's Airport operations and facilities and to promote an expansion of airport operations and increased passenger numbers through the airport. These include normal operations, asset management, expansion of facilities and operations and projects that support the strategic objectives for the Airport"*.

Decision:6/1  
Against: Cr A Petherick

## **STATUTORY IMPLICATIONS**

Council is subject to a number of provisions under the *Local Government Act, 1995* in relation to the allocation of funds from a Reserve.

### **6.11. Reserve accounts**

(1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

(2) *Subject to subsection (3), before a local government —*

(a) *changes\* the purpose of a reserve account; or*

(b) *uses\* the money in a reserve account for another purpose,*

*it must give one month's local public notice of the proposed change of purpose or proposed use.*

*\* Absolute majority required.*

(3) *A local government is not required to give local public notice under subsection (2) —*

(a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*

(b) *in such other circumstances as are prescribed.*

(4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

(5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

## **POLICY IMPLICATIONS**

There are no specific policy implications arising from this report.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications arising from this report. All movement of funds from the Reserve have to follow the statutory process that is set out in section 6.11 of the *Local Government Act, 1995*.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

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

Strategy 3.1.1: Improve the Shire's transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

Strategy 3.1.2: Improve access and transport links to the East Kimberley (air, road and sea)

Goal 4.2: Good decision making through engagement with the community

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

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

### **RISK IMPLICATIONS**

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

**Control:** Increased accountability to the Audit (Finance and Risk) Committee.

### **COMMUNITY ENGAGEMENT**

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

- Advertising in the Kimberley Echo on 8, 15, 22, and 29 November 2018;
- Publishing the advertisement on the Shire website on 1 November 2018;
- Publishing the advertisement on the Shire Facebook page on 2 November 2018;
- Public Notices placed at the Administration Buildings in Kununurra and Wyndham, the Library and at the Kununurra Leisure Centre on 1 November 2018.

### **COMMENTS**

The Shire has met its obligations under section 6.11 of the *Local Government Act, 1995*.

Two written submissions were received from the Community with respect to the change to the purpose of the Airport Reserve. The relevant comments from the submissions read as follows:

*"I am just forwarding my thoughts on the use of reserve funds at the airport. I am so totally opposed to using these funds for trial flights to Melbourne or anywhere else. The fact that airline companies are not willing to take it on spells disaster to me. They are forever looking to expand but ONLY if it is viable. They obviously have done their homework and know without doubt that this service cannot be viable."*

*"However, what we desperately do need is the runway extension. This in itself may create some interest from airlines but more so it would allow local producers to source markets overseas in places like Indonesia etc to sell their products and deliver them quickly while still nice and fresh."*

*"I have lived here almost 4 decades now and I have seen the growth of this town over that time. I have heard and seen the arguments for and against the extension of this runway..... So do the extension, instead of just flights to Melbourne and we will grow and prosper again. Futuristic thinking"*

These submissions were considered and replied to by the Chief Executive Officer. The submissions in essence assumed that there was a choice between supporting the trial for the direct flights to Melbourne or supporting the extension to the runway. It was pointed out by the CEO that these are not mutually exclusive projects as both are important and interdependent.

There was also one statement delivered at the Shire's Annual General Meeting of Electors on Wednesday 5 December 2018 which also was not in favour of the change to the purpose of the Airport Reserve to facilitate the trial of the direct flights to Melbourne.

The Administration considers that the changes made to the purpose of the Airport Reserve is an improvement as it removes some uncertainty in the wording and allows for more flexibility in funding the growth of the business of the Airport to the benefit of the community. We further note that no amounts can be appropriated from that reserve without the express permission of Council following the statutory requirements. All appropriations from the reserve will be considered on their merits.

### **ATTACHMENTS**

- Attachment 1 - Notice in Kimberley Echo
- Attachment 2 - Notice on Shire Facebook page
- Attachment 3 - Public Notice
- Attachment 4 - Public Notice on Shire Website

## 12.5. INFRASTRUCTURE

### 12.5.1. Application for Funeral Directors Licence - Katherine Funeral Services

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

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

#### Council Decision

**Minute Number: 11/12/2018 - 115906**

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

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

**Decision:9/0**

#### PURPOSE

To consider Katherine Funeral Services application for a funeral director's licence

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

Provider - provide physical infrastructure and essential services

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

Katherine Funeral Services have been operating in the Northern Territory since 1976. Doyle's Funeral Services Pty Ltd began trading as Katherine Funeral Services on 2<sup>nd</sup> February 2018 when the business changed ownership to business partners Michael Knight, Louise Doyle, Stephen Doyle & Zoe Knight.

