



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL

22 September 2020

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.

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

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written over a light blue horizontal line.

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
Kununurra Council Chambers COUNCIL CHAMBERS
TO BE HELD ON Tuesday 22 September 2020 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on 25 August 2020</p>
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Note: The Minutes of the Ordinary Council Meeting held on 25 August 2020 are provided under separate cover via www.swek.wa.gov.au.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	22 September 2020
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

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

Strategic Community Plan 2017-2027

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

An update of actions from the August 2020 Council resolutions are detailed in Attachment 1.

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

ATTACHMENTS

Attachment 1 - Council Action Register - August 2020

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	22 September 2020
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 24 June 2020 to 21 September 2020.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 24 June 2020 to 21 September 2020.

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was one document for the time period of 24 June 2020 to 21 September 2020 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
25/08/2020	Notification under Section 70A - Network electricity supply is not available at lots - Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation

ATTACHMENTS

Nil

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. 2019/20 CBP Progress Report - April to June 2020

DATE:	22 September 2020
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Corporate Business Plan Quarterly Progress Report (Q4) for April to June 2020

PURPOSE

For the Council to receive the April to June 2020 Quarterly Progress Report (quarter four) of the Corporate Business Plan 2019/20 - 2022/23.

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 strategic 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 current Corporate Business Plan 2019/2020 was adopted by Council at the 23 July 2019 Ordinary Council Meeting (**Minute No: 118056**).

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 Officer 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.

A copy of the Corporate Business Plan Quarterly Progress Report (Q4) for April to June 2020 is at Attachment 1.

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

There are no policy implications.

FINANCIAL IMPLICATIONS

The attached quarter four (Q4) progress report includes a quarterly financial summary.

STRATEGIC IMPLICATIONS

The Strategic Community Plan is the guiding document for the organisation. It is long term, with a strong emphasis on the community's aspirations, priorities and visions for the future. The Corporate Business Plan is the Shire's contract with the community and contains the services, actions, projects and performance measures at an operational level that will progress and deliver Strategic Community Plan's goals and outcomes.

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

CBP Action: #53 - Ensure compliance with the Integrated Planning and Reporting Framework

CBP Task: Provide quarterly CBP progress reports

RISK IMPLICATIONS

Risk: Failure to create and maintain an organisational culture which promotes a safe and positive work environment, fosters employee satisfaction, motivates employees to perform and increases organisational effectiveness.

Control: The Corporate Business Plan Progress Report provides a mechanism for tracking progress for actions and projects. Regular reporting of progress to CEO, Directors and Council will ensure that performance is monitored and managed through the Integrated Planning and Reporting Framework.

Risk: Failure to make Council decisions which allow for efficient and effective use of operational resources to deliver services which meet the needs of the community and region, comply with statutory requirements and promote economic and social development.

Control: Ensure that the Corporate Business Plan captures Council direction and decisions and directs the organisation to deliver those services and projects. The organisation will report to Council at the end of each quarter to monitor the implementation of operational priorities and activities and report on the achievement of the Corporate Business Plan and Strategic Community Plan goals.

COMMUNITY ENGAGEMENT

The Shire provides the community and Council with reports and updates regarding the achievements against the Corporate Business Plan on an ongoing basis. Some of these mechanisms include:

- Quarterly Progress Reports made available on the Shire's website;
- Ongoing Council reports;
- Elected Members' Information Bulletin updates;

- Newsletters;
- Website updates;
- Media releases.

COMMENTS

A summary of progress by quarter is provided in the tables below. They show a general upward trend in achievement throughout the reporting period and reflect significant completion of capital works projects in the last quarter, however the impact of the current State of Emergency (COVID-19 Coronavirus) is reflected in 26% of actions flagged as off target up from 14 to 18 during the quarter and this is also evident in many of the performance measures within the progress report, particularly around pool entry and library figures.

