

**COUNCIL ACTION ITEMS**

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed	Minute Number
OCM 20/12/16	Director Infrastructure	Proposed closure of Jandami Lane	That Council approves: 1. The closure of a 3.2 km section of Jandami Lane as shown on Attachment 1 – Jandami Lane, section proposed for closure November 2016, in accordance with section 3.50 of the Local Government Act 1995, until the long term future of the lane is finalised, 2. A Shire application to the Department of Lands to relinquish the 3.2 km section of Jandami Lane road reserve, 3. The disposal of the road reserve, road and drainage assets on the 3.2 km section of Jandami Lane, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.9M as at 31/10/2016. 4. The permanent closure of a 3.2 km section of Jandami Lane, in accordance with section 3.50 of the Local Government Act 1995, when necessary to facilitate the transfer of that part of the road reserve to another party, and 5. The removal from the Shire's asset register of the 3.2 km section of Jandami Lane, when that section of the lane is permanently closed.	The Shire has requested the closure of the road in accordance with the Council resolution, and is awaiting the Department of Planning, Lands and Heritage (DPLH) to complete the process to permanently close the road. The DPLH has advised that the proposed road closure is pending other land tenure actions, being the creation of proposed easements.  No change to report as of June 2020.	14-Aug-17	In progress	
OCM 22/11/16	Felicity Heading, Acting Director Corporate Services	Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411	That Council, with reference to Matters Behind Closed Doors Item 8.2 "Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411", notes:  1. The further investigations and actions undertaken regarding options for the recovery of outstanding rates for Assessments A2574, A2569, and A411 in accordance with relevant legislation; and  2. That a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.	These matters were considered at the Audit (Finance and Risk) Committee on 11 May 2020 and will be reported again at the 10 August 2020 meeting. Shire Officers continue to follow up on these outstanding amounts. In Regards to A411, Shire Officers continue to work with legal advisors in the acquisition and disposal of the property. The remaining two properties have nothing substantial to report that has not been covered by the minutes of the Audit (Finance and Risk) Committee meeting. The next update will be provided after the Audit Committee meeting of 10 August 2020.	11-May-20	In Progress	
Mar-18	Carl Askew, Chief Executive Officer	Development of Ord Biosecurity Group	That Council 1. Acknowledges the proposal from Ord Land and Water Inc. to update the Biosecurity Plan for the Ord Irrigation Area. 2. Supports in principle the proposal, subject to the involvement of relevant industry representatives, State Government agencies, and cross-border integration with the Northern Territory Regional Biosecurity Emergency Response Plan currently being developed by the NT Government. 3. Refers the request for consideration in the 2018/19 Budget an allocation of up to \$15,000 to assist in the update of the Biosecurity Plan for the Ord Irrigation Area, with a preference that Ord Land and Water obtains matching funding from State Government agencies and other sources if possible. 4. Supports Ord Land and Water as the coordinator for the development and implementation of the updated Biosecurity Plan, in partnership with industry representatives and State Government. 5. Considers through the budget process the request for a small percentage (7.5%) of the rates raised from Rural Ag 1 and Rural Ag 2 properties for the ongoing management and delivery of the operational plan developed for the Ord, subject to the involvement of relevant industry representatives and State Government agencies, and with the intention of supporting Ord Land and Water to secure matching State funding. 6. Retains the current Biosecurity Reserve for any emergency plant, pest or disease response as required and approved by Council.	Advice delivered to the Ord Land and Water Inc. 2018/2019 Budget approved an allocation of \$15,000 for this project. No funds were required during the financial year and no further requests were made to have funds available for updating the plan. Funds will be made available should the need arise in future. Calculations for a 7.5% of the rates for Rural Ag1 and Rural Ag 2 show that a total amount of rates is \$1,054,061 meaning 7.5% of this is \$79,054. Since the Shire has had 0% rate increases for two financial years and this amount would have to be recovered from existing funds, a contribution of this amount should not be considered at this stage.  Acting CEO has reviewed the status of this action. As this item was raised in 2018, it is prudent to revert back to Ord Land and Water to ascertain whether they still want to update the Biosecurity Plan for the Ord Irrigation Area. If so then items 1 - 4 can be progressed. With respect to item 5 is that Shire Officers do not support it for the reasons described above. With respect to item 6, the reserve has been transferred to the Covid-19 Reserve to address the financial impact of Covid-19 on local business in terms of the resolutions passed by Council at the May Ordinary Council Meeting. The reinstatement and funding of the reserve will be considered in the 2021/22 Annual Budget process.	13-Apr-18	In progress	
