



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES
ORDINARY COUNCIL
MEETING

24 November 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.**

C O N T E N T S

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3. DECLARATION OF INTEREST	4
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5. PUBLIC QUESTION TIME	5
6. APPLICATIONS FOR LEAVE OF ABSENCE	5
7. PETITIONS.....	5
8. CONFIRMATION OF MINUTES	6
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	8
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	8
12. REPORTS	9
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	9
12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 9 November 2020	9
12.2. CHIEF EXECUTIVE OFFICER.....	16
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions	16
12.2.2. 2021 Ordinary Council Meeting Dates.....	18
12.2.3. Elected Member Remuneration - Shire President and Deputy Shire President.....	26
12.3. PLANNING AND COMMUNITY DEVELOPMENT	34
12.3.1. Local Planning Policy Review	34
12.3.2. Quarterly Progress and Performance Report (Q1).....	39
12.3.3. Community Development Policies for Review	45
12.3.4. Kununurra PCYC - Offer to lease Kununurra Youth Hub.....	49
12.4. CORPORATE SERVICES	53
12.4.1. Interim Monthly Financial Report October 2020.....	53
12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund.....	56
12.5. INFRASTRUCTURE	59
12.5.1. Ewin Center Reserve Funds Transfer	59
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	63
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	63
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	63
16. MATTERS BEHIND CLOSED DOORS	64
16.1. REQUEST FOR TENDER T04-19/20 FOOTPATH PROGRAM 2019/20	65
16.2. RFQ04-20/21 PROVISION OF SURVEY SERVICES - THREE (3) YEAR TERM ..	67
16.3. REQUESTS TO WAIVE RATES AND CHARGES.....	69
16.4. MELBOURNE TO KUNUNURRA DIRECT FLIGHT TRIALS.....	71
17. CLOSURE	72

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
To be held on Tuesday 24 November 2020 AT 5:00 pm**

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 5:03 PM

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

Cr D Menzel	Shire President	
Cr T Chafer	Deputy Shire President	Video Call Conference
Cr N Brook	Councillor	
Cr M Dear	Councillor	
Cr J Farquhar	Councillor	
Cr G Lodge	Councillor	
Cr D Pearce	Councillor	
Cr A Petherick	Councillor	

Cr M McKittrick	Councillor	Apology
-----------------	------------	---------

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

Taylor Amonini	Reporter – Kimberley Echo
----------------	---------------------------

3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Staff	Item	Title	Description of interest
Cr D Menzel	12.2.3	Elected Member Remuneration – Shire	Matters concerning my Remuneration

		President and Deputy Shire President	
Cr T Chafer	12.2.3	Elected Member Remuneration – Shire President and Deputy Shire President	Matters concerning my Remuneration

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Cr M Dear	12.5.1	Ewin Centre Reserve Funds Transfer	My Partner Adrienne is the Chair of Ewin Centre

- Proximity Interest

Nil

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 27 October 2020

Council Decision:

Minute Number: 24/11/2020 – 118335

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 October 2020

Moved: Cr D Pearce

Seconded: Cr J Farquhar

Decision: 8/0

Note: The Minutes of the Ordinary Council Meeting held on 27 October 2020 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

28 October

- Alcohol Liquor Accord Meeting

30 October

- Shire President and CEO Vernon Lawrence attended the launch of the Ord Valley Muster Program at Celebrity Tree Park
-

4 November

- Meeting at the Shire with Indus Mining who are operating the Rigs Iron Ore project and part owner. Attended by Shire President, Cr T Chafer and CEO Vernon Lawrence
- Attended Indus Mining's Business After Hours

5 November

- Melbourne Direct Flight Trial discussion at the Shire

6 November

- Meeting with Alliance airline online meeting regarding the Melbourne to Kununurra flights proposal 2021

9 November

- Audit Concluding Meeting attended by myself, Cr T Chafer, Cr G Lodge, Cr M McKittrick, CEO Vernon Lawrence and Director Corporate Service, Felicity Headings.
- Concluding Meeting was followed by the Audit Finance and Risk Committee Meeting at 5 pm

10 November

- The last Council Briefing Session of this year held at Kununurra Council Chambers

13 November

- EKASSA (East Kimberley Aboriginal Short Stay Accommodation) facility Meeting attended in Broome with Department of Communities to discuss matters around suitable site and establishing consultation/working group to maximise outcome from the project
- Chaired an EKAACG (East Kimberley Air Access Coordination Group) meeting to discuss Runway and Melbourne Direct Flights
- Tim Bray, Kimberley Development commission, hosted the Shire President in Broome with a tour of the Aboriginal Short Stay Accommodation facility.