The necessary equipment for the correct handling and storage of deceased clients and conducting of funerals were purchased with the business.

## **STATUTORY IMPLICATIONS**

### Cemeteries Act 1986.

#### *Division 3 - Licensing of funeral directors.*

#### 16. Licences

*A funeral director's licence:*

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

#### 17. Applications for licences

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

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

### *Strategic Community Plan 2017-2027*

Focus Area 1: Healthy vibrant active communities

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

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

Focus Area 3: Economic Prosperity

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley  
Strategy 3.2.2: Develop a viable regional centre as a key to retaining services and supporting population growth  
Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

Katherine Funeral Services wish to gain the appropriate Funeral Directors Licence from the Shire so they can service the Kimberley in addition to Katherine and the NT.

Katherine Funeral Services have established working relationships with relevant parties such as the Kununurra morgue to provide a complete service.

There are 2 other Funeral Directors currently licenced within the Shire of Wyndham East Kimberley, being Affordable Funerals Katherine and Derby and Broome Funeral Services.

An application for a Funeral Director's Licence has been received and the Shire has been provided with copies the relevant insurances. Funeral Directors Licences are issued on an annual (financial year) basis therefore this licence, if approved, shall be valid for the period 1 July 2018 to 30 June 2019.

### **ATTACHMENTS**

Nil

## 12.5.2. Policy Review - CP/REM-3620 Fire Breaks

<b>DATE:</b>	16 October 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	ES.03.1
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### **VOTING REQUIREMENT**

Simple Majority.

### **OFFICER'S RECOMMENDATION**

**That Council adopt the revised CP/REM- 3620 Fire Breaks Policy as set out in attachment 1 of this report**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115907**

**Moved: Cr M Dear  
Seconded: Cr M McKittrick**

**That Council adopt the revised CP/REM- 3620 Fire Breaks Policy as set out in attachment 1 of this report**

**Decision: 9/0**

### **PURPOSE**

For Council to consider the revised policy CP/REM- 3620 - Fire Breaks.

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

Leader - plan and provide direction through policy and practices.

Regulator - enforce state legislation and local laws.

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

This policy was put to Council at the 20 November 2018 Ordinary Council Meeting for consideration and was not passed, Council requested the Policy be revised, see section below 'Council Decision' and refer Attachment 1.

This policy was last reviewed in 2015 and was adopted by Council at the 25 August 2015 meeting.



## **COUNCIL DECISION**

**Minute Number: 20/11/2018 - 115891**

**Moved: Cr T Chafer**

**Seconded: Cr D Pearce**

**That Council refer the Policy back to the administration for review and re-presenting to Council.**

**Decision: 9/0**

## **STATUTORY IMPLICATIONS**

*Bush Fires Act 1954 Section 33* applies to this matter.

### **BUSH FIRES ACT 1954 - SECT 33**

#### **33 . Local government may require occupier of land to plough or clear fire-break**

(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

(a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;

(b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

(c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and

(d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

(2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the [Local Government Act 1995](#) , as his address for the service of rate notices.

(2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984* .

(3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.

Penalty: \$5 000.

(4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —

(a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and

(b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

(5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —

(a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of the amount; and

(b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.

(5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the [Local Government Act 1995](#) —

(a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;

(b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.

(5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply *mutatis mutandis* as if those requirements were the requisitions of a notice given under subsection (1).

(5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.

(5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.

(6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.

(7) Nothing in this section authorises a local government —

(a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or

(b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.

(8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —

(a) a debt due from each subsequent owner in succession; and

(b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and

(c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.

(9) In this section —

**owner or occupier of land** includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

*[Section 33 amended by No. 11 of 1963 s. 15; No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 32 and 48; No. 51 of 1979 s. 3 and 5; No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 38 of 2002 s. 28 and 39; No. 70 of 2003 s. 7; No. 19 of 2010 s. 52(4).]*

### **POLICY IMPLICATIONS**

No further implications are made by this policy.

The policy binds the Shire to key commitments in the containment of wildfire and to the allocation of resources to implement fire suppression.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment.