Aug-18	Carl Askew, Chief Executive Officer	Local Law Review	That Council 1) Undertake a review of the following: a) Shire of Wyndham East Kimberley Dogs Local Law 2003 b) Shire of Wyndham East Kimberley Parking and Parking Facilities Local Law 2003 c) Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2005 d) Local Government Property Local Law 2003  2) Give State-wide public notice of the proposal to review the above Local Laws.	All four local laws have been reviewed and are in drafting stage. Postponed due to Covid-19	01-Jun-19	In progress	

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Sep-18	Stuart Dyson, Director Infrastructure	Partial Degazetting of Carlton Hill Road	That Council approves:  1. Advertising the proposed permanent closure of a 18.5 km section of Carlton Hill Road as shown on Attachment 1 – Carlton Hill Road, in accordance with section 58 of the Land Administration Act 1997.  2. A Shire application to the Department of Lands to relinquish the 18.5 km section of Carlton Hill Road reserve (subject to completion of item 1 above).  3. The disposal of the road reserve, road and drainage assets on the 18.5 km section of Carlton Hill Road, as an exempt disposition in accordance with section 30(2)(c) of the Local Government (Functions and General) Regulations 1996 noting that the section of road and drainage has a written down value of \$1.12M as at 31/07/2018.  4. The removal from the Shire's asset register of the 18.5 km section of Carlton Hill Road, when that section of the road is permanently closed.	Discussed at the September OCM and endorsed by Council. Public notice to be issued and then a letter to the Department of Lands.  Submission period has closed and all information has been collated and proposal is being reviewed.  July 2019 - Meeting to be arranged with KAI to assess their appetite to continue with the process.  Meeting held and discussed at the Aug Briefing Session.  Community to be provided with an update in March 2020 from the Shire, CPC and KAI.  Currently on hold pending the Covid - 19 Pandemic.	11-Jun-19	In progress	
Sep-18	Stuart Dyson, Director Infrastructure	Management of Runway Strip, East Kimberley Regional Airport	That Council: 1. Endorses the outlined program to undertake geotechnical investigations and a trial program for the improved management of the Runway Strip at the East Kimberley Regional Airport. 2. Subject to section 6.8 of the Local Government Act 1995, approves funding of \$100,000 from the Airport Reserve for the three year investigations and trial program to improve management of the Runway Strip at East Kimberley Regional Airport.	Soil testing completed and a trial is underway.  3 trial sites have been established by GHD in November 2019 to commence testing of suitable materials.  Trial sites being excavated in February 2020.  <b>Trial site to be monitored over the next 12 months.</b>  At the moment cracker dust and shingle are the best options.	01-Apr-19	In progress	
Apr-19	Stuart Dyson, Director Infrastructure	Bandicoot Drive And Various Locations Drainage Upgrade - Stage 2	That Council: 1. Endorses the preparation and release of tender documentation for Stage 2B of Bandicoot Drive Drainage Upgrade Works; and 2. Notes that the tender outcomes will not be presented until after Council adopts the 2019-20 budget.	Stage 2B will require a revisit of the technical design. To be actioned upon completion of Stage 1, which was completed in August 2019. Stage 2B construction to occur in the dry season of 2020. RFQ being worked on by the Manager Assets & Engineering. Detailed design underway.	01-Apr-19	In progress	30/04/2019 - 118011
OCM 27/08/19	Nick Kearns, Director Planning and Community Development	12.3.1. Lease of Reserve 50120 - Ewin Early Learning Centre	That Council:  1. Offers the Ewin Early Learning Centre a three year lease, with a two year option, on a commercial lease basis, over Reserve 50120, Lot 506 on Deposited Plan 61898, Chestnut Avenue Kununurra, effective from 1 July 2019, subject to:  a. The commencing rent being as per the previous annual rent with rent review applied, and  b. The consent of the Minister for Lands.  2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with the Ewin Early Learning Centre Lease.	Draft Lease has been provided to the Ewin Early Learning Centre to review. Shire Officers are finalising the annexure for attachment to the lease.	22-Jul-20	In progress	27/08/2019 - 118076