16 November

- Discussion Ord Irrigation Cooperative and Horizon Power in regards Tariff Discussion via online

18 November

- Attended a Tourism Bound Stakeholder Forum held at Perth Convention and Exhibition Centre. Mostly a networking opportunity and a brief catch up with Minister Papalia over coffee

19 November

- In Perth, Breakfast with Mike Rowe, Director General of Department of Water and Environmental Regulation around Water and Environmental matters concerning the Ord, particularly around waste water, golf club and agricultural development.
- In President absence, Deputy Shire President Cr T Chafer, Cr G Lodge, and CEO Vernon Lawrence met with Minister for Regional Development, Alannah MacTiernan for Tourism related discussions.

20 November

- In Perth, caught up with Paul Roasair and Jane Lewis from NAJA Business Consulting who do work for the Kimberley Zone, the Shire and NT Government around land development
- CEO, Vernon Lawrence, Cr T Chafer and Cr N Brook attended a breakfast at Kununurra Neighbourhood House, hosted by the Minister for Regional Development, Alannah MacTiernan

23 November

- Kimberley Zone Meeting
- Roads Workshop attended by all Councillors and Directors

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

Confidential Reports and Attachment(s) within Agenda item 16:

- 16.1 - Request for Tender T04-19/20 Footpath Program 2019/20
- 16.2 - RFQ04-20/21 Provision of Survey Services – Three (3) year term
- 16.3 - Requests to Waive Rates and Charges
- 16.4 - Melbourne to Kununurra Direct Flights Trials

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 9 November 2020

DATE:	24 November 2020
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	NIL

Cr D Menzel moved that Committee Recommendation 1 – 6 en-bloc. The motion was seconded by Cr T Chafer

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to item 7.1 ***“Proposed Meeting Dates For The Audit (Finance and Risk) Committee for 2021”*** as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accepts the report:

1. That the Audit (Finance and Risk) Committee Meetings for 2021 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 8 February 2021	5:00 pm	Council Chambers, Kununurra

Monday, 10 May 2021	5:00 pm	Council Chambers, Kununurra
Monday, 9 August 2021	5:00 pm	Council Chambers, Kununurra
Monday, 8 November 2021	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.

Council Decision:

Minute Number: 24/11/2020 – 118336

That Council, with reference to item 7.1 *“Proposed Meeting Dates For The Audit (Finance and Risk) Committee for 2021”* as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accepts the report:

1. That the Audit (Finance and Risk) Committee Meetings for 2021 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 8 February 2021	5:00 pm	Council Chambers, Kununurra
Monday, 10 May 2021	5:00 pm	Council Chambers, Kununurra
Monday, 9 August 2021	5:00 pm	Council Chambers, Kununurra
Monday, 8 November 2021	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Insurance Claims*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda/Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting.

Council Decision:

Minute Number: 24/11/2020 – 118337

That Council, with reference to Item 7.2 “*Standing Item - Insurance Claims*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda/Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Write-Offs and Waivers Approved Under Delegation*” as detailed in the 09 November 2020 (Finance and Risk) Committee Agenda/Minutes, accept the report of Write-Offs and Waivers approved under Council Delegation DA-11 for the period from 1 June 2020 to

31 October 2020 totalling \$1,902.58, the details of which are provided in the Confidential Attachment to the Agenda/Minutes of the 09 November 2020 (Finance and Risk) Committee Meeting.

Council Decision:

Minute Number: 24/11/2020 – 118338

That Council, with reference to Item 7.3 “*Write-Offs and Waivers Approved Under Delegation*” as detailed in the 09 November 2020 (Finance and Risk) Committee Agenda/Minutes, accept the report of Write-Offs and Waivers approved under Council Delegation DA-11 for the period from 1 June 2020 to 31 October 2020 totalling \$1,902.58, the details of which are provided in the Confidential Attachment to the Agenda/Minutes of the 09 November 2020 (Finance and Risk) Committee Meeting.

Moved: Cr D Menzel

Seconded: Cr T Chafer

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 09 November 2020 (Finance and Risk) Committee Meeting.

