



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

27 OCTOBER 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 in a cursive style.

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
TO BE HELD ON Tuesday 27 October 2020 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Shire President declared the Meeting open at 5:00 pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
V Lawrence	Chief Executive Officer
S Dyson	Director Infrastructure
N Kearns	Director Planning and Community Development
F Heading	Acting Director Corporate Services (<i>Apology</i>)
S Tasi	Minute Taker
Rebecca Nadge	Reporter – ABC Kimberley
Glenn Taylor	Resident

3. DECLARATION OF INTEREST

- Financial Interest

• Councillor/Staff	Item	Title	Description of interest
Cr Grant Lodge	16.2	Requests for waivers of fees and charges	I am part owner of Triple J Tours and Kununurra Cruises

- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 September 2020

Note: The Minutes of the Ordinary Council Meeting held on 22 September 2020 are provided under separate cover via www.swek.wa.gov.au

Council Decision:

Minute Number: 27/10/2020 - 118316

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 September 2020

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

Decision: 9/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

22 September 2020

Presiding Member and CEO, Vernon Lawrence, met with Lindy Swain from Cooperative Research Centre for Developing Northern Australia (CRCNA) to discuss matter that might be suitable for the region.

25 September 2020

Meeting between Kimberley Regional Group (KRG) and Minister for Emergency Services; Corrective Services, Hon Francis Logan, to discuss juvenile justice.

30 September 2020

Meeting with Department of Primary Industries and Regional Development (DPIRD) to discuss Cotton Industry development.

30 September 2020

Presiding Member and Director Infrastructure, Stuart Dyson, met with Minister for Housing; Fisheries; Veterans Issues; Asian Engagement – Hon. Peter Tinley – to discuss matters of interests to the East Kimberley and the Aboriginal Short stay to be built in Kununurra.

2 October 2020

Meeting between Kimberley Cotton Company, Shire of Wyndham East Kimberley, interested Cotton Growers and Kimberley Development Commission regarding the development of the Cotton Industry.

Business After Hours at the Country Club with Landi Bradshaw. A focus on available apprenticeships in Kununurra.

15 October 2020

Presiding Member, Cr Pearce, Cr Farquhar, Cr Lodge, Cr Petherick, Cr Brook and CEO, Vernon Lawrence attended the opening of Wunan's new Health & Well-Being Centre.

22 October 2020

CGL hosted Kimberley Port Authority (KPA) Board to introduce themselves before they take over from the Department of Transport.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

These item may be considered behind closed doors as per *the Local Government Act 1995 Section 5.23 (2)(c)*:

Confidential attachment(s) within Agenda item:

- 12.5.2 - Survey of land for Stage 1 of Business Precinct at EKRA
- 12.5.3 - Replacement Office Wyndham Landfill Site

Confidential Reports and Attachement(s) within Agenda item:

- 16.1 - T01-20/21 Multiple Drainage Projects and T02 – 20/21 Multiple Infrastructure Projects
- 16.2 – Requests for Waivers of Fees and Charges
- 16.3 - Review of Waiver of Aircraft Landing Fees

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	27 October 2020
AUTHOR:	Marketing and Communications Officer
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.

Council Decision:

Minute Number: 27/10/2020 - 118317

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 September 2020.

Moved: Cr J Farquhar

Seconded: Cr N Brook

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

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 September 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 - September 2020

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	27 October 2020
AUTHOR:	Marketing and Communication Officer
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 22 September 2020 to 26 October 2020.

Council Decision:

Minute Number: 27/10/2020 - 118318

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 22 September 2020 to 26 October 2020.

Moved: Cr M Dear

Seconded: Cr G Lodge

Decision: 9/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 22 September 2020 to 26 October 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: 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 was one document for the time period of 22 September 2020 to 26 October 2020 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
22/09/2020	Annual Environment and Audit Compliance Report for Kununurra Waste Management Facility

ATTACHMENTS

Nil

12.2.3. Council Delegations Register 2020/21

DATE:	27 October 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Vernon Lawrence, Chief Executive Officer

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Delegations Register for the 2020/2021 financial year

Council Decision:

Minute Number: 27/10/2020 - 118319

That Council adopts the revised Delegations Register for the 2020/2021 financial year

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 9/0

PURPOSE

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

A register of delegations is to be kept and reviewed at least once every financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer the exercise of certain powers or the discharge of any of its duties under the Act.

The *Local Government Act 1995* further provides that the Chief Executive Officer may delegate any of their powers to another employee. This is to occur once the delegations to the CEO are adopted. These sub-delegations are in writing and included in the final Delegations Register.

In accordance with other legislation, Council may not be able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. In these instances, appointment of authorised persons must be approved directly by Council. Although these authorisations do not have delegated authority, they are included in the Register for ease of reference and review.

The Delegations Register was last reviewed by Council on 27 August 2019.

Cr A Petherick foreshadowed, and Cr M McKittrick seconded, a motion that the Delegations Register for the 2019/2020 financial year be referred back to the November Council Briefing Session and after the next Ordinary Council Elections, prior to consideration at a subsequent Ordinary Council Meeting.

Shire President D Menzel moved an amendment to the original motion that Council amend Condition (a) Limited to individual Debts not exceeding \$1000 in Policy DA-11 Waive, Grant Concessions or Write off Debts and increase the value to \$2,000.

Council Decision

Minute Number: 27/08/2019 - 118074

Moved: Cr D Menzel

Seconded: Cr G Lodge

That Council make an amendment to Condition (a) Limited to individual Debts not exceeding \$1000 in Policy DA-11 Waive, Grant Concessions or Write off Debts and increase the value to \$2,000.

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

Cr G Lodge moved the amended substantive motion that Council adopt the revised Delegations Register for the 2019/2020 financial year.

Council Decision

Minute Number: 27/08/2019 - 118075

Moved: Cr G Lodge

Seconded: Cr J Farquhar

That Council adopt the revised Delegations Register for the 2019/2020 financial year.

STATUTORY IMPLICATIONS

5.42. Delegation of some powers and duties to CEO

1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- c) appointing an auditor;
- d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- f) borrowing money on behalf of the local government;
- g) hearing or determining an objection of a kind referred to in section 9.5;
(ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- h) any power or duty that requires the approval of the Minister or the Governor;
- i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- 3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - b) *the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- 4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- 5) *In subsections (3) and (4) —*
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- 1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- 2) *Nothing in this Division is to be read as preventing —*
 - a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- 1) *The CEO is to keep a register of delegations made under this Division to the CEO and to employees.*
- 2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- 3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

POLICY IMPLICATIONS

The Delegations Register will link with and guide some Council Policies and internal Organisational Directives. Reference to relevant Council Policy is listed in the delegations register.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the preparation of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently governs and embraces good governance practices

Control: Review of the Delegations Register against legislation and organisational requirements annually.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The review of the Delegations must be done at least once every financial year. The Register was reviewed in the last financial year in August 2019.

As was disclosed during the last financial years review, the Shire administration transferred Delegations from a manual entry system to an online system. This system allows for increased accountability and compliance; it enables officers to record their exercise of duties and delegations; submit statutory returns, and view their current delegations all in the same place. The Register will continue to appear in the new format as for 2019/20, which is consistent with other municipalities that are using the same system.

Attachment 1 is provided, which is the document that Council would adopt. Attachment 2 shows the track changes in the document so that Councillors can see the changes that have been made. Generally, however, there are no major changes to the document, and most updates are in light of changes to legislation, updates to position titles, dates (for adoption) and formatting.