OCM 27/08/19	Nick Kearns, Director Planning and Community Development	12.3.2. Lot 509 Commercial Boat Facility	That Council:  1. Obtains a current market valuation for Lot 509 of the Commercial Boating Facility in Kununurra with a view to leasing for a term of 10 years.  2. Advertises for Expressions of Interest for a suitable business or community group to lease Lot 509 of the Commercial Boating Facility, Kununurra for a term of 10 years.	Release of Expression of Interest deferred due to COVID-19 however is proposed to be initiated early in the new financial year.	02-Jun-20	In progress	27/08/2019 - 118077
OCM 27/08/19	Stuart Dyson, Director Infrastructure	12.5.3. Wyndham Boat Launching Facility Update	That Council:  1. Endorse Shire Officers to proceed with the process to plan for the replacement of the floating pontoon jetty and boat ramp facilities at the existing Wyndham location.  2. Endorse continued future applications to the Recreational Boating Facility Scheme in subsequent financial years with co-contributions from the Shire to progressively redevelop the Wyndham Boat Launching Facilities.	Endorsed by Council, funding application submitted and the Shire has secured \$200k in grant funding and will contribute \$78k from its reserves. The money will be used to produce a detailed design. Grant was approved 18 December 2019. Design due to commence in April 2020. Status report going to Council at the March 2020 OCM.  Design kick off meeting scheduled for 17 April 2020. Design works have commenced and are due for completion in October 2020, presentation issued to Council in June 2020.	16-Sep-19	In progress	27/08/2019 - 118086

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OCM 27/08/19	Stuart Dyson, Director Infrastructure	12.5.4. Landfill Management	That Council:  1. Approves the following option for Wyndham Landfill:  Option 1a - New landfill on the existing site in Wyndham (by diverting the surface water running through the existing site)  2. Authorises Shire Officers to action the preferred option.	Endorsed by Council, Officers progressing item 2.  Site visited by Ask Waste Management to look at how the creek can be diverted.  Works have stalled at the moment due to resource constraints. The Shire is investigating whether or not to appoint a dedicated Waste Manager due to the work load in this area. Survey works have commenced.  Survey works being planned and then a concept design will be produced, in parallel with this Officers are also looking at adjacent land.	16-Sep-19	In progress	27/08/2019 - 118087
OCM 29/10/19	Stuart Dyson, Director Infrastructure	12.5.2. Kununurra Townsite Drainage Study	That Council:  1. Receives and endorses the Cardno Flood Model Report, Kununurra Stormwater Study 2019 and its identified priority works 2. Supports the following actions for funding consideration in the 2020/2021 budget deliberations; a. A budget provision of \$100,000 for survey and design for construction of projects D03 (Weaber Plain cut-off drain), D06 (Cut-off drainage at the industrial area), D05 (Ironwood Drive Western end) and D02 (Messmate Way), with staff to develop a 5 year plan for Council consideration based on project staging. b. Provision of \$30,000 into research and modelling of cut off drains to previous Public Works Department design, so that maintenance can occur on Ivanhoe and Weaber Plains cut off drains, with a survey mounted excavator. c. Development of planning controls to be undertaken in house by Shire Staff. d. Water sampling at drainage water outlet points to be undertaken in house, with a budgetary allowance of approximately \$10,000 per annum. e. Proposed funding of \$259,000, to be utilised to engage contractors to undertake a recorded inspection of all piped network, and in-house development of a 5-10 year piped drainage maintenance/replacement plan, subject to Council approval. f. Desilting of existing cut off drains, noting that combined, the proposed level of funding is \$81,000 in year 1 of the 5 year plan, and \$81,000 in year 2 of the 5 year plan. 3. Engage with both Ord Irrigation Cooperative and the Water Corporation to obtain a formal response regarding their commitment to fund future drainage works. 4. Work with Ord Irrigation Cooperative and the Water Corporation on joint submissions to the State Government to obtain funding for drainage improvements and new drainage assets.	Council resolution passed, officers working on asset management plans. Emails issued to OIC and Water Corporation regarding their asset contributions.  Survey works completed and a scope of work is being drafted for Bandicoot and Nutwood/Rosewood. Also looking at existing Drains in and around town with a view to re-profiling them back to their original design.  Design contract awarded in preparation for construction works in the 2020/2021 financial years.  Construction to commence in September 2020.	29-Oct-19	In Progress	29/10/2019 - 118116