Council Decision:

Minute Number: 24/11/2020 – 118339

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease

Schedule attached to the Agenda/Minutes of the 09 November 2020 (Finance and Risk) Committee Meeting.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Standing Item - Sundry Debtors*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Council Decision:

Minute Number: 24/11/2020 – 118340

That Council, with reference to Item 7.5 “*Standing Item - Sundry Debtors*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

**Moved: Cr D Menzel
Seconded: Cr T Chafer**

Decision: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*Standing Item - Rates Debtors*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Council Decision:

Minute Number: 24/11/2020 – 118341

That Council, with reference to Item 7.6 “*Standing Item - Rates Debtors*” as detailed in the 09 November 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

Moved: Cr D Menzel

Seconded: Cr T Chafer

Decision: 8/0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 09 November 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 9 November 2020.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 09 November Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 09 November Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: 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 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.

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

RISK IMPLICATIONS

Various - detailed within the Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

COMMENTS

Various - detailed within the Minutes of the 09 November 2020 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	24 November 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: 24/11/2020 – 118342

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

Moved: Cr N Brook

Seconded: Cr M Dear

Decision: 8/0

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

{scp-risks}

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the October 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 - October 2020

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

12.2.2. 2021 Ordinary Council Meeting Dates

DATE:	24 November 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	N/A
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council adopts the proposed meeting dates/times and locations for 2021:

Month	Ordinary Council Meeting	Location of Meeting
January	RECESS	N/A
February	23 February	Wyndham
March	30 March	Kununurra
April	27 April	Kununurra
May	25 May	Wyndham
June	29 June	Kununurra

July	27 July	Kununurra
August	24 August	Wyndham
September	21 September	Kununurra
October	26 October	Kununurra
November	23 November	Wyndham
December	14 December	Kununurra

All meetings will commence at 5.00 pm.

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

3. That Council notes the review of and endorses the Council Policy CP/CNC-3140.

Cr D Menzel moved an amendment to change September 2021 OCM date from 21 to 28 due to WALGA State Council Meeting in Perth and AGM on the week of 21 September 2021. Motion was seconded by Cr G Lodge. Decision 8/0

Council Decision:

Minute Number:24/11/2020 - 118343

1. That Council adopts the proposed meeting dates/times and locations for 2021:

Month	Ordinary Council Meeting	Location of Meeting
January	RECESS	N/A
February	23 February	Wyndham
March	30 March	Kununurra
April	27 April	Kununurra
May	25 May	Wyndham
June	29 June	Kununurra
July	27 July	Kununurra
August	24 August	Wyndham
September	28 September	Kununurra
October	26 October	Kununurra
November	23 November	Wyndham

December	14 December	Kununurra
<p>All meetings will commence at 5.00 pm.</p> <p>2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.</p> <p>3. That Council notes the review of and endorses the Council Policy CP/CNC-3140.</p> <p>Moved: Cr J Farquhar Seconded: Cr N Brook</p> <p style="text-align: right;">Decision: 8/0</p>		

PURPOSE

For Council to consider the 2021 Ordinary Council Meeting dates, times and locations.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the October 2019 Ordinary Council Meeting, Council made the following resolution:

Council Decision

_Minute Number: 29/10/2019 - 118109

Moved: Cr N Brook

Seconded: Cr J Farquhar

1. That Council adopt the proposed meeting dates/times and locations for 2020;

Month	Ordinary Council Meeting	Location of Meeting
--------------	---------------------------------	----------------------------

January	RECESS	N/A
February	25 February	Wyndham
March	24 March	Kununurra
April	28 April	Kununurra
May	26 May	Wyndham
June	23 June	Kununurra
July	28 July	Kununurra
August	25 August	Wyndham
September	22 September	Kununurra
October	27 October	Kununurra
November	24 November	Wyndham
December	15 December	Kununurra

All meetings will commence at 5.00pm.

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

Carried: 9/0

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

5.3. Ordinary and special council meetings

- (1) A Council is to hold Ordinary Meetings and may hold special meetings*
- (2) Ordinary meetings are to be held not more than three months apart.*

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

In accordance with the *local government (Administration) Regulations 1996, Section 2*:

12 Meetings, public notice of

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) the ordinary council meetings are to be held in the next 12 months*

POLICY IMPLICATIONS

Council Policy CP/CNC-3140 Council Briefing Sessions

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs. This is provided for 2020/21 and to be considered in the 2021/2022 Annual Budget.