ATTACHMENTS

Attachment 1 - Shire of Wyndham East Kimberley 2020/21 Delegations Register

Attachment 2 - Shire of Wyndham East Kimberley Delegations Register 27 October 2020 - Showing Track Changes

12.2.4. Kimberley Development Commission Board Nominations

DATE:	27 October 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	GR.03.0
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council nominates Cr Menzel and Cr Chafer as applicants for the vacant Board position on the Kimberley Development Commission.

Council Decision:

Minute Number: 27/10/2020 - 118320

That Council nominates Cr Menzel and Cr Chafer as applicants for the vacant Board position on the Kimberley Development Commission.

Moved: Cr D Pearce

Seconded: Cr A Petherick

Decision: 9/0

PURPOSE

For Council to nominate Councillors as applicants for a vacant position on the Kimberley Development Commission Board.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Development Commission Board is a governing body that exists to direct and guide the organisation, set performance goals, ensure corporate compliance, endorse

strategic plans and approve operational budgets. The Board works to ensure the organisation has the resources necessary to achieve goals and monitor performance. The Board does not manage the Commission, and there is a separation of power which exists between the Board and the Commission, similar to the role of Council and Administration. Board or Sub-committee affairs must be directed through the Chief Executive.

All members of the Kimberley Development Commission's Board are appointed by the Minister for Regional Development in Accordance with the Regional Development Commissions Act 1993 for terms of between 1 and 3 years. Local Government representatives will become ineligible to remain on the Board if they are no longer a member of the Local Government.

Currently, Board meetings are up to five times a year, with meeting locations being determined by the Board. Committee members are to allow a full two days for Board meetings, and time will need to be considered for travel.

Councillors wishing to nominate for a position should consider the "member skills and attributes" listed in the attachments of this report. There is also a requirement for the Council Member to submit a resume and complete a nomination form and the requirements and notes for nomination are attached to this report.

STATUTORY IMPLICATIONS

Regional Development Commissions Act 1993 Schedule 2

Local Government Act 1995

POLICY IMPLICATIONS

Code of Conduct, Council Members, Committee Members and Employees.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Strategy 4.1.1: Lobby all levels of government and industry for greater regional investment, both social and economic

Strategy 4.1.3: Identify and contribute to collaborative and partnership initiatives that benefit the community

RISK IMPLICATIONS

Risk: Failure to accurately represent the Shire and region on the Board.

Control: Councillors to adhere to the Shire's Code of Conduct, informing policies and previous and future decisions of Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

It would be beneficial for the Shire to have Councillor representation on the Board to ensure active participation in planning and decision making for the region and to be an advocate for the interests of Council and the East Kimberley at a broader level.

Nominating Councillors must be able to attend meetings during business hours and travel for Board meetings.

ATTACHMENTS

Attachment 1 - Request for nomination

Attachment 2 - Notes for Local Government nominations for the KDC Board 2020

Attachment 3 – Extract from the Regional Development Commissions Act

Attachment 4 - Nomination Form

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Lease of Cafe - East Kimberley Regional Airport

DATE:	27 October 2020
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A5984
FILE NO:	TT.14.6
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to:

- 1. Obtain a current market valuation for the Lease of the Cafe within the East Kimberley Regional Airport;**
- 2. Tender for the Lease of the Cafe within the East Kimberley Regional Airport;**
- 3. Approach the current Lessee to seek agreement to hold over the existing Lease as an interim measure, if possible;**
- 4. To investigate interim options to ensure a continued food and beverage service, in the event that the Lessee does not hold over the Lease, with those options including:**
 - Whether there is any interest from local food businesses to sell food and drinks at the airport under a stallholder's permit; or**
 - The requirements and costs for the Shire to operate the cafe in the interim, or potentially as a longer-term option.**

Council Decision:

Minute Number: 27/10/2020 - 118321

That Council authorises the Chief Executive Officer to:

1. Obtain a current market valuation for the Lease of the Cafe within the East Kimberley Regional Airport;
2. Tender for the Lease of the Cafe within the East Kimberley Regional Airport;
3. Approach the current Lessee to seek agreement to hold over the existing Lease as an interim measure, if possible;
4. To investigate interim options to ensure a continued food and beverage service, in the event that the Lessee does not hold over the Lease, with those options including:
 - Whether there is any interest from local food businesses to sell food and drinks at the airport under a stallholder's permit; or
 - The requirements and costs for the Shire to operate the cafe in the interim, or potentially as a longer-term option.

Moved: Cr T Chafer

Seconded: Cr D Pearce

Decision: 9/0

PURPOSE

For Council to agree to initiate a tender process for the Lease of the Cafe situated within the East Kimberley Regional Airport, and to consider interim options for the provision of food and beverages when the current Lease expires on the 11 December 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Lease of the cafe at the East Kimberley Regional Airport commenced with Kimberley Group Training Inc (KGT) on 12 January 2015 for an initial term of 5 years, expiring 11 December 2020, with an option of a further term of 5 years. A copy of the Lease is at Attachment 1.

Correspondence has recently been received from KGT advising that they intend to terminate the Lease on 11 December 2020, when the initial term expires, however, would be willing to terminate earlier if there is an interested party. This correspondence indicated that due to limited staff KGT have been required to close the venue on a number of occasions and are unable to sell alcohol when an Approved Manager is not on the Premises.

The Shire will either need to look for new potential tenants to operate the cafe and/or consider what alternative options may be required, potentially as an interim measure.

Although KGT does not wish to exercise their right of a further 5-year option, under the Lease, KGT can continue to operate as a tenant at-will on month by month basis if they agree (Holding over Clause 33 of the Lease).

Under the current lease conditions, the cafe, as a minimum, is required to be open two hours prior to the arrival of a scheduled flight and thirty minutes after the flight departs. The Lessee is also required to use all reasonable endeavours to liaise with airport ground handlers, airline operators, and the Lessor to ensure that the eating and drinking requirements of passengers whose flights are delayed are adequately catered for.

The Lessee is also required to keep in force all licences and permits required for operating the business on the premises, which would include the operator of the cafe to be registered as a food business with the Shire and to hold a valid liquor licence if they wish to sell alcohol.

STATUTORY IMPLICATIONS

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995* (LGA), the leasing of land is included as a form of disposal of property. It outlines that a local government can only dispose of a property via the following methods:

- To the highest bidder at public auction; or
- To the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
- By first giving local public notice (2 weeks) of a proposed disposition, and considering any submissions made.

As such, it is that the Shire will either need to call for Expressions of Interests or Tenders for the Lease and operation of the cafe at the East Kimberley Regional Airport.

Liquor Control Act 1988

The current Lessee is the Licensee for the Special Facility liquor licence held for the premises. If a new tenant is found before KGT vacating the premises, then the application may be made to transfer the liquor licence to the new tenant. However, suppose the Lessee ceases to occupy or carry on business at the licensed premises before a new operator is found. In that case, it is anticipated that the Racing, Gaming and Liquor (RGL) branch (Department of Local Government, Sport and Cultural Industries) would suspend the licence under section 92 of the *Liquor Control Act 1988*. The Shire as Lessor and landowner would have 28 days to apply for a Protection Order under section 87, which would allow the Shire to sell liquor and to carry on the business of the Licensee until a new licence for the premises is issued.

Alternatively, KGT may also choose to notify RGL of the intention to surrender the licence under section 94, at the expiry of the Lease.

POLICY IMPLICATIONS

CP/PMG-3780 Leasing of Council Managed/Owned Land - Commercial

Leases at the airport are in accordance with the Shire's commercial leasing policy which identifies that terms for commercial enterprises are to be negotiated in accordance with current market conditions, with a minimum term of 5 years in accordance with the *Commercial Tenancy (Retail Shops) Agreement Act 1985* and initial rent based on a valuation of fair market rent. This policy also outlines that car hire booths and retail spaces at the East Kimberley Regional Airport will be the greater of either:

- an annual base rent as determined by a market valuation, or
- a rent based on a percentage of turnover as determined by a market valuation.