Actions that were deferred and/or not started include:

- 167 - Review and maintain the Long Term Financial Plan;
- 198 - Review and maintain Workforce Management Plan;
- 204 - Town Centre Streetscape and Place Making – Kununurra;
- 211 - Provide suitable venues for current and future events;
- 215 - Promote the co-location of Shire services to assist service delivery;
- 216 - Strategic Land Release Planning;
- 234 - Foreshore Place Making Plan - Lake Kununurra;
- 272 - Develop a viable regional centre - Growth Planning;
- 308 - Wyndham Port Logistics Study;
- 351 - Increase employment and training opportunities for local young people;
- 358 - Support community events and activities that bring community together;
- 399 - Maintain a Shire Community Safety and Crime Prevention Plan;
- 487 - Coordinate regular reviews of Shire services and develop Service delivery Plans;
- 554 - EKRA (East Kimberley Regional Airport) - GA Apron Upgrades.

All of the above actions were transferred over to the current Corporate Business Plan as priority actions.

Otherwise the percentage completion for defined actions is shown in the table following and which shows the obvious impacts of the State of Emergency on progress against actions in Quarter 3 and Quarter 4:

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on target (as reported)	93%	96%	79%	74%
Complete	2%	4%	15%	40%
Not started	18%	9%	19%	21%
In progress	80%	87%	66%	40%

Progress of CBP actions against the Strategic Community Plan 2017-2027 is summarised in the table below:

Strategic Community Plan 2017-2027 Focus Areas	Percentage of actions completed	Percentage of actions in progress	Percentage of actions not started/ deferred
1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	36%	50%	14%
2 Enhancing the environment (Place) <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>	37%	44%	19%
3 Economic prosperity (prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	38%	38%	25%
4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	55%	18%	27%

It is recommended that the Council receives the report.

ATTACHMENTS

Attachment 1 - Corporate Business Plan Quarterly Progress Report (Q4) for April to June 2020.

12.3.2. Community Grant Program - Facilities Grant - Rates Assistance

DATE:	22 September 2020
AUTHOR:	Acting Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A0501, A0502, A1072, A1160, A2001, A2859, A2866, A4993, A5616, A5621, A6691, A7561, A7566, A7620, A8072, A8073, A8165/8164
FILE NO:	GS.05.66
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves the following allocation of funding for the 2020/21 Community Grant Program - Facilities Grant - Rates Assistance:

Applicant	2020 / 2021 Estimated Levied Rates	Percentage assistance recommended	Recommended amount of rates assistance to be paid
Ord River Pistol Club	\$1,771.00	100%	\$1,771.00

Applicant	2020 / 2021 Estimated Levied Rates	Percentage assistance recommended	Recommended amount of rates assistance to be paid
Ord River Sailing Club	\$2,310.00	100%	\$2,310.00
Wyndham Picture Gardens	\$1,783.39	100%	\$1,783.39
Kununurra Water Ski Club	\$1,617.00	100%	\$1,617.00
Kununurra Speedway	\$1,570.80	100%	\$1,570.80
Kununurra Race Club	\$3,080.00	100%	\$3,080.00
Kununurra Motocross Club	\$1,570.80	100%	\$1,570.80
Kununurra Bushmen's Rodeo Assoc.	\$1,917.30	100%	\$1,917.30
Kununurra Picture Gardens	\$10,717.50	100%	\$10,717.50
Ord River Sports Club	\$10,215.35	97%	\$9,980.89
Kununurra Agricultural Society	\$3,060.19	100%	\$3,060.19
Kimberley Action Sports	\$1,832.60	100%	\$1,832.60
Lake Kununurra Golf Club	\$6,160.00	90%	\$5,544.00
Ord Tourist Bureau (Kununurra Visitor Centre)	\$8,864.94	51%	\$4,521.12

Applicant	2020 / 2021 Estimated Levied Rates	Percentage assistance recommended	Recommended amount of rates assistance to be paid
Kununurra Neighbourhood House	\$9,798.86	100%	\$9,798.96
Total Recommended	\$66,269.73		\$61,075.55
<p>2. Approves the allocation of funding for the 2020/21 Community Grant Program Facilities Grant - Rates Assistance to those clubs and organisations that commence a lease with the Shire during the 2020/21 financial year subject to a formal application for Annual Rates Assistance being submitted within 30 days from the operation of the lease.</p> <p>3. Gives public notice to advise of successful and unsuccessful applicants.</p>			

PURPOSE

For Council to consider applications lodged under the Community Grant Program - Facilities Grants Rates Assistance.