OCM 19/11/19	Stuart Dyson, Director Infrastructure	12.5.1. Moonamang Road, surface condition	That Council approves the transfer of \$80,000 from the Goomig Farmlands Road Reserve to fund repairs to Moonamang Road.	RFQ issued to the market place for repairs prior to the onset of the wet season. Responses due back late November 2019.  Only 1 response received which was double the budget, the Shire is now investigating self performing the works. Meeting scheduled in late January 2020 with MRWA. Works to be undertaken in May 2020.  Works delayed whilst a proposed solution is discussed with GHD.  Funding being requested from LandCorp (via the Goomig	18-Nov-19	In progress	19/11/2019 - 118134
OCM 10/12/19	Nick Kearns, Director Planning and Community Development	12.3.4 Proposed Lease - Wyndham Child Care Centre	That Council:  1. Offers LM Hill, trading as Wyndham Child Care Centre, a new three (3) year lease, plus a two (2) year option, for the lease of the Wyndham Childcare Facility at Lot 200 (44) Koolama Street, Wyndham, effective from 21 March 2020 and consistent with the existing lease, subject to the consent of the Minister for Lands. 2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with LM Hill.	Draft Lease has been provided and Shire Officers are finalising the annexure for attachment.	15-Jul-20	In progress	10/12/2019 - 118144
OCM 25/02/2020	Chief Executive Officer	12.2.3. Annual General Meeting of Electors 12 December 2019	That Council:  1. In line with the Local Government Amendment Act 2019 and associated guidelines, draft a Shire of Wyndham East Kimberley Code of Conduct for Council Members, Committee Members and Election Candidates; 2. Authorise the CEO to draft a separate Code of Conduct for Employees in line with Section 5.51(a) of the Local Government Act 1995 and; 3. Ensure the provisions of each Code of Conduct are consistent with the regulations, which provide for the protection of residents against all forms of bullying and harassment.	The Senior Governance Officer will commence this body of work once the regulations and guidelines from the Department of Local Government, Sport and Cultural Industries have been published. In the interim the current Code of Conduct still applies.	26-Feb-20	In progress	25/02/2020 - 118165
OCM 25/02/2020	Stuart Dyson, Director Infrastructure	12.2.3. Annual General Meeting of Electors 12 December 2019	That Council undertakes a review of gardening and slashing activities and whether or not it is cost effective to outsource them.	Under review with the Asset and Engineering Manager. Implementation delayed as a result of the Covid 19 Pandemic. Priority is now to self perform Swim Beach Footpath.	25-Feb-20	In progress	25/02/2020 - 118167
OCM 28/04/2020	Nick Kearns, Director Planning and Community Development	12.3.3. Proposed Lease - Portion of Airport Land - Lot 200 on Plan 66654	That Council resolves:  1. That, on the basis of the valuation dated 13th of February 2018, in which the market value of the land was determined to be \$100 per hectare per annum, Council adopts an amount of \$400 per annum per hectare to be a true indication of the fair market value of the land as at 28 April 2020. 2. Offers Margret Conley a three year land only lease on a portion of Lot 200 on Deposited Plan 66654, being a portion of the East Kimberley Regional Airport landholdings, Kununurra, subject to: a) The commencing rent being \$400 (excluding GST) per hectare per annum; b) The tenant meeting all applicable outgoing, inclusive of rates, and irrigation water rates and charges; and c) Local public notice of the proposed disposition being given in accordance with the Local Government Act 1995. 3. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with Margaret Conley or her authorised representative. 4. Authorises the Shire President and Chief Executive Officer to sign the finalised lease and affix the Shire's Common Seal.	Local public notice given 7 May 2020 and no submissions received. Draft lease being prepared.	25-May-20	In progress	28/04/2020 - 118204
OCM 28/04/2020	Chief Executive Officer	16.2. ACTING CHIEF EXECUTIVE OFFICER KPIS	That Council adopt the interim Key Performance Indicators for the Position of Acting Chief Executive Officer as located in attachment 1 of this report, with the April 2020 deadlines extended to May 2020.	The Acting CEO has received the interim KPI's and has discussed with the Shire President. The KPI's have been accepted and are being actioned. KPI's for the new CEO are currently being drafted.	28-Apr-20	In progress	28/04/2020 - 118214