FINANCIAL IMPLICATIONS

Under the current lease agreement, the annual base rent is \$20,000, to be paid in increments of \$5,000 each quarter. A new current market valuation would need to be obtained to establish the annual base rent for a new lease and given the current economic climate, is anticipated this may be slightly lower. A valuation is likely to cost between \$1,100 to \$2,000 to obtain.

The tenant is required to pay rates and contribute their proportion of utility costs (electricity, water, etc.) and cleaning and maintenance of shared facilities such as ablutions and seating areas.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: PLACE - Enhancing the environment

Focus Area 3: PROSPERITY - Economic Prosperity

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the wellbeing and lifestyle of residents and users

Strategy 3.2.1: Market the East Kimberley as the place to live, visit and do business

Strategy 4.4.1: Diversifying and strengthening funding streams and pursue non-rates revenue opportunities.

RISK IMPLICATIONS

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.

Failure to plan and resource a suitable airport facility which meets the long term strategic goals and the region's economic development initiatives.

Control: Ensure the Shire investigates and considers various options to ensure the effective use of resources to deliver suitable services to meet the needs of both residents and visitors.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include undertaking a public tender for the Lease of the Airport Cafe in accordance with the requirements of the *Local Government Act 1995*. The public tender would be advertised in a 'State-wide' publication which would be published on a Wednesday, and normally would be advertised for 16 days to end on a Friday.

It is noted that as the rent paid for certain periods on some occasions may be a percentage of turnover as determined by a market valuation. It would be impossible to determine the total amount for the disposition over the term of the Lease. As such, it is likely that Council would determine the successful tenderer following the advertising period.

COMMENTS

The cafe is a necessary service at the airport providing food, beverages and a comfortable, relaxing environment for passengers and others while waiting for scheduled air services.

It is acknowledged that there has also been a lot of uncertainty with operating hours for the cafe due to the reduction in the number of flights, as well as regular delays, rescheduling or cancellations of flights, which greatly impacts on the ability of the Lessee to staff and operate the cafe when required.

Although the number of flights in and out of Kununurra has reduced, the size of the planes has resulted in higher volumes of arriving and departing passengers.

With current COVID-19 responses, airlines are also not providing food or drink service on flights other than giving a small snack and water, which means there is a need for people to purchase food to either eat before or to otherwise take on the plane.

It is anticipated that the tender process for a new lease of the cafe would take a minimum of 1 - 2 months and estimated that a new Lessee might commence operation in a further 1 - 3 months after the successful tenderer has been selected.

Officers recommend that the current Lessee be approached to determine if they are in a position to continue to operate under the holding-over clause within the Lease, which is a month by month proposition and under what conditions they would be able to do so and,

within this interim period and while the tender process is underway, investigate other (temporary) options to ensure that food and beverages are available by approaching other businesses in town or to review other services such as vending machines, provision of drinking water etc.

ATTACHMENTS

Attachment 1 - Existing Lease - Airport Cafe [12.3.1.1 - 74 pages]

Attachment 1 - Current Lease Agreement - Airport Cafe

12.3.2. Consideration of applications for funding under the 20/21 Community Grant Program

DATE:	27 October 2020
AUTHOR:	Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Approves the allocation of funding under the Community Grant Program for Events as follows:**
 - a) Ord Valley Events Incorporated for the Ord Valley Muster - \$50,000 over three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:**
 - **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - **Annual review and acquittal;**
 - **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - **All necessary approvals and insurances are obtained prior to the event.**
 - b) Lake Argyle Swim Incorporated for the Lake Argyle Swim - \$20,000 over three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:**
 - **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - **Annual review and acquittal;**
 - **Suitable acknowledgement of the support of the Shire of Wyndham**

East Kimberley;

- **All necessary approvals and insurances are obtained prior to the event.**

c) Kununurra Campdraft and Rodeo Association for the Kununurra Campdraft and Rodeo - \$15,000 over three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary approvals and insurances are obtained prior to the event.**

d) Kimberley Action Sport Incorporated for the Lake Argyle Adventure Race - \$12,000 over three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary approvals and insurances are obtained prior to the event.**

2) Approves the allocation of funding under the Community Grant Program for Community Programs as follows:

a) Kununurra Neighbourhood House for New Parents, Digital Literacy for Seniors and Kununurra Community Shed Programs - \$15,000 over three years (2020/21, 2021/22, 2022/23), subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**

3) Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:

a) Kununurra Campdraft and Rodeo Association for a Solar Water Pump - \$5,222.73, subject to the following conditions:

- **Funding acquittal;**
- **Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**

- All necessary permissions and approvals are obtained.
- 4) Requests the Chief Executive Officer to advise unsuccessful Community Program Grant applicants that their applications were not successful and to provide relevant feedback to them.
 - 5) Requests the Chief Executive Officer to give public notice to advise of successful and unsuccessful applicants.

Cr J Farquhar moved an amendment to the Officers Recommendation to replace the wording "over three years" with the term 'per year for three years' for the following events:

- (1) (a) Ord Valley Muster, (b) Lake Argyle Swim Incorporated, (c) Kununurra Campdraft and Rodeo Association, (d) Kimberley Action Sport Incorporated and;
- (2) (a) Kununurra Neighbourhood House.

The amendment was seconded by Cr T Chafer. Decision 9/0.

Cr D Pearce Foreshadowed an alternate motion in an event that the amended motion did not pass.

Council Decision:

Minute Number: 27/10/2020 - 118322

That Council:

- 1) Approves the allocation of funding under the Community Grant Program for Events as follows:
 - a) Ord Valley Events Incorporated for the Ord Valley Muster - \$50,000 per year for three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:
 - Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - Annual review and acquittal;
 - Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - All necessary approvals and insurances are obtained prior to the event.
 - b) Lake Argyle Swim Incorporated for the Lake Argyle Swim - \$20,000 per

year for three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary approvals and insurances are obtained prior to the event.**

c) Kununurra Campdraft and Rodeo Association for the Kununurra Campdraft and Rodeo - \$15,000 per year for three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary approvals and insurances are obtained prior to the event.**

d) Kimberley Action Sport Incorporated for the Lake Argyle Adventure Race - \$12,000 per year for three years (2020/21, 2021/22 and 2022/23) subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary approvals and insurances are obtained prior to the event.**

2) Approves the allocation of funding under the Community Grant Program for Community Programs as follows:

a) Kununurra Neighbourhood House for New Parents, Digital Literacy for Seniors and Kununurra Community Shed Programs - \$15,000 per year for three years (2020/21, 2021/22, 2022/23), subject to the following conditions:

- **Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
- **Annual review and acquittal;**
- **Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**

3) Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:

a) Kununurra Campdraft and Rodeo Association for a Solar Water Pump - \$5,222.73, subject to the following conditions:

- **Funding acquittal;**
- **Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
- **All necessary permissions and approvals are obtained.**

4) Requests the Chief Executive Officer to advise unsuccessful Community Program Grant applicants that their applications were not successful and to provide relevant feedback to them.

5. Requests the Chief Executive Officer to give public notice to advise of successful and unsuccessful applicants.

Moved: Cr T Chafer

Seconded: Cr J Farquhar

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

Decision: 5/4

Foreshadowed resolution by Cr D Pearce falls away

PURPOSE

For Council to assess applications for funding lodged under the Shire's 'Community Grant' Program.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire advertised for applications under the Community Grant Program in August this year, and ten applications were received. Four applications were received under the Event funding stream; three applications were received under the Facilities - Property and Buildings funding stream, and three applications were received under the Community Program funding stream. A summary of each application is provided below.