BACKGROUND

Rates Assistance Grants were first introduced in 2017 as a means of 'capturing' expenditure in the recreation and culture expenditure account as a factor in determining the quantum of Commonwealth Financial Assistance Grants. It also addressed anomalies in the Shire's consideration for rate exemptions. Fundamentally, they provide the opportunity for not for profit community groups and associations occupying rateable land to apply for funding for the payment of their rates. The amount of assistance is paid up to the amount of rates levied with eligible organisations being not for profit incorporated associations. The assistance grant is only applicable to rates, and not to service charges, the Waste Receptacle Service, and/or the Emergency Services Levy.

Eligibility criteria under this element of the Community Grant Program, which was adopted by Council at the July 2020 Ordinary Meeting, is:

- The organisation must be registered charity and/or not-for-profit sporting, social or cultural organisations providing community services or benefits

- The organisation must be based within the Shire and registered to an address within this local government area.
- Residential properties not used in the primary service delivery of the community group or association's activities or services are not eligible.
- The provision of commercial services where any revenue and surplus received is for the benefit of the group or organisation, such as a bar does not disqualify eligibility.
- The percentage of rates assistance will be less than 100% if part of the rateable property is used for a commercial purpose with the revenue and surplus being retained by a third party, and/or residential purpose.
 - This has been included to ensure that where a commercial activity is undertaken by a third party business they don't have an unfair advantage over other businesses paying rates. *Example - If an itinerant trader sought to operate from one of the club's venues or on land they occupy.*

Officers review each application received and determine whether the full (100%) rate assistance is applicable or whether this is reduced with respect to any third-party business using part of the facility and/or any residential use, which is the last dot point of the eligibility criteria. This is determined on an area (square metre) basis and forms part of the recommendation to Council.

The Shire has received 15 applications, from:

- Kununurra Water Ski Club;
- Kununurra Motocross;
- Kununurra Agricultural Society;
- Kimberley Action Sports;
- Kununurra Neighbourhood House;
- Kununurra Picture Gardens;
- Ord Tourist Bureau (Kununurra Visitor Centre);
- Ord River Sports Club;
- Ord Pistol Club;
- Wyndham Gardens (Wyndham Picture Gardens);
- Ord River Sailing Club;
- Kununurra Campdraft and Rodeo Association;
- Kununurra Race Club;
- Lake Kununurra Golf Club;
- Kununurra Speedway.

STATUTORY IMPLICATIONS

There are no specific statutory implications related to Council's consideration of this report, although the matter does relate to rateable land, which is covered under S6.26 of the Local Government Act 1995, and which describes other exemptions i.e. charitable and religious organisations.

POLICY IMPLICATIONS

PC/COM-3582 Community Grant Program

The Shire of Wyndham East Kimberley recognises that community groups operating within the local government area have limited resources available due to the remote location, low member base and limited income (generating) opportunities. The funding provided to community groups through the Community Grant Program aims to improve liveability through social and recreational opportunities by supporting and building capacity of community groups and clubs.

Community Grant Program Policy sets out the high level criteria and process for the Shire's Community Grant Program and is designed to provide the framework for the development and management of the various guideline documents that have additional, specific criteria for each approved funding category.

FINANCIAL IMPLICATIONS

Council has nominally allocated \$76,000 from the Community Grant Program budget to offset rates for eligible organisations.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - 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

Strategy 1.1.3: Promote and share our unique culture and history and protect the community's heritage assets

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

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

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

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

Corporate Business Plan

CBP Action: #372 Deliver a Community Grant Program.

RISK IMPLICATIONS

Risk: Failure to develop appropriate, meaningful policies which enable the administration to perform in an effective and efficient way.

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

Risk: Failure to facilitate community development initiatives which support positive social outcomes for community members, including; health, aged care, youth services and Indigenous services.

Control: Community Grant Program aims to support community lead community development initiatives through financial assistance.

COMMUNITY ENGAGEMENT

Shire Officers engaged a range of community organisations for the purpose of updating the Community Grant Policy and Program and in relation to rates assistance.

COMMENTS

Each club or organisation that has applied for rates assistance demonstrates obvious benefits with regard to meeting community needs and which complement goals within the Strategic Community Plan. Having regard to the eligibility criteria, three organisations have a level of third party commercial activity and/or a residential component as part of the usual operations and these are reflected in a reduction of recommended rates assistance. They are:

- Lake Kununurra Golf Club - a 10% reduction based on use of the kitchen (as a percentage of the club room) by a commercial caterer.
- Ord Tourist Bureau (Kununurra Visitor Centre) - 51% reduction based on the area of the two separate commercial subleases.
- Ord River Sports Club - 3% reduction based on the area occupied by the manager residence.