Goal 2.3: Make towns safe and inviting for locals and visitors.

Strategy 2.3.5: Enforce effective public health and safety.

Focus Area 4: Civic Leadership.

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

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

### **RISK IMPLICATIONS**

#### **Risk:**

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**

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**

This policy has been revised following the 20 November 2018 Ordinary Council Meeting to incorporate the feedback given by Councillors and to reflect the current standards required for maintaining compliant Fire Breaks.

The updates included in this revision consist of:

1. Minor rewording and formatting corrections.
2. Specific sections of the Bush Fires Act 1954 in which a duly authorised person appointed by the Shire of Wyndham East Kimberley is able to enforce compliance under.
3. Addition of item 5. "Rural Living Areas" to the Policy Statements section.

**ATTACHMENTS**

Attachment 1 - CP/REM-3620 - Fire Breaks DRAFT V3 Marked Up Version

### 12.5.3. East Kimberley Regional Airport - Runway Extension Project Business Case and Cost Benefit Analysis

*Cr M Dear declared a proximity interest as is General Manager of the OIAMC that owns land alongside the airport.*

*Cr M Dear departed Chambers at 6:05pm.*

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Director Infrastructure
<b>RESPONSIBLE OFFICER:</b>	Manager East Kimberley Regional Airport
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	TT.04.8
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council endorses the key directions identified in the draft East Kimberley Regional Airport Runway Extension Project - Business Case and Cost Benefit Analysis with:**

- 1. The document to be utilised as part of dialogue with other levels of government and private sector on funding and marketing opportunities.**
- 2. A further report to be submitted to Council with any refinements to the document and consideration for its formal adoption.**

#### **Council Decision**

**Minute Number: 11/12/2018 - 115908**

**Moved: Cr M McKittrick**

**Seconded: Cr A Petherick**

**That Council endorses the key directions identified in the draft East Kimberley Regional Airport Runway Extension Project - Business Case and Cost Benefit Analysis with:**

- 1. The document to be utilised as part of dialogue with other levels of government and private sector on funding and marketing opportunities.**
- 2. A further report to be submitted to Council with any refinements to the document and consideration for its formal adoption.**

**Decision:8/0**

Cr M Dear returned to Chambers at 6:15pm. The Shire President informed him of Council's decision.

## **PURPOSE**

To outline progress on the proposed East Kimberley Regional Airport (EKRA) Runway Extension and in particular work undertaken on the Business Case and Cost Benefit Analysis.

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

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

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

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

Minute No: 11470

Moved: Cr K Wright Seconded: Cr B Robinson

That Council:

1. Requests the CEO, or their delegate to include the appropriate revisions required to the Business Case and Pre Feasibility Study dated August 2016 to incorporate the provision of lighting to Taxiway B including the associated financial implications.

2. Endorses the Business Case and Pre Feasibility Study dated August 2016 and therefore the extension of East Kimberley Regional Airport Runway 12/30 project in accordance with the recommended Option 4 contained in this Study subject to Part 1 of this resolution being finalised, noting in particular that Option 4 contains the following:

### ***7.1 Preliminary runway length and pavement works***

Based on the runway extension options assessment and preliminary pavement designs the following table outlines the recommended runway extension length, airfield lighting upgrades, and associated taxiway and apron pavement upgrades to enable operations of the design aircraft into and out of Kununurra Airport.

Table 11 Runway extension profile recommendation (Option 4):

<b><i>Runway Extension</i></b>	<b><i>Comment</i></b>
Western end extension	540 m pavement extension
Eastern end extension	61 m pavement extension
Total New 12/30	Runway Length 2430 m
Runway width	30 m
Runway shoulders	3 m each side
Runway strip width	300 m (150 m without land acquisition)
Taxiway width	15 m.

**3. Provides an in-principle commitment of \$1 million from the Airport Reserve and requests the CEO, or their delegate to pursue external funding opportunities with other levels of government and the private sector.**

**4. Request the CEO to initiate discussions with the landholders of Lot 876 on Plan 28266 and Lot 1 on Plan 41419 for the acquisition of the required land to the north east and north west of the Airport**

**Carried 8/1**

**For: Cr J Parker, Cr K Wright, Cr S Rushby, Cr A Petherick, Cr E Bolto,  
Cr B Robinson, Cr N Perry, Cr S Cooke  
Against: Cr D Spackman**

### **STATUTORY IMPLICATIONS**

The Construction of the works will need to be implemented through a complying procurement process and construction will need to meet the provisions of Civil Aviation Safety Authority (CASA) Manual of Standards (MOS) Part 139 - Aerodrome Design Standards.