Event applications

Ord Valley Muster

Ord Valley Events have requested \$50,000 annually over a three year period. This is to hold the annual Ord Valley Muster in Kununurra, which includes a variety of activities in May including the Kimberley Moon Experience which next year is proposed to be held at Celebrity Tree Park.

The \$50,000 provided each year from the Shire would be used to fund advertising, event management/curation and a local coordinator. The event cost is (nominally) just over \$1.1M.

Last year, Council provided \$55,000 funding for this event, which due to COVID-19 restrictions could not proceed. Although the event did not occur, the funding provided by the Shire was fully expended.

Lake Argyle Swim

Lake Argyle Swim has requested \$43,000 for this year. A further \$46,000 has been requested for 2022 and \$49,000 for 2023. The event is usually held in early May and includes a spread of local and interstate teams.

Last year, Council provided \$20,000 for this event, which due to COVID-19 restrictions could not proceed. Although the event did not occur, the funding provided by the Shire was fully expended.

Lake Argyle Adventure Race

Kimberley Action Sports has requested \$19,000 to hold the Lake Argyle Adventure Race, which is generally held in August each year. An additional \$21,000 has been requested for 2022 and \$23,000 for 2023.

Last year, Council provided \$12,000 for this event, which did occur however at a smaller capacity due to COVID-19 travel restrictions.

Kununurra Rodeo and Campdraft

The Kununurra Campdraft and Rodeo Association have requested \$20,000 annually over three years to conduct the annual Muster May Rodeo, which coincides with the Ord Valley Muster.

The Shire did not provide funding to this event for the previous financial year.

The total funding requested for this financial year for all applications submitted is \$132,000.

Community Programs applications

Three applications were lodged under the Community Programs funding stream, all of which were lodged by Kununurra Neighbourhood House. These are *New Parents*, *Digital Literacy for Seniors*, and *Kununurra Community Shed*.

The *New Parents* program is proposed to be conducted weekly for parents with newborn babies and attended by a WA Country Health midwife/community nurse. The Program is described as focusing on: sleep; breastfeeding and expressing; bottle feeding; postnatal depression and looking after yourself. The service would be run 40 times over the year.

The *Digital Literacy for Seniors* program is aimed to support seniors to gain skills in the use of technology, including to better access online services; to learn about cybersecurity; use of social media, and how to research and capture information relevant to family history. The Program would run over 40 weeks.

The *Kununurra Community Shed* is based on the 'Mens Shed' concept and makes facilities available for a range of activities and broken into 10-week blocks to train participants in cooking, welding and fabrication, repairs and craft skills. The Program will run for 44 weeks.

Kununurra Neighbourhood House has requested \$28,850 from this year's budget with recurrent funding for each Program over three years.

Last year, Council provided Kununurra Neighbourhood House with \$2,400 for their event program, but no applications were submitted which related to community programs. In 2018, Council provided \$7,250.10 to Kununurra Neighbourhood House for their events program and \$2,000 for the *Ageless IT* program, which was the 'pilot' for the *Digital Literacy for Seniors* program.

A total of \$28,850 has been requested for this year. Recurrent funding for 2021/22 and 22/23 has been requested as follows:

New Parents - \$8,400 (2021/22) and \$4,800 (2022/23)

Digital Literacy for Seniors - \$9,796 (2021/22) and \$10,263 (2022/23)

Kununurra Community Shed - \$12,096 (2021/22) and \$12,672 (2022/23)

Facilities Grant - Building and Property applications

Three applications were received under the Facilities Grant - Building and Property. They were lodged by the Wyndham Tourist Association; Kununurra Campdraft and Rodeo Association, and by the Kununurra Water Ski Club.

The Wyndham Tourist Association has requested funding to install two cattle grids and two information signs at either end of the Karunjie Track. They have indicated in their application that they have consulted with Ngnowar-Aerwah Aboriginal Corporation, El Questro and Diggers Rest Station as well as with the Wyndham Caravan Park.

The total project cost in the application is estimated at \$11,990, of which the Shire would provide \$5,950 (approximately 50%). The balance of funding is proposed to come from donations from the Wyndham community and from the Wyndham Tourist Association.

The Kununurra Campdraft and Rodeo Association have requested funding to replace a pump which provides water from Lake Kununurra opposite their facility. The new pump would be connected to solar cells, which would be installed either on the roof of the pump shed or on land nearby. The project cost is estimated at \$42,722.73, with the inverter and solar panels being the major cost component. The Shire would provide \$5,222.73 or approximately 10% of the project cost. The balance of funding has already been provided by EKJP.

The Kununurra Water Ski Club has requested funding to replace their existing ablution block with a new and much larger one. They've provided a plan of the building but at this stage no site plan. The plans supplied indicate a 100 square metre building with men's and women's toilets and showers, a disabled toilet and a laundry. The club has indicated that the new facility would better cater for functions on-site and for use to provide a 'ski tow' facility.

The cost of the Kununurra Water Ski Club project is approximately \$350,000, of which the Shire would provide \$20,000 or around 5% of the cost. The balance funding is proposed to be largely from the State Government through its Community Sporting and Recreational Fund (CSRFF).

The total funding requested under this (Facilities Grant - Buildings and Property) stream, across all projects, is \$31,172.73.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter other than requirements arising from the State Government's Roadmap with respect to COVID-19 as they relate to conducting major events, which will be provided to event organisers.

POLICY IMPLICATIONS

CP/COM-3582 Community Grant Program is applicable to the consideration of this matter.

FINANCIAL IMPLICATIONS

The (notional) budget, distributed across the funding streams being considered by Council as part of this report, is as follows:

1. Community Programs	\$15,000
2. Facilities Grant - Buildings and Property	\$64,000
3. Event Grant	\$105,000

All grant recipients will need to sign a funding agreement, which allows for advance payments, which are applicable with respect to those lodged under the Events funding stream and under the Community Programs funding stream. The agreement includes appropriate review and acquittal requirements.

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 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

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

Strategy 1.2.2: Develop partnerships to support and maximise participation in a range of activities and promote the benefits of healthy lifestyles

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

CBP Tasks: 2. Review Community Grant Policy (*this action has been completed*)

RISK IMPLICATIONS

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

The Program was advertised widely and forwarded directly to community organisations and clubs.

COMMENTS

The Community Grant Program Review Panel has assessed each application against the eligibility criteria within the policy and as outlined in the guidelines and a summary of that assessment is provided at Attachment 1. This shows, for those applications lodged under the Events and Community Programs funding streams, a high correlation against key selection criteria. Each is well aligned with the organisation's strategic goals; can demonstrate need; have available budget and capacity, and have considered access and equity. All of the applications lodged under the events funding stream could be considered 'signature events' and can demonstrate benefit to the community and associated economic benefits.

A separate assessment to determine the economic benefit of each event is provided at Attachment 2. This was prepared by applying an Event Impact Calculator, which is a tool within the idProfile resource (idcommunity) shared with Regional Development Australia. This provides a notional 'ranking' of the events, although decisions with respect to the allocation of funding have largely been based on the available budget for this funding stream, noting that it is substantially oversubscribed. Given this, too, it is recommended that Council allocate advance funding for 2021/22 and 2022/23 coinciding with that allocated from this year's budget.

Two of the applications lodged under the Facilities Grant - Property and Buildings are not recommended for funding at this time. They are the applications lodged by the Wyndham Tourist Association and by the Kununurra Water Ski Club. The proposal lodged by the Wyndham Tourist Association raises issues with respect to the extent of consultation undertaken for works either within the Karunje Track and which may also affect the King River Road. Officers would need to further evaluate capital and operating/maintenance costs associated with the proposal and to engage further with all 'interests' along the stock route and with the Department of Lands.