Officers also recommend that Council give consideration for rates assistance to those organisations that enter into a lease with the Shire within this financial period - subject to rates being set and a formal application still being lodged.

ATTACHMENTS

Nil

12.3.3. The availability of packaged liquor in Kununurra and Wyndham

DATE:	22 September 2020
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	CS.08.01
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses Attachment 2 to this report and submits it to the Department of Local Government, Sport and Cultural Industries with respect to an inquiry into the availability of packaged liquor in Derby, Broome, Kununurra and Wyndham.

PURPOSE

For the purpose of preparing a submission in relation to proposals to further restrict the sale of packaged liquor in the Shire.

NATURE OF COUNCIL'S ROLE IN THIS MATTER

Leader - plan and provide direction through policy and practices

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

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The Shire has received a letter from the Department of Local Government, Sport and Cultural Industries requesting a submission with respect to their inquiry into the sale of packaged liquor and more particularly the prospect of making further changes to the restrictions imposed under section 64 of the *Liquor Control Act 1988* (Letter at Attachment 1). The closing date for the submission is 30 September 2020.

Section 64 restrictions, specifying limits on purchasing times (days and opening hours) and quantities, were first imposed in 2011 and later amended in 2016. The current inquiry would suggest that the Director Liquor Control and Arbitration is considering further limits on trading times and quantities, however this is not explicitly detailed in the letter.

Councillors will be aware of the Shire's participation in the Kununurra and Wyndham Alcohol Accord and its funding of a take away management system (TAMS) in Kununurra and Wyndham, which was first implemented in 2014. The TAMS costs the organisation approximately \$25,000 per year and provides for the installation and maintenance of five machines which are placed at the Kununurra Hotel and Gulliver's Tavern in Kununurra and at Vaggs in Wyndham. The machines scan each patron's identification to ensure that they don't exceed the daily purchase limits specified under the section 64 restrictions with each premises being linked by a cloud based database. The TAMS software was updated last year and now provides the ability to add names for the purposes of refusing service - more or less a 'banned drinkers register'. To date, the database includes 55 names of patrons that are being refused service and the names of 2 people who have voluntarily chosen to opt out of being able to purchase alcohol.

Alcohol management is an important topic of discussion at the Kimberley Regional Group of Council's/Zone level and while an official position has yet to be agreed upon, there is agreement with respect to ensuring that liquor controls are implemented in a consistent manner across each municipality, and support for the introduction of a banned drinkers register, as well as to review penalties for alcohol misuse and sly grogging.

STATUTORY IMPLICATIONS

Liquor Control Act 1988

Section 64 of the Act states, in relation to any licence or permit, the licensing authority may at its discretion impose conditions in addition to the conditions specifically imposed by this Act or in such a manner as to make more restrictive a condition specifically imposed by this Act. The current restrictions on the sale of packaged liquor are an example of this.

(1C) For the purposes of deciding whether to impose, vary or cancel a condition under this section, the licensing authority may consult with all or any of the following persons —

- (a) the Commissioner of Police;
- (b) the relevant local government;
- (c) the Chief Health Officer;
- (d) any other person, body or authority the licensing authority considers may be able to provide information relevant to the decision.

Section 64(2a) of the Act requires the licensing authority to invite affected licensees to show cause why the proposed restrictive conditions should not be imposed, which is the nature of the correspondence received for the purpose of requesting a submission.

The Act provides three ways of refusing service:

- Refusal of entry and/or service by the licensee for someone who is drunk, offensive or otherwise engaged in an illegal activity under Section 115;
- Where a Barring Notice has been issued by WA Police under Section 115AA;
- Where a Prohibition Order has been issued by the Director Liquor Licensing and Arbitration.

In addition to the above, licensees are able to exclude people from their premises as trespass, which is the basis for which names have already been loaded into the TAMS as a 'refusal of service'.