### **POLICY IMPLICATIONS**

There are no significant policy implications as the proposed extension of the aerodrome facilities are anticipated in the planning framework. There is a need during the implementation phase to comply with a range of procurement and safety matters.

### **FINANCIAL IMPLICATIONS**

The construction costs to extend the Runway together with associated works is estimated at over \$17m together with land acquisition to achieve the ultimate width. This is beyond the capital funding of a Shire the size of EKRA and it is envisaged to need the support of other levels of government. This is addressed further in the Report.

### **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 3.1.1: Improve the Shire's transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

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

Strategy 3.2.2: Develop a viable regional centre as a key to retaining services and supporting population growth

Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs

### **RISK IMPLICATIONS**

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

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

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

**Control:** Increased accountability to the Audit (Finance and Risk) Committee.

**Risk:** Non-compliance with procurement policy and procedures resulting in financial and/or reputation loss.

**Control:** Procurement policy and procedures.

### **COMMUNITY ENGAGEMENT**

No formal community engagement is required.

There has been ongoing dialogue with key groups including the East Kimberley Marketing Group and EKCCI.

A passenger survey undertaken in May-June 2018 is summarised later in this report.

### **COMMENTS**

**Background:** The need to extend the EKRA Runway was recognised in the 2013 Airport Master Plan and the 2017 updated version. This is based on projected passenger numbers and recognition that larger aircraft can deliver more economic services and have an increased range.

The physical capabilities of the Airport to accommodate an extended runway have been assessed in the Pre-Feasibility Study prepared for the Council by GHD. The constraints are summarised as follows:

- Ord River that is approximately 1,200m west of existing Runway,
- Borrow pit site (used for extraction of fill) is approximately 640m west of current runway.
- Ord River Irrigation Channel is approximately 500m east of current runway.
- Victoria Highway is south of airport and could be impacted by low flying aircraft.
- A private property is to north-east of the airport site boundary.

Recognising these constraints the Study proposed a maximum feasible runway extension of 601m comprising 540m to the west and 61m to the east - providing a maximum length of 2,430m. Such a runway would be able to accommodate Airbus A320 and Boeing 737-800 aircraft (approximately 160 passengers) being the standard aircraft of major Australian airlines. It would result in an increase in CASA's operational standards from Code 3 to Code 4 aircraft.

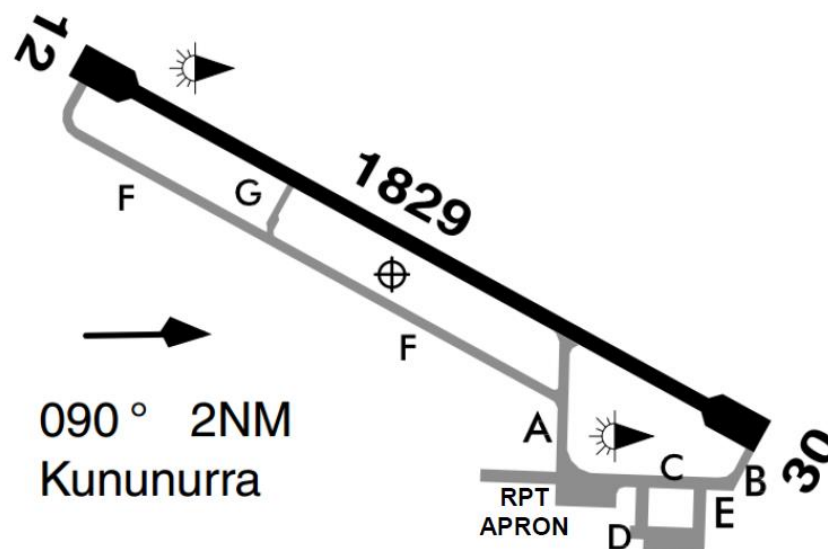
The construction works are summarised as follows:



- Current runway that was resurfaced in 2015 meets required standards - the additional length of 601m will need to be 30m wide and comprise a multi layered construction 1260mm thick. In the longer term with some land acquisition to the north the runway is expected to be widened to 45m and the runway strip (managed grass area) widened from 150m to 300m. The key airlines have previously advised they are comfortable for the interim period to utilise the narrower width runway.
- Ancillary works needed to accommodate the larger Regular Public Transport (RPT) aircraft are:
  - Taxiways A-C strengthened by placement of additional 260mm of cement modified base and 60mm of asphalt.
  - RPT Apron pavement to receive 60mm asphalt overlay.
  - Runway lighting being extended along with replacement of existing runway edge light fittings to provide consistent/compliant outcome. Also provide new runway edge lights to Taxiways B and C.
  - Approach guidance system - replace aged AT-TVASIS with more effective PAPI.
  - Relocate wind indicator (due to extended runway) to western end of Airport.

The total cost of the extended runway in the Pre-Feasibility Study comprised a construction cost of \$17.7m rising to \$18.9m with the inclusion of an estimate for land acquisition.

To reference the above works the following figure illustrates the key components.



**Figure 1 Aerodrome Layout**

The Plan comprising Attachment 1 presents the current site infrastructure together with the extended runway.

**Project Funding:** The decision of the Council on 30 August 2016 to support the extended runway and associated infrastructure recognised that its delivery would necessitate pursuing external funding opportunities - most likely from other levels of government.

The number of applicable funding sources are limited. The Federal Government's Building Better Regions Fund is applicable but has a cap of \$10m. While the Shire has committed \$1m it leaves a funding gap of some \$6m with the State Government best placed to provide support.

Through dialogue with State bodies there is not a clear funding source although Royalties for Regions has been raised.

Grant applications on the scale of the Runway Extension are required to be accompanied by supporting documents that include a Business Case and Cost Benefit Analysis (BC/CBA). Such a document is also considered beneficial to support lobbying activities.

The preparation of a supporting BC/CBA is recognised with funding in the 2018/19 Budget. Through a tender process a specialist consultant has been commissioned to support the investigations and preparation of documentation.

**Customer Survey:** The initial task in preparing the BC/CBA provided for a Customer Survey to confirm the identity, character and expectations of travellers (Attachment 2).

The survey was undertaken between end of May - mid June 2018 with every week-day covered twice. Through the use of random interviews proportionate to the number of passengers on each route the total of 451 traveller responses are considered to have provided a representative sample. It is recognised that the approach was unable to identify latent travel demand from non-travellers.

The following provides a summary of the more significant insights:

- Character of travellers: Visitors 69%, Residents 22% and FIFO 9%.
- Age of travellers: Skewed towards 50+ age group - particularly holiday visitors.
- Destinations:
  - Residents and FIFO workers - 57% sought travel to Perth, Darwin or Broome.
  - Visitors to region - less than 50% travel from WA or NT with 45% from East Coast.
  - Passengers needing a connecting flight to reach final destination - 30%
- Cost: Average round trip fare was estimated at \$1,170.
- Impact of 25% decrease in fares: 40% passengers indicated positive travel reaction.
- Current aviation services: Most common requests for direct flights to East Coast, more flights to Perth, more frequencies on weekdays and better connections through Darwin.
- Non-stop flights to East Coast - 65% of travellers indicated an interest.
- Cost flights to East Coast: 80% willing pay \$500 one way and 50% pay \$600.
- Satisfaction with facilities at EKRA: 80% of passengers rated at 8/10 or higher.

In terms of aviation strategy the conclusions included the following:

- Inbound and outbound demand higher than current passenger numbers would suggest.
- Capacity constraints lead to an elevated air fare environment.
- Origin and destination portfolio is more diverse than current aviation network suggests.

- Limited destinations force significant connect travel through Darwin or Broome.
- East Coast accounts for around 25% of traffic to or from Kununurra.
- Demand composition is fairly complex - medium forecast suggests traffic growth of 5.6% between 2017-2027 and 4.2% between 2027-2037.

**Business Case and Cost Benefit Analysis:** The purposes of the report (Attachment 3) are to:

- Ensure the East Kimberley Region remains connected to rest of Australia.
- Create potential for region to be directly connected to major cities of Australia & SE Asia.
- Create potential for Region to be accessible for visitors.
- Increase the provision of import and export air freight.