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

Nil

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and include: Local public notice of the Ordinary Council Meeting dates, times and locations will be given in accordance with the legislative requirements.

COMMENTS

The proposed schedule has taken into account the following events:

- Easter 2 April - 5 April 2021
- ANZAC Day Public Holiday - 26 April 2021
- Ord Valley Muster - 21-29 May 2021
- Local Government Week - usually first week of August (dates have not been confirmed)
- WA Public Holidays
- The Council Briefing Policy states briefings should be on the second Tuesday of the month.

As with prior years, it is proposed that Council to take a recess in January 2021 due to the Christmas period, when many businesses close down and individuals take holidays (including Shire Councillors and Staff), and this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season. The Shire Administration Office will close between 24 December 2020 and 11 January 2021. The recess in 2020 did not significantly impact business and would not pose a risk if repeated again in 2021. Any issues raised can be overcome through either a delegation or the convening of a Special Council meeting for that purpose should it be necessary.

Typically the December Council meeting occurs early in the month primarily due to the reasons outlined above, often after school holidays commence and when many businesses are considering closure and individuals are planning holidays - with many leaving the region during this period.

However when the December meeting is set too early in the month, and depending upon the date of the November meeting, there is a small gap between the two meetings, and the

consequential impact on the preparation of reports and agenda. For 2021 the November meeting is proposed for 23 November and the December meeting three weeks later on 14 December, which is later than 2020 and should provide sufficient time for a Council briefing early in December should it be necessary.

The proposed meeting dates/times and locations for the 2021 Audit (Finance & Risk) Committee will be considered by the Committee at their meeting on 9 November 2020 and will take into consideration the adopted Ordinary Council Meeting dates, times and locations for 2020. This will be reported to the November 2020 Ordinary Council Meeting.

Regular Briefing Sessions will continue and will generally occur two weeks prior to each Ordinary Council meeting.

ATTACHMENTS

Attachment 1 - CP/CNC-3140 Council Briefing Sessions - Track changes 2020

Due to Disclosure of Interest directly related to the Shire President and Deputy Shire President's Remuneration, Cr D Menzel left the room at 5:24pm and Cr T Chafer left the conference call at 5:24 pm

A motion was moved to nominate a presiding member for Agenda item 12.2.3. Cr J Farquhar nominated Cr D Pearce. The nomination was seconded by Cr G Lodge.

Decision 6/0.

12.2.3. Elected Member Remuneration - Shire President and Deputy Shire President

DATE:	24 November 2020
AUTHOR:	Councillor Debra Pearce
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	FM.05.20
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes that the Elected Members annual attendance fees and annual allowances were determined with reference to *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* adopted at the 24 March 2020 Ordinary Meeting of Council (Minute No. 24/03/2020 - 118188) and were incorporated into the 2020/21 Municipal Fund Budget (Minute Number: 23/06/2020 – 118259).**
- 2. That Council adopts the revised *Council Policy CP/CNC-3141 Elected Members Allowances and Entitlements* to provide for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:
 - a. The President's Annual Meeting Attendance Fee is amended to 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - b. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - c. The Deputy President's Annual Allowance is 25% of the President's****

Allowance.

3. Pursuant to section 5.99 of the *Local Government Act 1995*, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$21,804
 - b. Councillors \$13,938

4. Pursuant to section 5.98(5) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$44,347

5. Pursuant to section 5.98A(1) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$11,086

Council Decision:

Minute Number: 24/11/2020 - 118344

That Council:

1. Notes that the Elected Members annual attendance fees and annual allowances were determined with reference to *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* adopted at the 24 March 2020 Ordinary Meeting of Council (Minute No. 24/03/2020 - 118188) and were incorporated into the 2020/21 Municipal Fund Budget (Minute Number: 23/06/2020 – 118259).

2. That Council adopts the revised *Council Policy CP/CNC-3141 Elected Members Allowances and Entitlements* to provide for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:
 - a. The President's Annual Meeting Attendance Fee is amended to 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - b. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.
 - c. The Deputy President's Annual Allowance is 25% of the President's Allowance.

3. Pursuant to section 5.99 of the *Local Government Act 1995*, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - a. President \$21,804
 - b. Councillors \$13,938

4. Pursuant to section 5.98(5) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. President \$44,347

5. Pursuant to section 5.98A(1) of the *Local Government Act 1995*, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - a. Deputy President \$11,086

Moved: Cr D Pearce

Seconded: Cr J Farquhar

Decision: 6/0

Cr D Menzel was invited back into the Chambers and returned at 5:31pm. Cr T Chafer joined via conference call at 5:36 pm (a delay due to technical difficulties).