POLICY IMPLICATIONS

The Shire has only one policy that is relevant to the sale and/or consumption of alcohol, being *CP/COM 3584 Alcohol Management Policy*, however this policy is not affected by restrictions imposed under the Liquor Control Act.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

The proposal would have both positive and negative implications having regard to the key focus areas of the Strategic Community Plan:

- Liveability factors;
- Health and community safety.

COMMUNITY ENGAGEMENT

The Shire is unaware of any broader community engagement undertaken with respect to this matter although licensees that sell packaged liquor in the Kimberley have been contacted and asked for comment.

COMMENTS

Changes to the current section 64 restrictions, further restricting the availability of alcohol, would have a number of negative impacts upon business, locals and visitors. This would have a consequent negative impact upon the tourist industry and tourist operators, being a sector that has been greatly impacted by movement restrictions under the government's state of emergency and of course upon the main liquor outlets directly. Further restrictions would also affect outlying station operators and penalise those people in the community that by and large consume alcohol in a responsible manner. A preferred mechanism would be one that targets the individual, rather than 'blanketing' the broader community (of responsible drinkers), which would best be achieved through the implementation of a banned drinkers register.

The Kununurra Wyndham Alcohol Accord has previously lobbied State Government Ministers for the purpose of implementing a banned drinkers register in the Shire, which would be able to be implemented easily given the capability of the current TAMS which already accepts

names supplied by liquor outlets and government agencies, as an opt out to purchase alcohol and as a 'do not serve' register.

In the absence of the State Government implementing a banned drinkers register or similar mechanism, the following is suggested for the purpose of applying a consistent and considered approach with respect to changing liquor restrictions:

- Liquor restrictions should be robust enough to achieve the desired effect i.e. to reduce the incidence of 'problem drinking' alcohol misuse including high levels of consumption and associated alcohol related harms.
- As much as possible, reduce inconvenience to 'responsible drinkers' thereby reducing the creation of community division and labelling of specific groups in the community as a problem.
- Applying restrictions across all premises that are able to sell packaged liquor – not just the main take-away outlets in Kununurra and Wyndham, which would extend also to accommodation premises.
- Application of restrictions that are consistent with best practice and which are already being implemented elsewhere, such as in the Pilbara, and which take account of visitors/tourists and station operators for bulk purchase arrangements.
- Practical implementation is critical to the successful implementation of liquor restrictions. Where there are restrictions rather than total prohibition of alcohol, community awareness and education of the restrictions is required as well as the tools to implement and monitor the effect of the restrictions.

A copy of the submission proposed to be lodged with the Department of Local Government, Sport and Cultural Industries (Director Liquor Control and Arbitration) is at Attachment 2 and is recommended for endorsement.

ATTACHMENTS

Attachment 1 - Letter from Department of Local Government, Sport and Cultural Industries regarding the availability of packaged liquor in Derby, Broome, Kununurra and Wyndham

Attachment 2 - Council submission with respect to an inquiry into the availability of packaged liquor in Derby, Broome, Kununurra and Wyndham

12.3.4. Annual and Forward Planning CSRFF Applications

DATE:	22 September 2020
AUTHOR:	Acting Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	GS.05.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grants round (2020) application from the Shire of Wyndham East Kimberley for upgrades and expansion to essential infrastructure at the Clarrie Cassidy Oval - (Wyndham Oval) Wyndham.

PURPOSE

For Council to endorse a submission from the Shire for funding under the Department of Local Government, Sport and Cultural Industries 2020 Community Sport and Recreation Facilities Fund (CSRFF) Annual and Forward Planning round.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The purpose of the Community Sport and Recreation Facilities Fund (CSRFF) is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries.

Under the CSRFF program's selection criteria, local government authorities are required to consider applications and advise the Department of Local Government, Sport and Cultural

Industries if Council supports the applications, and if supported to rank the application in priority order - assuming there is more than one.

The CSRFF Forward Planning Grants are awarded for complex projects where the total project cost exceeds over \$500,001 (exclusive of GST).

The Shire's application for CSRFF Forward Funding is for the purpose of replacing the oval lighting and constructing new change rooms at Clarrie Cassidy Oval in Wyndham (see Attachment 1). The total cost of the project, and which is encompassed within this funding submission, is \$950,961. Quotes for each main component and a comprehensive cost benefit analysis and management plan has been included as part of the application process (at Attachment 2). This information provides financial viability in the long term and was a requirement of the funding application process.