The application submitted by the Kununurra Water Ski Club would be subject to a number of approvals along with the Shire's consent to apply and to construct and it is noted that no application has been lodged for funding under the CSRFF program which would need to be vetted first by Council prior to being lodged.

The application lodged by the Kununurra Rodeo and Campdraft Association would upgrade essential infrastructure that otherwise may have needed to be replaced by the Shire, being within the Shire's licence area, and would provide cost savings for the association.

The programs proposed by Kununurra Neighbourhood House align well with those goals and strategies focusing on the promotion of education, health and seniors. Each promotes the

improvement of wellbeing and care of families and individuals and promote self-help and resilience. Similar to the consideration of recurrent funding under the Events funding stream, it is suggested that Council allocate the \$15,000 within the funding stream to Kununurra Neighbourhood House to be applied across the three programs and that this includes funding in out-years - 2021/22 and 2022/23.

Conditions will be attached to all approved applications to ensure that: a funding agreement is entered into; that the grants are subject to an annual review and/or acquittal; there is a suitable acknowledgement of the Shire, and that all necessary approvals and insurances are obtained.

ATTACHMENTS

Attachment 1 - Summary of assessment by Community Grant Program Review Panel

Attachment 2 - Assessment of economic benefits of applications lodged under the Event funding stream

12.4. CORPORATE SERVICES

12.4.1. Review of Corporate Services Policies

DATE:	27 October 2020
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the following amended policies:

- **CP/FIN-3203 Investments**
- **CP/FIN-3213 Corporate Credit Cards**
- **CP/FIN-3215 Self Supporting Loans**
- **CP/FIN-3212 Rates and Charges Debt Collection**
- **CP/FIN-3214 Sundry Debt Collection**

Council Decision:

Minute Number: 27/10/2020 - 118323

That Council adopts the following amended policies:

- **CP/FIN-3203 Investments**
- **CP/FIN-3213 Corporate Credit Cards**
- **CP/FIN-3215 Self Supporting Loans**
- **CP/FIN-3212 Rates and Charges Debt Collection**
- **CP/FIN-3214 Sundry Debt Collection**

Moved: Cr T Chafer

Seconded: Cr D Pearce

Decision: 9/0

PURPOSE

For Council to consider adopting five reviewed Corporate Services Policies with minor amendments.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulate - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

COUNCIL DECISION

Minute No: 28/11/2017-117839

Moved: Cr Chafer

Seconded: Cr Lodge

That the Council adopt the reviewed Council Policy CP/FIN-3213 Corporate Credit Cards with no changes made.

Carried 9/0

COUNCIL DECISION

Minute No: 28/11/2017-117840

Moved: Cr Dear

Seconded: Cr Chafer

That the Council adopt the reviewed Council Policy CP/FIN-3215 Self-Supporting Loans with no changes made.

Carried 9/0

COUNCIL DECISION

Minute No: 28/11/2017-117841

Moved: Cr Pearce

Seconded: Cr Farquhar

That the Council adopt the reviewed Council Policy CP/FIN-3203 Investments with no changes made.

Carried 9/0

COUNCIL DECISION

Minute Number: 27/03/2018-117920

Moved: Cr N Brook

Seconded: Cr M Dear

That Council:

- 1. Adopt the revised Council Policy CP/FIN-3214 Sundry Debt Collection.**
- 2. Adopt the revised Council Policy CP/FIN-3212 Rates and Charges Debt Collection.**
- 3. Rescind Council Policy CP/FIN-3210 Notice of Discontinuance.**

Carried 8/0

STATUTORY IMPLICATIONS

The following legislation are relevant to the policies being reviewed:

Local Government Act 1995

Sections 2.7, 6.5, 6.14, 6.20, 6.21,

Local Government (Financial Management) Regulations 1996

Regulations 8, 11, 19, 19C, 28, 49.

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management requires that policies be reviewed at minimum every five years and a report presented to Council detailing any proposed changes.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the review of these policies. However, it will ensure that the Shire's financial management framework, internal control procedures and restrictions over investments continue to be maintained and adhered to, and meet all statutory requirements.

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

Control: Policies updated in accordance with schedule and operational requirements.

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Relevant policies updated in accordance with schedule and operational requirements ensuring that the Shire's financial management framework, internal control procedures and restrictions over investments continue to be maintained and adhered to, and meet all statutory requirements.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following policies have been reviewed in accordance with the policy review schedule with minor amendments made to statutory references and to risks and controls in line with Council's Strategic Risk Register:

- CP/FIN-3203 Investments
- CP/FIN-3213 Corporate Credit Cards
- CP/FIN-3215 Self Supporting Loans

The following policies have been reviewed and minor amendments made to allow greater flexibility and discretion in debt recovery actions generally and specifically during the Covid-19 State of Emergency declaration period, and to better align the policies with Council Policy CP/FIN-3219 Covid-19 Financial Hardship - Rates and Sundry Debtors:

- CP/FIN-3212 Rates and Charges Debt Collection
- CP/FIN-3214 Sundry Debt Collection

ATTACHMENTS

Attachment 1 - CP/FIN-3203 Investments - Draft with track changes

Attachment 2 - CP/FIN-3213 Corporate Credit Cards - Draft with track changes

Attachment 3 - CP/FIN-3215 Self Supporting Loans - Draft with track changes

Attachment 4 - CP/FIN-3212 Rates and Charges Debt Collection - Draft with track changes

Attachment 5 - CP/FIN-3214 Sundry Debt Collection - Draft with track changes

12.4.2. Interim Monthly Financial Report September 2020

DATE:	27 October 2020
AUTHOR:	Coordinator Finance
RESPONSIBLE OFFICER:	Felicity Heading, 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 30 September 2020.

Council Decision:

Minute Number: 27/10/2020 - 118324

That Council receive the Interim Monthly Financial Report for the period ended 30 September 2020.

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

Decision: 9/0

PURPOSE

For Council to receive the Interim Monthly Financial Report for the period ended 30 September 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.

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 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 Shire's 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 September 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 - September 2020

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

DATE:	27 October 2020
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 138700 - 139017 (03/09/2020-30/09/2020)	\$ 2,265,879.14
Municipal Cheques 52000 - 52001 (23/09/2020 -24/09/2020)	\$ 425.40
Trust Cheques 1253 (11/09/2020)	\$ 694.70
Trust EFT 502063 - 502080 (01/09/2020 - 30/09/2020)	\$ 7,736.05
Payroll (09/09/2020 - 23/09/2020)	\$ 449,030.76
Direct Bank Debits (01/09/2020-30/09/2020)	\$ 101,394.96
Total	\$ 2,825,161.01

Council Decision:

Minute Number: 27/10/2020 - 118325

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

Municipal EFT 138700 - 139017 (03/09/2020-30/09/2020)	\$ 2,265,879.14
Municipal Cheques 52000 - 52001 (23/09/2020 -24/09/2020)	\$ 425.40
Trust Cheques 1253 (11/09/2020)	\$ 694.70
Trust EFT 502063 - 502080 (01/09/2020 - 30/09/2020)	\$ 7,736.05
Payroll (09/09/2020 - 23/09/2020)	\$ 449,030.76
Direct Bank Debits (01/09/2020-30/09/2020)	\$ 101,394.96
Total	\$ 2,825,161.01

Moved: Cr M McKittrick
Seconded: Cr T Chafer

Decision: 9/0

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 September 2020

12.4.4. Information Technology Strategy

DATE:	27 October 2020
AUTHOR:	Manager - ICT & Records
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	IT.10.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the IT Strategy as outlined in Attachment 1 to this report.

Council Decision:

Minute Number: 27/10/2020 - 118326

That Council adopts the IT Strategy as outlined in Attachment 1 to this report.