Key findings include:

- Due to remoteness the generalised cost of air services are significantly higher.
- Runway length is too short to allow most common, efficient and popular Code 4 aircraft.
- Runway can be extended for B737-800 and A320 to service East Coast and SE Asia.
- Market survey has identified demand for additional services and connectivity.
- In 2017 EKRA was the highest ranked WA regional airport of strategic importance.

Two widely accepted economic measures were utilised to assess the project and determine if it should proceed:

Net Present Value (NPV) - in context of airport business - it calculates the sum of the present value of future income and expenses using a weighted discount rate. Two broad scenarios were assessed comprising a 'Base Case' without the runway extension and 'Growth Options' where it is undertaken.

In reviewing the NPV results it is important to recognise that neither the cost impacts of 'community obligations' for the operation of Wyndham Airport nor future income from commercial development identified in EKRA Master Plan are recognised.

The outcomes are that while the Base Case would provide an average return of \$5.3m the average for the Growth Options is \$15m.

Cost Benefit Analysis (CBA) - seeks to quantify all benefits and costs over the life of the project. The quantifiable costs include capital expenditure for the project, ongoing airport maintenance and capital expenditure, other airport operating expenses and airline business development.

The quantifiable benefits include potential for reduced fares on existing routes, incremental value of direct route to East Coast, additional capacity of Code 4C aircraft, potential for inbound visitation/tourism spend, jobs, freight and airport revenue.

	<i>Low</i>	<i>Medium</i>	<i>High</i>
<b>TOTAL ECONOMIC COSTS</b>	\$77,186,805	\$79,095,605	\$80,844,736
<b>TOTAL ECONOMIC BENEFITS</b>	\$138,550,662	\$195,791,816	\$267,603,743
<b>Ratio of Benefits to Costs (BCR)</b>	1.8:1	2.5:1	3.3:1
<b>Ratio of net benefits to project capital expenditure</b>	7.9:1	11.2:1	15.3:1

**Figure 2 Economic Costs/Benefits for Growth Scenarios**

There is a need to also recognise significant non-quantifiable and social benefits discussed in the report.

The non-quantifiable costs include noise, adverse impact of visitation on natural values, road congestion and capacity of the airport to maintain the status quo. The impacts of these factors for the proposed project are negligible on the regional community.

The social benefits from the project will support regional development, improved connectivity and liveability for the local community through:

- Isolation risk: Project can ensure future services are by industry standard aircraft.
- Employment: Estimate job creation in excess of 240 jobs from construction and post completion phases in areas such as construction, airport operations and regional tourism. Opportunities for Indigenous employment span each of these sectors.
- Liveability: Ability to provide improved accessibility, access to specialist health care and growth in retail and hospitality sectors.
- Freight: Existing aircraft have limited freight capacity due to size. The design aircraft can each provide an increase of 122% and there is scope for dedicated freighters.
- Population: The project with other regional initiatives can be a catalyst for growth
- Emergency services: Larger aircraft can be deployed for roles including forward response base during natural events and for defence responses. The extended runway could accommodate emergency flight diversions e.g. Perth - Darwin and internationals.

### **Other Matters**

The report addresses a number of operational factors with key items summarised as follows.

Increased productivity (s5.1): The cost of fuel consumption on current aircraft averages around \$45 per seat compared to \$30 for a B737-800. There would also likely be airport

operational savings in screening services for larger aircraft compared to two smaller aircraft. The consultant estimates total savings could be \$60 per passenger.

Access to operational aircraft (s5.5): There is an unknown future for Fokker 100 aircraft (operated by Virgin) with the average age in Australian fleets of 26 years. This aircraft is now out of production and it is unclear as to the replacement - that could be of lesser capacity.

Airline marketing incentive (s8.4.4.4): The possibility of a strategy to encourage a new airline or service entrant has been included in the financial model. Strategies include:

- 50:50 investment in marketing for a period of three years (cost \$550,000).
- Airport fee rebates to reward growing throughput - values of up to \$10 per passenger.

## **Conclusion**

The East Kimberley is recognised as one of the most remote communities in Australia and the EKRA operations are key to connectivity to the rest of Australia. The project represents a significant opportunity to increase the production efficiency and consequently reduce the cost of travel for passengers.

Financial modelling is based on historical financial accounts for the Airport, the terminal survey, passenger forecasts and estimated capital expenditure for the runway project. The Business Case NPV across the medium growth scenario has net cash flows of \$14m. The quantifiable benefits assessed in the CBA provided positive outcomes while there are also a range of non-quantifiable project benefits. While the Base Case (without the project) outcomes have a level of financial sustainability it is reliant on the future airline operation of Code 3 aircraft.