PURPOSE

The purpose of this report is to consider increasing the Shire Presidents Annual Meeting Attendance Fee and the Presidents Annual Allowance from 60% to 70% of the maximum Salaries and Allowances Tribunal (SAT) determination levels for the 2020/21 Financial Year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council Decision

Minute Number: 23/06/2020 - 118259

Moved: Cr N Brook

Seconded: Cr J Farquhar

1. **Notes that the Elected Members annual attendance fees and annual allowances have been determined with reference to the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 24 March 2020 Ordinary Meeting of Council (Minute No. 24/03/2020 - 118188) to be incorporated into the 2020/21 Municipal Fund Budget.**

2. **Notes the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements adopted at the 24 March 2020 Ordinary Meeting of Council (Minute No. 24/03/2020 - 118188) provide for the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:**
 - a. **The President's Annual Meeting Attendance Fee is 60% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**

 - b. **The Elected Members Annual Meeting Attendance Fee is 60% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**

 - c. **The President's Annual Allowance is 60% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**

 - d. **The Deputy President's Annual Allowance is 25% of the President's Allowance.**

 - e. **The Elected Members will receive an ICT Allowance of \$2,400 per annum.**

3. **Pursuant to section 5.99 of the Local Government Act 1995, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:**
 1. **President \$18,689.40**
 2. **Councillors \$13,938.00**

4. **Pursuant to section 5.98(5) of the Local Government Act 1995, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 1. **President \$38,012.40**

5. **Pursuant to section 5.98A(1) of the Local Government Act 1995, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 1. **Deputy President \$9,503.10**

Carried: 9/0

STATUTORY IMPLICATIONS

Division 8 — Local government payments and gifts to its members

5.98. Fees etc. for council members

(1A) *In this section —*

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

- 1) *A council member who attends a council or committee meeting is entitled to be paid —*
 - a) *the fee determined for attending a council or committee meeting; or*
 - b) *where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.*

- 2A) *A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*
 - a) *the fee determined for attending a meeting of that type; or*
 - b) *where the local government has set a fee within the range determined for meetings of that type, that fee.*

- 2) *A council member who incurs an expense of a kind prescribed as being an expense —*
 - a) *to be reimbursed by all local governments; or*
 - b) *which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).*

- 3) *A council member to whom subsection (2) applies is to be reimbursed for the expense —*
 - a) *where the extent of reimbursement for the expense has been determined, to that extent; Or*
 - b) *where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.*

- 4) *If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*

- 5) *The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —*
 - a) *the annual local government allowance determined for mayors or presidents; or*
 - b) *where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents,*

that allowance.

- 6) A local government cannot —
 - a) *make any payment to; or*
 - b) *reimburse an expense of, a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.*

- 7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
 - a) *council members only; or*
 - b) *council members and employees.*
 - c) *[Section 5.98 amended: No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]*

5.98A. Allowance for deputy mayor or deputy president

- 1) *A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

** Absolute majority required.*

- 2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

[Section 5.98A inserted: No. 64 of 1998 s. 37; amended: No. 2 of 2012 s. 15.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- a) *the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- b) *where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

**Absolute majority required.*

POLICY IMPLICATIONS

The only Council Policy that is impacted by this report is *CP/CNC-3141 – Elected Member Allowances and Entitlements.*

FINANCIAL IMPLICATIONS

The financial impact of this report will increase the overall expenditure by \$11,746. While this amount has not been budgeted for the Shire has had sufficient operational savings during the financial year thus far to absorb the additional fees.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

Strategy 4.1.2: Foster relationships and partnerships with key stakeholders to achieve community outcomes

Strategy 4.3.3: Build internal capacity by attracting, developing and retaining the best people

RISK IMPLICATIONS

Risk:

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

As part of the Annual Budget process, the Administration considers an Officer Recommendation with respect to Members attendance fees and allowances. At the March Ordinary Council Meeting the Council *Policy CP/CNC-3141 Elected Member Allowances and Entitlements* was considered by Council. In order to play its part in minimising the financial impact of the Covid-19 pandemic, the Members' attendance fees and allowances were reduced from 70% of the maximum set by the *Salaries and Administrative Tribunal* down to 60%. This was confirmed at the adoption of the Annual Budget at the June Ordinary Council Meeting. At the time nobody knew how the Shire President's and Deputy President's roles would be affected by the pandemic.