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OCM 26/05/2020	Felicity Heading, Acting Director Corporate Services	12.4.1.COVID-19 Reserve Funding	That Council: 1.Note the changes to the Local Government (Financial Management) Regulations 1996, Section18(c) with respect to local public notice not being required for change of use of money in a reserve account during a declared state of emergency; 2.Agree to establish a new Reserve being "COVID-19 Response Reserve" with the purpose of funding operational and capital works programs that can be performed by local businesses; and 3.Agree to the transfer of funds from existing reserves to the COVID-19 Response Reserve as part of the financial year end procedures as at 30 June 2020 as estimated in Attachment 1.	The transfer of funds from existing reserves to the COVID-19 Response Reserve will take place once the final financial position is determined for the end of the 2019/20 financial year.  Allocation of funding from the COVID-19 Response Reserve for operational and capital works programs will be determined as part of an ongoing process during the 2020/21 financial year.	27-May-20	In Progress	26/05/2020 - 118229
OCM 23/06/2020	Felicity Heading, Acting Director Corporate Services	12.4.1.Annual Budget 2020/21	That Council:  1.Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, imposes an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors).  2.Pursuant to section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, imposes an instalment administration charge where the owner has elected to pay rates and service charges through an instalment option of \$12.00 per instalment after the initial instalment is paid.  3.Pursuant to section 6.16 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, impose an administration fee of \$61.30 on any ratepayer who wishes to negotiate a rates special payment arrangement.  4.Pursuant to amendment SL 2020/57 (clause 13) to section 6.45 of the Local Government Act 1995, resolve that the imposition of an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments does not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.	The instalment interest rate of 5.5% and instalment administration charge of \$12.00 were applied to the rates database at billing and the details and costs of the instalment options provided on the annual rates notices issued on 17 July 2020.  The payment arrangement administration fee of \$61.30 is incorporated in the 2020/21 Schedule of Fees and Charges and details provided to ratepayers in the rates brochure issued with the annual rates notices on 17 July 2020.  Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors and application form for financial hardship are available on the Shire's website. Instalment interest and administration charges will not be charged to ratepayers who qualify for financial hardship under the policy.	17-Jul-20	In Progress	23/06/2020 - 118256
OCM 23/06/2020	Felicity Heading, Acting Director Corporate Services	12.4.1.Annual Budget 2020/21	That Council:  1.Pursuant to section 6.51(1) and amendment SL 2020/57 (clause 14(3)) to section 6.51 and subject to section 6.51(4) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, imposes an interest rate of 8.0% per annum for rates and service charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable (excluding eligible pensioners and seniors); and  2.Pursuant to amendment SL 2020/57 (clause 14(2)) to section 6.51 of the Local Government Act 1995, resolve that the imposition of interest on overdue rates and services charges does not apply to a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors.	The adopted interest rate of 8% was applied to the rates database and ratepayers advised on the annual rates notices issued on 17 July 2020.  Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors and application form for financial hardship are available on the Shire's website and interest will not be charged to ratepayers who qualify for financial hardship under the policy.	17-Jul-20	In Progress	23/06/2020 - 118257
OCM 23/06/2020	Felicity Heading, Acting Director Corporate Services	12.4.1.Annual Budget 2020/21	That Council:  1.Pursuant to section 6.13 of the Local Government Act 1995, impose interest at 8.0% per annum on any amount of money (other than rates and service charges) which is owed to Shire and has been owed for a period of 35 days in accordance with Council Policy CP/FIN-3214 Sundry Debt Collection.  2.Pursuant to amendment SL 2020/57 (clause 8) to section 6.13 of the Local Government Act 1995, a person who is considered to be suffering financial hardship as a consequence of the COVID-19 Pandemic in accordance with Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors is not required to pay interest on any amount of money (other than rates and services charges) which is owed to the Shire.	The adopted interest rate of 8% is incorporated in the 2020/21 Schedule of Fees and Charges and will be applied to sundry debts owed to the Shire that remain outstanding after a period of 35 days.  Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors and application form for financial hardship are available on the Shire's website and interest will not be charged to sundry debtors who qualify for financial hardship under the policy.	01-Jul-20	In Progress	23/06/2020 - 118258