Moved: Cr T Chafer

Seconded: Cr G Lodge

Decision: 9/0

PURPOSE

The purpose of this motion is to adopt the Information Technology Strategy for the Shire of Wyndham East Kimberley for the period 2020-2023 by Council. The strategy covers the "as is" and "to be" states of the IT infrastructure and services provided and gives an outline of the projects proposed during the period covered by the document.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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/ COMMITTEE

All local governments are required to plan for the future of their district under Section 5.56 (1) of the Local Government Act 1995. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this. Whilst the minimum requirement of the plan is the development of a Strategic Community Plan and a Corporate Business Plan, other recommended core components include informing strategic documents such as a Long Term Financial Plan and issue or area-specific strategic plans such as an Information and Communications Technology (ICT) strategy.

ICT Infrastructure is core to the administration services that the Shire undertakes as well as providing limited electronic access to the community for service delivery. The current status of the Shire ICT infrastructure requires us to make investments in both hardware and application software in the coming years. There is a well established trend towards mobile technology and the convergence of hardware solutions that necessitate the Shire have a strategy that allows us to acquire new technology in a financially responsible manner. The development of this strategy is to provide the framework for the Shire to move to a more sustainable ICT solution.

STATUTORY IMPLICATIONS

Section 5.56 (1) of the Local Government Act 1995

Planning for the future

(1) *A local government is to plan for the future of the district.*

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Annual Budget for 2020/21 has allocated \$255k for capital works projects on IT infrastructure. This allocation will fund the first of the major projects proposed in the IT Strategy, the review of current processes within the Shire, the creation of a selection process for a replacement system and the conducting of the associated selection process.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability.

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

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

Corporate Business Plan

CBP Action: 196

RISK IMPLICATIONS

Risk:

Failure to implement and maintain an Enterprise Information, Communication and Technology System which provides for needs, future requirements and business continuity for the Shire's operations.

Control:

Regular review of the Enterprise Information, Communication and Technology systems to ensure they continue to be fit-for-purpose.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The ICT Strategy document explicitly defines the guiding principles to be implemented by the ICT section in the delivery of ICT services across the enterprise. It also defines the components of the ICT service delivery framework that will be used to ensure that services address governance requirements, are fit-for-purpose, innovative and sustainable. The ICT Strategy also documents the current state of ICT, identified issues and the proposed future state along with a roadmap to transition to the proposed future state.

A review of the state of ICT at the Shire of Wyndham East Kimberley (SWEK) conducted over the past year and focusing on the areas of Infrastructure and Communications, Application Software and Service Delivery exposed a number of shortcomings that are negatively affecting the productivity of Shire staff, expose the Shire to additional risk and prohibit the reform of business processes that would deliver better services to Shire residents via digital means. As a result, it is proposed that three major reform projects are undertaken over the next three years, the scope of this strategy: -

1. Project "Renaissance" – the refresh of the Shire's main application software which incorporates many of the services and functions delivered by the Shire and governance functions associated with these services.
2. Project "Marconi" – focus on the connectivity between the Kununurra and Wyndham administration offices.
3. Project "Cloudbreak" – delivering the move of the Shire's productivity and collaboration service provision to the "Cloud", resulting in improvements of available services (Office365).

The Shire also recognises that with the development of the IT infrastructure, there is an element that relates to the Economic Development of our region. The improvement in Shire infrastructure can positively influence investment in the digital economy. The Economic Development Strategy currently being drafted deals with opportunities for the digital economy. The Economic Development Strategy will link to the Shires Corporate Business Plan actions that relate to the development of our IT infrastructure as set out in this IT Strategy.

ATTACHMENTS

Attachment 1 - SWEK ICT Strategy 2020-23 Draft

12.5. INFRASTRUCTURE

12.5.1. Policy Review - Multiple Infrastructure Policies.

DATE:	27 October 2020
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the reviewed policies as set out in Attachment 1 of this report:

- 1. CP/OPS-3649 Maintenance of Shire Assets**
- 2. CP/OPS-3650 Private Works**
- 3. CP/OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land**
- 4. CP/OPS-3652 Cattle Grids**
- 5. CP/OPS-3653 Vehicle Crossover Subsidy**
- 6. CP/OPS-3654 Roadside Memorials**
- 7. CP/OPS 3655 Road Development**
- 8. CP/OPS-3656 Construction Security Deposits**
- 9. CP/OPS-3657 Directional Signage**
- 10. CP/OPS-3658 Roadside Advertising Signage**
- 11. CP/OPS-3659 Asset Management**
- 12. CP/OPS-3660 Stormwater Management for Developments**
- 13. CP/OPS-3661 Shire Road Network**
- 14. CP/REM-3620 Firebreaks**
- 15. CP/REM-3621 Plant Mobilisation in Emergency**

Council Decision:

Minute Number: 27/10/2020 - 118327

That Council adopts the reviewed policies as set out in Attachment 1 of this report:

1. CP/OPS-3649 Maintenance of Shire Assets
2. CP/OPS-3650 Private Works
3. CP/OPS-3651 Private Works and Developments on Road Verges and Shire Managed Land
4. CP/OPS-3652 Cattle Grids
5. CP/OPS-3653 Vehicle Crossover Subsidy
6. CP/OPS-3654 Roadside Memorials
7. CP/OPS 3655 Road Development
8. CP/OPS-3656 Construction Security Deposits
9. CP/OPS-3657 Directional Signage
10. CP/OPS-3658 Roadside Advertising Signage
11. CP/OPS-3659 Asset Management
12. CP/OPS-3660 Stormwater Management for Developments
13. CP/OPS-3661 Shire Road Network
14. CP/REM-3620 Firebreaks
15. CP/REM-3621 Plant Mobilisation in Emergency

Moved: Cr M Dear

Seconded: Cr G Lodge

Decision: 9/0

PURPOSE

To review multiple Council Policies that have been reviewed and updated by Shire Officers.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Multiple Council Policies were adopted by Council. These policies are now due or overdue for review. Council Policies are reviewed periodically. The time between reviews can vary between 1 year and 5 years.

Council Policy Number	Council Policy Name	Last Review Date / Resolution No
CP/OPS-3649	Maintenance of Shire Assets	22/09/2015 - 11114
CP/OPS-3650	Private Works	22/09/2015 - 11114
CP/OPS-3651	Private Works and Developments on Road Verges and Shire Managed Land	20/12/2016 - 11575
CP/OPS-3652	Cattle Grids	25/09/2018 - 115859

CP/OPS-3653	Vehicle Crossover Subsidy	25/09/2018 - 115858
CP/OPS-3654	Roadside Memorials	25/08/2015 - 11069
CP/OPS 3655	Road Development	25/09/2018 - 115860
CP/OPS-3656	Construction Security Deposits	29/03/2016 - 11290
CP/OPS-3657	Directional Signage	31/01/2017 - 11598
CP/OPS-3658	Roadside Advertising Signage	31/01/2017 - 11597
CP/OPS-3659	Asset Management	18/07/2017 - 11751
CP/OPS-3660	Stormwater Management for Developments	28/11/2017 - 117850
CP/OPS-3661	Shire Road Network	19/10/2017 - 117822
CP/REM-3620	Firebreaks	11/12/2018 - 115907
CP/REM-3621	Plant Mobilisation in Emergency	25/08/2015 - 11068

STATUTORY IMPLICATIONS

Compliance with the requirements of the Local Government Act 1995 section 2.7 and internal Standard Operating Procedures.

Local Government Act 1995

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.*

POLICY IMPLICATIONS

No further implications are foreseen from the changes made to these policies as only minor definition and/or formatting changes have been effected.