As Covid-19 progressed, the Shire saw the rapid shutdown of Western Australia and the Kimberley coming under restrictions governed by both State and Federal legislation. The extent of media work, requests for interviews, attending meetings and engaging with the

community increased exponentially. This came at a personal cost to the Shire President's own business operations at a time where the labour market for farm labour became extremely difficult. The Deputy Shire President has also made a significant personal contribution during this time, over and above what is normally expected of the role.

On a principle of equity and in recognition of the roles they have played during the Covid-19 pandemic, I am recommending that their allowances be increased from 60% to 70%.

ATTACHMENTS

Attachment 1 - Revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements Revised 2020 – Track Changes

Attachment 2 - Revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements Revised 2020

Attachment 3 - SAT Local Government CEO and Elected Members Determination 2019

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Local Planning Policy Review

DATE:	24 November 2020
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.01.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Authorises the Chief Executive Officer to advertise:

a. Proposed revocation of:

- **Local Planning Policy 1 (LPP 1) - Lakeside Residential Development Guidelines Policy; and**
- **Local Planning Policy 3 (LPP 3) - Weaber Plain LIA Design Guidelines; and**

b. Proposed amendment to Local Planning Policy 5 (LPP 5) - Sea Containers

in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Council Decision:

Minute Number: 24/11/2020 – 118345

That Council

1. Authorises the Chief Executive Officer to advertise:

a. Proposed revocation of:

- **Local Planning Policy 1 (LPP 1) - Lakeside Residential Development Guidelines Policy; and**
- **Local Planning Policy 3 (LPP 3) - Weaber Plain LIA Design Guidelines; and**

b. Proposed amendment to Local Planning Policy 5 (LPP 5) - Sea Containers

in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Moved: Cr J Farquhar
Seconded: Cr G Lodge**

Decision: 8/0

PURPOSE

For Council to consider the proposed revocation of Local Planning Policy 1 (LPP 1) - Lakeside Residential Development Guidelines Policy and Local Planning Policy 3 (LPP 3) - Weaber Plain LIA Design Guidelines; and the proposed amendment of Local Planning Policy 5 (LPP 5) - Sea Containers.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The majority of the Local Planning Policies were adopted by Council in 2009, with one in 2010, and an additional three in 2016.

The primary role of a Local Planning Policy (LPP) is to guide development and to provide additional information concerning the position a local government will likely take on particular planning matters. In making a determination under a Local Planning Scheme, the local government and Development Assessment Panels (DAP) should have 'due regard' for any Local Planning Policy.

Amongst other things, in developing, implementing and reviewing Local Planning Policies, local governments need to ensure policies are based on sound town planning principles, are clear and concise, not contradictory or unnecessarily repeat a Local Planning Scheme and assist in making decisions and have clear objectives.

Local Planning Policies are created under the *Planning and Development (Local Planning Schemes) Regulations 2015* and WALGA has recently created a template to assist and ensure uniformity across all local governments for Local Planning Policies. Therefore the Local Planning Policy layout differs from that of other Shire Policies.

Existing Shire Local Planning Policies will continue to be reviewed to ensure consistency with the WALGA recommendations and current planning and development priorities within the Shire.

Due to the length of time in operation and changes to development and approval requirements, it is likely that some policies will be recommended for revocation and any pertinent information may be included as a Planning Information Sheet to provide guidance to developers and homeowner/occupiers.

Local Planning Policy 1 (LPP 1), which is at Attachment 1, incorporates the Design Guidelines for development in the Lakeside Park Estate, in Kununurra. The policy is proposed to be revoked and replaced with an Information Sheet for residential development in the Shire, which incorporates the information from the Policy and also the Design Guidelines for the Coolibah Estate in Kununurra, see Attachment 3.

Officers have also reviewed Local Planning Policy 3 (LPP 3) at Attachment 2, which is applicable to development in Stage 1 of the Weaber Plain Road Light Industrial Area (LIA). The majority of land in Stage 1 is already developed and, therefore, it is proposed to revoke LLP 3 and replace it with a Planning Information Sheet, which will also include additional information from the Landcorp Weaber Plain Design Guidelines, see Attachment 4.