Overall EKRA is considered to be uniquely positioned to be a hub for Australia's north west and has a number of existing and potential future opportunities which would be benefitted by the proposed runway extension project that include tourism, Ord Irrigation, resources sector, resident community and support for emergency service/defence/Australia's North initiatives.

## **ATTACHMENTS**

Attachment 1 - EKRA Existing Infrastructure and Proposed Runway Extension

Attachment 2 - EKRA - Runway Extension - Summary of On-Site Survey

Attachment 3 - EKRA - Draft Business Case and Cost Benefit Analysis

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

Nil

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

Nil

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

Nil

**16. MATTERS BEHIND CLOSED DOORS**

**COUNCIL DECISION**

**Minute Number: 11/12/2018 - 115909**

**Moved: Cr M McKittrick**

**Seconded: Cr T Chafer**

**That Council move in-camera with officers to remain at 6.16pm.**

**Decision:9/0**

## 16.1. Safer Communities Project - CCTV

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Senior Procurement & Contracts Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### Council Decision

**Minute Number: 11/12/2018 - 115910**

**Moved: Cr D Pearce**

**Seconded: Cr M Dear**

**That Council:**

**1. Accept the quotation from Calibre Professional Services One Pty Ltd of 50 St Georges Terrace, Perth WA for RFQ 10-18/19 Safer Communities Project - CCTV for the fixed lump sum price as follows:**

- a. Kununurra CCTV - \$639,343
- b. Wyndham CCTV - \$122,296
- c. East Kimberley Regional Airport CCTV - \$67,874
- d. Kununurra Landfill CCTV - \$23,600
- e. Kununurra Leisure Centre CCTV - \$23,354
- f. Wyndham Youth Centre CCTV - \$2,600
- g. Kununurra Police Station Integration - \$18,695
- h. Licencing / Spares - \$17,263

**TOTAL - \$915,025 excluding GST**

**2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to execution of the Contract.**

**3. Approves the allocation of additional funds as listed in the financial section of the confidential report, from a combination of the identified savings within the Mid Year Budget Review, the Shire's Asset Management Reserve and operational funds approved in the 2018/19 Annual Budget.**

**Decision:9/0**

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23 (2) (c)

### **5.23. Meetings generally open to public**

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

- (a) *a matter affecting an employee or employees; and*

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

### **VOTING REQUIREMENT**

Simple Majority

### **PURPOSE**

To consider quotations received for RFQ10-18/19: Safer Communities Project – CCTV



## 16.2. Tourism House - Proposed Lease of Suite 5

<b>DATE:</b>	11 December 2018
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A4999
<b>FILE NO:</b>	CP.07.8
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### Council Decision

**Minute Number: 11/12/2018 - 115911**

**Moved: Cr A Petherick**

**Seconded: Cr N Brook**

**That Council:**

- 1. Offers Ting Huang a five 5 year lease, plus a five year option on a commercial lease within Tourism House (Suite 5), Kununurra, effective from 30 December 2018, subject to:**
  - a. The commencing rent being as per the current market rent determined by a licenced valuer;**
  - b. The tenant meeting all applicable cost outgoings, inclusive of utility, building and property maintenance expenses;**
  - c. Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995, and**
  - d. The consent of the Minister for Lands.**
- 2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with Ting Huang.**

**Decision:9/0**

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

### **5.23. Meetings generally open to public**

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

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

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

### **VOTING REQUIREMENT**

Simple Majority

### **PURPOSE**

To seek approval from Council to enter into a commercial lease with a current tenant at Tourism House in Kununurra for use as a restaurant (Kimberley Asian Cuisine).

**COUNCIL DECISION**

**Minute Number: 11/12/2018 - 115912**

**Moved: Cr T Chafer**

**Seconded: Cr D Pearce**

**That Council move out of camera at 6.31pm**

**Decision:9/0**

*Members of the gallery were invited back to Chambers. The Shire President read aloud resolutions from matters behind closed doors.*

**17. CLOSURE**

The Shire President thanked all Councillors and Staff for their support and participation throughout the year and wished everyone a Happy Christmas and safe New Year.

The Shire President declared the meeting closed at 6.34pm