STATUTORY IMPLICATIONS

There are no statutory approvals required for the works proposed or any other statutory implications associated with the proposal.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

\$300,000 has been allocated towards the project, \$50,000 municipal funds and \$250,000 from the COVID-19 Reserve. The Shire has therefore applied for \$650,961 under the CSRFF program.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027 (SCP)

The project fundamentally complements Focus Area 1: Healthy vibrant active communities

Goal 1.2: Increase participation in sporting, recreation and leisure activities
Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

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

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

The project complements other elements of the SCP, which are documented in the submissions.

RISK IMPLICATIONS

Risk: Funding application is not successful therefore not enough budget to complete the project.

Control: Consider staging the project over a number of financial years and pursue other funding alternatives.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire's application aligns with the strategic direction of the Shire and is captured within the Corporate Business Plan. The facility is a community facility that has the potential to aid the community's well being and health through increased participation in sport and recreation. The provision and development of good quality, well designed and well utilised facilities can only assist in this aim. The area also 'book-ends' the proposals to update the town centre and highway treatments from the Big Croc Park.

Officers recommend that Council support the application and endorse the associated submission.

ATTACHMENTS

Attachment 1 - CSRFF Funding application/submission - Wyndham (Clarrie Cassidy) Oval lighting and changerooms upgrade

Attachment 2 - Wyndham (Clarrie Cassidy) Oval lighting and changerooms upgrade supporting document

12.4. CORPORATE SERVICES

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

DATE:	22 September 2020
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the list of accounts paid from the Municipal and Trust funds for August 2020, being:

Municipal EFT 138400 - 138699 (06/08/2020-28/08/2020)	\$ 1,513,082.71
Municipal Cheques 51998 - 51999 (20/08/2020)	\$ 173.20
Trust EFT 502046 - 502062 (03/08/2020 - 31/08/2020)	\$ 7,416.85
Payroll (12/08/2020 - 27/08/2020)	\$ 450,331.30
Direct Bank Debits (03/08/2020-27/08/2020)	\$ 91,926.28
Total	\$ 2,062,930.34

PURPOSE

To present the list 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 - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 August 2019, 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 2020/21 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 those payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - 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 manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

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 August 2020

12.4.2. Interim Monthly Financial Report August 2020

DATE:	22 September 2020
AUTHOR:	Acting Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Acting Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Interim Monthly Financial Report for the period ended 31 August 2020.

PURPOSE

For Council to receive the Interim Monthly Financial Report for the period ended 31 August 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

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 23 June 2020 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 23/06/2020-118260

Moved: Cr D Menzel

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.

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 Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - 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 manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

The Covid-19 pandemic has had an impact on the financial position of the Shire as at 30 June 2020. Revenue and debt collections have reduced sharply with this being off-set by operational savings and the receipt of 2020/21 Federal Assistance Grants in advance. The full financial implications of Covid-19 are unknown at this stage, however estimates of the longer term impact have been considered in the preparation of the 2020/21 budget. Shire Officers and the Executive Management Team continue to closely monitor the cash flow of the Shire and have modified internal processes to assist in this regard.

It should be noted that the Interim Monthly Financial Report for August 2020 does not include final carry forward figures and end of year adjustments for the year ended 30 June 2020. The final position for the 2019/20 financial year will be reported in the 2019/20 Annual Financial Statements.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report - August 2020

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. MELBOURNE TO KUNUNURRA DIRECT FLIGHT TRIALS

DATE:	22 September 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	TT.15.3
DISCLOSURE OF INTERESTS:	Nil

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

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

The purpose of the report is to authorise the Chief Executive Officer to further negotiate commercial terms with stakeholders in the direct flight trial between Kununurra and Melbourne for the 2021 tourism season with the intention of entering into formal agreements after obtaining approval from Council.

ATTACHMENTS

Attachment 1 – Confidential Item
Attachment 2 - Confidential Item

16.2. APPOINTMENT OF DIRECTOR CORPORATE SERVICES

DATE:	22 September 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	
DISCLOSURE OF INTERESTS:	Nil

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

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

For Council to be informed of the Chief Executive Officer's intention to appoint applicant # 3 to the vacant Director Corporate Services position, for a period of five (5) years.

17. CLOSURE