FINANCIAL IMPLICATIONS

No anticipated financial implications are expected from the review of these policies.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

RISK IMPLICATIONS

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

Control: Regularly review Council Policies to ensure they meet current and future needs of our communities.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

All policies were reviewed in accordance with CP/GOV 3112 - Policy Management Policy, this requires officers to assess policies based on the following requirements:

1. Implication of statutory requirements.
2. Implications for operational effectiveness and efficiency.
3. Potential for negative impact on operational activity, strategic objectives, environmental/economic factors and reputation.
4. Complex procedures or technical information.
5. Change is likely to occur

There are no significant changes to the Council Policies named in this report, the attached reviewed documents have tracked changes to assist Council in identifying the minor formatting and amendments made to each Council Policy.

ATTACHMENTS

Attachment 1 - Multiple Infrastructure Council Policies

12.5.2. Survey of land for Stage 1 of Business Precinct at EKRA

DATE:	22 October 2020
AUTHOR:	Senior Economic Development Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	TT.04.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approves the allocation of \$30,972.00 from the Airport Reserve for the purpose of undertaking a survey of land for Stage 1 of the development of the Business Precinct at the East Kimberley Regional Airport.

Council Decision:

Minute Number: 27/10/2020 - 118328

That Council approves the allocation of \$30,972.00 from the Airport Reserve for the purpose of undertaking a survey of land for Stage 1 of the development of the Business Precinct at the East Kimberley Regional Airport.

Moved: Cr G Lodge

Seconded: Cr M Dear

Decision: 9/0

PURPOSE

In accordance with the Airport Master Plan and Business Case, to seek Council approval for the utilisation of funds from the Airport Reserve to undertake the survey of land for the development of Stage 1 of the business precinct at the EKRA.

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

The Council has previously directed Officers (Minute Number: 26/02/2019-115936) "... to commence work on other growth opportunities (apart from the runway extension) for the East Kimberley Regional Airport" - as outlined in the Council Decision below.

Council Decision

Minute Number: 26/02/2019 - 115936

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council:

- 1. Endorses the final document "EKRA Business Case and Cost Benefit Analysis Final Report 2018" and the recommendations of the Business Case.***
- 2. Instructs Officers to continue work on the delivery model for the proposed runway extension project and to commence work on other growth opportunities for the East Kimberley Regional Airport.***

Carried:

8/0

In accordance with the Council directive, Officers prepared a draft layout of the development of Stage 1 of the Business Precinct. Based on this layout (as depicted on page 1 of the Confidential Attachment 1), Officers sought a quote from a supplier on term contract with the Shire for the provision of survey services to undertake the survey of the land. The quote is at Confidential Attachment 1. As outlined in the quote, there is considerable work to be undertaken to secure approvals from the State Government for the sub-division of the land in the Business Precinct - even though the subdivision is on the Shire's freehold land. The quote outlines the timeframe for securing the approvals is likely to be around 34 weeks.

FINANCIAL IMPLICATIONS

The cost of the survey is \$30,972.00, as per the confidential attachment quote. As there is no current budget allocation for this amount, Council will need to resolve by absolute majority to approve this disbursement from the Airport Reserve.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: PROSPERITY - Economic Prosperity

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

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

Strategy 3.1.3: Plan and advocate for infrastructure that supports business
Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs

Corporate Business Plan

CBP Action: # 460 Development of the Kununurra Airport enterprise precinct

RISK IMPLICATIONS

Risk: Failure to deliver economic growth to the region.

Control: Take all reasonable steps to enable the development of a commercial hub and related infrastructure at the airport precinct to improve financial sustainability and recurring future revenue streams.

COMMUNITY ENGAGEMENT

None required at this stage

COMMENTS

In accordance with the Airport Master Plan and the Business Case, Shire Officers are committed to taking all reasonable steps to enable the development of a Business Precinct at the EKRA, which will ultimately secure the financial sustainability to the airport operations (amongst other key actions) as well as provide additional rates revenue for use in the community. The major portion of this development will be by private investors acquiring land and developing businesses on the land.

Shire Officers have been approached about the possibility of disposing of land in the commercial hub at the airport for private operators to either expand their existing businesses or to set up new businesses. While the Shire will not dispose of airside land, Officers consider that the sale of landside Business Precinct land for development to be acceptable. There is currently very little suitable land that is available for development by expansion or new commercial operations in the Business Precinct area. Any land that is or becomes available from the Shire is intended to be disposed of with a condition to develop it within a set timeframe. The enquiries from interested parties have indicated to Shire Officers that they would be able to meet this development requirement.

Before the Shire can progress the matter any further, a comprehensive survey needs to be undertaken. As can be seen on page 1 of the Confidential Attachment 1, there are 19 lots to be surveyed comprising the following:

- 15 blocks of commercial land for resale;
- Freight Hub land which is airside and thus for Lease only;
- The solar/sewerage farmland which will be for utility services only and owned by the Shire; and

- A larger commercial site which could be used for a number of different ventures including the possible development of a hotel or retail facility. The Shire could either dispose of this land or lease it, depending on development proposals.

While these projects are individually in various stages of development, it is cost-effective and financially efficient for the Shire to undertake all of the survey work for Stage 1 at once.

ATTACHMENTS

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

Confidential Attachment 1 - Quote to undertake the survey.

Cr D Menzel moved to move in camera to discuss the confidential attachment in 12.5.3. It was seconded by Cr N Brook. Decision: 9/0. Presiding member asked the gallery to leave the Chambers except for the Minute Taker. The gallery left at 6:06pm

12.5.3. Replacement Office Wyndham Landfill Site

DATE:	27 October 2020
AUTHOR:	Asset Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	WM.09.4
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorses the decision to replace the Wyndham Landfill Site Office;**
- 2. Approves an allocation of \$51,950.00 ex GST to fund the replacement of the Wyndham Landfill Site Office.**

Cr D Menzel motioned to move out of camera to make Council decision. The motion was seconded by Cr T Chafer. Decision 9/0. The Gallery returned to the Chambers at 6:14pm

Council Decision:

Minute Number: 27/10/2020 - 118329

That Council:

- 1. Endorses the decision to replace the Wyndham Landfill Site Office;**
- 2. Approves an allocation of \$51,950.00 ex GST to fund the replacement of the Wyndham Landfill Site Office.**

Moved: Cr J Farquhar

Seconded: Cr M Dear

Decision: 9/0

PURPOSE

To seek Council endorsement to replace the Wyndham Landfill Site Office with an allocation of funds from the Waste Reserve.

BACKGROUND

Staff members located at the Wyndham Landfill have reported the continued deterioration of the floor and substructure to the Site Office due to dry rot and termite damage. Flooring has now become dangerous with patchwork repairs having been undertaken internally to extend the longevity of the building. Following inspections undertaken in 2019, it is apparent to officers that the asset is beyond economical repair and needs to be replaced mainly due to health and safety concerns.

FINANCIAL IMPLICATIONS

The cost of replacing the current structure is \$51,950 ex GST. As there is no current budget allocation for this amount, Council will need resolve by absolute majority to approve this disbursement from the Waste Reserve.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

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

Strategy 3.1.3: Plan and Advocate for infrastructure that supports the business.

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: Develop a safe and healthy work environment for all employees, which ensures staff retention.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Inspections carried out on the structure previously found that the building is in need of renewal. Funds were spent on repairing the building to ensure a safe and compliant workplace. Based on a further inspection by Shire officers during this current financial year, additional extensive termite damage has been found in the walls behind the kitchenette and floor which has deteriorated significantly. An assessment was done to estimate the cost of repair to the building, but this was found to be beyond economical repair. Shire Officers consider that replacement of the old building with a new one offers the best solution for the longevity of the asset and provides a better cost-benefit outcome for the Shire over the estimated future life of the new asset. The holes in the flooring have been patched with plywood as a temporary measure before securing a replacement building but is proving to be a risk from a health and safety aspect.

In order to determine the amount of money to be drawn from the Reserve to fund the acquisition of a replacement building, Shire Officers went to the market seeking quotations for the replacement of the building. Two quotes were received and evaluated by Shire staff. The best quotation and value for money is priced at \$51,950 ex GST supplied and installed (refer Confidential Attachment 1 - for consideration behind closed doors as per the *Local Government Act 1995 Section 5.23 (2)(c)*).

ATTACHMENTS

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

Attachment 1- CONFIDENTIAL - Works Quote 20114

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

Cr D Menzel moved that Council move-in camera to discuss the confidential reports and attachments in Agenda item 16.1, 16.2 and 16.3. The motion was seconded by Cr M Dear. Decision 9/0. The gallery were asked to depart Chambers. The Minute Taker remained.

Council Decision

Minute Number: 27/10/2020 - 118330

Moved: Cr D Menzel

Seconded: Cr M Dear

That Council move in-camera at 6:17 PM

Decision: 9/0

16. MATTERS BEHIND CLOSED DOORS

16.1. T01-20/21 MULTIPLE DRAINAGE PROJECTS AND T02-20/21 MULTIPLE INFRASTRUCTURE PROJECTS

DATE:	27 October 2020
AUTHOR:	Manager of Assets and Operations
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.02.161, CM.02.162
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECCOMENDATION

That Council:

- 1. T01-20/21 - A - Bandicoot Stage 2 Road and Drainage Construction.**
Decline all tenders for not satisfying the value for money assessment.
- 2. T01-20/21- B - Nutwood Crescent / Rosewood Avenue Drainage Upgrade Stage 3**
Decline all tenders for not satisfying the value for money assessment.
- 3. T01-20/21 - C - Hibiscus Drive Drainage and Path reconstruction.**
Decline all tenders for not satisfying the value for money assessment.
- 4. T01-20/21 - D - Ewin Centre Drainage Upgrade.**
Decline all tenders for not satisfying the value for money assessment.
- 5. T02-20/21 - A - Blackspot Project: Weaber Plain Road / Erythrina Street.**
Decline all tenders for not satisfying the value for money assessment.
- 6. T02-20/21 - B - Blackspot Project: Weaber Plain Road / Ironwood & Leichhardt.**
Decline all tenders for not satisfying the value for money assessment.
- 7. T02-20/21 - C Carpark modifications for East Kimberley Regional Airport.**

Decline all tenders for not satisfying the value for money assessment.

Council Decision:

Minute Number:

That Council: 27/10/2020 - 118331

- 1. T01-20/21 - A - Bandicoot Stage 2 Road and Drainage Construction.**

Decline all tenders for not satisfying the value for money assessment.

- 2. T01-20/21- B - Nutwood Crescent / Rosewood Avenue Drainage Upgrade Stage 3**

Decline all tenders for not satisfying the value for money assessment.

- 3. T01-20/21 - C - Hibiscus Drive Drainage and Path reconstruction.**

Decline all tenders for not satisfying the value for money assessment.

- 4. T01-20/21 - D - Ewin Centre Drainage Upgrade.**

Decline all tenders for not satisfying the value for money assessment.

- 5. T02-20/21 - A - Blackspot Project: Weaber Plain Road / Erythrina Street.**

Decline all tenders for not satisfying the value for money assessment.

- 6. T02-20/21 - B - Blackspot Project: Weaber Plain Road / Ironwood & Leichhardt.**

Decline all tenders for not satisfying the value for money assessment.

- 7. T02-20/21 - C Carpark modifications for East Kimberley Regional Airport.**

Decline all tenders for not satisfying the value for money assessment.

Moved: Cr M McKittrick

Seconded: Cr T Chafer

Decision: 9/0

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.*

PURPOSE

To consider the results of the Tender assessment and provide recommendations regarding the non acceptance of all tenders assessed (as listed above).

This report summarises the recommendations of the confidential report (attached).

Cr G Lodge left the Chambers at 6:43pm prior to the discussion of Agenda item 16.2. In accordance with section 5.65(1) of the Local Government Act 1995, Cr G Lodge declared a conflict on interest as his business is directly affected by Agenda item 16.2. He is part owner of Triple J Tours and Kununurra Cruises.

16.2. REQUESTS FOR WAIVERS OF FEES AND CHARGES

DATE:	27 October 2020
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	GN.10.6, CP.16.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECCOMENDATION

That Council, pursuant to Section 6.12(1)(b) of the *Local Government Act 1995*, waive fees and charges as detailed in the confidential report for the following amounts:-

1. Triple J Tours Kununurra Pty Ltd - \$6,976.53 excluding GST.
2. Hayley and Lodge Pty Ltd trading as Kununurra Cruises - \$8,814.91 excluding GST.
3. Ord Tourist Bureau Incorporated trading as Kununurra Visitor Centre - \$8,250.00 excluding GST.

Council Decision:

Minute Number: 27/10/2020 - 118332

That Council, pursuant to Section 6.12(1)(b) of the *Local Government Act 1995*, waive fees and charges as detailed in the confidential report for the following amounts:-

1. Triple J Tours Kununurra Pty Ltd - \$6,976.53 excluding GST.

2. Hayley and Lodge Pty Ltd trading as Kununurra Cruises - \$8,814.91 excluding GST.

3. Ord Tourist Bureau Incorporated trading as Kununurra Visitor Centre - \$8,250.00 excluding GST.

Moved: Cr T Chafer

Seconded: Cr J Farquhar

Decision: 8/0

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.*

PURPOSE

For Council to consider requests to waive fees and charges received from the following entities:

- Triple J Tours Kununurra Pty Ltd
- Hayley and Lodge Pty Ltd trading as Kununurra Cruises
- Ord Tourist Bureau Incorporated trading as Kununurra Visitor Centre

Cr G Lodge returned to the Chambers at 6:48pm.

16.3. REVIEW OF WAIVER OF AIRCRAFT LANDING FEES

DATE:	27 October 2020
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	GN.10.6, TT.05.1, TT.15.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to Section 6.12(1)(b) of the *Local Government Act 1995*, waive Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for a period of four months from 1 October 2020 to 31 January 2021 for the following aircraft operators:

- Kimberley Air Tours
- Shoal Air Pty Ltd
- Aviair Pty Ltd
- HeliSpirit

Council Decision

Minute Number: 27/10/2020 - 118333

That Council, pursuant to Section 6.12(1)(b) of the *Local Government Act 1995*, waive Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for a period of four months from 1 October 2020 to 31 January 2021 for the following aircraft operators:

- Kimberley Air Tours
- Shoal Air Pty Ltd
- Aviair Pty Ltd
- HeliSpirit

Moved: Cr D Pearce
Seconded: Cr T Chafer

Decision: 9/0

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

5.23. Meetings generally open to public

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- (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 request that Council consider the waiving of Aircraft Landing Fees at the East Kimberley Regional Airport and the Wyndham Airport for four local aircraft operators for a further period of four months from 1 October 2020 to 31 January 2021.

Cr D Menzel moved that Council move out of camera. The motion was seconded by Cr N Brook. Decision 9/0. The gallery were invited back to the Chambers. Presiding Member read the council decision for Agenda item 16.1, 16.2 and 16.3 aloud.

Council Decision

Minute Number: 27/10/2020 - 118334

Moved: Cr Menzel

Seconded: Cr Brook

That Council move out of camera at – 6:50 PM

Decision: 9/0

17. CLOSURE

The Shire President cleared the meeting closed at 6:54pm