LPP 5 “Sea (Shipping) Containers” (Attachment 5), is recommended for minor content and formatting changes, a draft of which is at Attachment 6. The proposed formatting changes are a result of utilising the WALGA local planning policy template.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with the policy review, with the exception of any advertising costs associated with major amendments to policies. It is the intention that advertising of policies will be undertaken via the fortnightly SWEK News advertisements in the Kimberley Echo to reduce financial costs.

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

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 an agreed schedule and operational requirements.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the requirements of Schedule 2, Part 2, Clause 4 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A new or amended policy requires:

- A notice to be published of the proposed amendment in a newspaper circulating in the Scheme area, giving details of:
 - The subject and nature of the policy; and
 - The objectives of the policy; and
 - Where the policy may be inspected; and
 - To whom, in what form and during what period submissions in relation to the policy may be made.
- The local government may also give notice of the policy in any other way and carry out any other consultation the local government considers appropriate.

The period for making submissions in relation to a local planning policy must be for a period of no less than 21 days commencing from the day the notice is published.

Revocation of a policy requires:

- A notice of revocation, prepared by the local government and published in a newspaper circulating in the Scheme area.

COMMENTS

The proposed amendment and revocation will be in line with the applicable legislative requirements and subject to appropriate notice, and the content and format of the updated local planning policy will be modified to be clearer and to conform to more up-to-date standards as provided by WALGA. The changes to LPP5, relating to sea containers, nonetheless, are minor.

The Information Sheets attached will replace the Local Planning Policies as they are no longer required as a policy instrument. Stage 1 of the Weaber Plain Road Light Industrial area is also almost completely developed, so the policy has little effect. These Information Sheets may be updated and improved and do not require Council endorsement.

Any submissions received in relation to draft LPP 5 will be reviewed, and any resulting additional changes identified, prior to the amended policy and presenting it to Council for adoption.

ATTACHMENTS

- Attachment 1 - LPP 1 - Lakeside Residential Development Guidelines Policy
- Attachment 2 - LPP 3 - Weaber Plain Light Industrial Area Design Guidelines
- Attachment 3 - Draft Information Sheet - Residential Development
- Attachment 4 - Draft Information Sheet - Industrial Development
- Attachment 5 - LPP5 - Adopted Policy Sea (Shipping) Containers
- Attachment 6 - Draft LPP 5 - Sea Containers

12.3.2. Quarterly Progress and Performance Report (Q1)

DATE:	24 November 2020
AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CM.10.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Quarterly Progress and Performance Report for July to September 2020 (Q1)

Council Decision:

Minute Number: 24/11/2020 – 118346

That Council receives the Quarterly Progress and Performance Report for July to September 2020 (Q1)

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 8/0

PURPOSE

For the Council to receive the July to September 2020 Quarterly Progress and Performance Report against the Corporate Business Plan.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

The current CBP was adopted by Council at the 28 July 2020 Ordinary Council Meeting (**Minute No: 118281**).

The Shire produces Quarterly Progress and Performance Reports to provide an update of progress made in the applicable quarter towards the services and projects in the Corporate Business Plan and the achievement of the strategic goals set out in the Strategic Community Plan. Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

The report gives details of how the Shire is progressing as an organisation against the services that the Shire has committed to deliver to the community and tracks the utilisation of these services by the community. It also provides an update on projects that are being undertaken to enhance services.

The quarterly report reflects the progress of individual actions of the CBP which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving those specific directions that the Council has prioritised.

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

Quarterly progress reports are used to assist with the annual review of the CBP, to prioritise projects and services capturing Council's decision making, planning and evaluation.

A copy of the Quarterly Progress and Performance Report (Q1) is provided at Attachment 1.

STATUTORY IMPLICATIONS

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

This Act is intended to result in:

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

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

POLICY IMPLICATIONS

The Quarterly Progress and Performance Report supports the following policy objectives:

CP/COM-3100 - Community Engagement Policy

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

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

FINANCIAL IMPLICATIONS

The attached quarterly (Q1) report includes a financial summary.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.1: Engage and communicate with all sections of the community to better understand needs and priorities

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

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

Strategy 4.3.1: Be adaptive, responsive with a strong customer focus

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

Corporate Business Plan

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

CBP Task: Provide quarterly CBP progress reports

RISK IMPLICATIONS

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

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

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

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

COMMUNITY ENGAGEMENT

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

- Quarterly Progress Reports made available on the Shire's website.
- Ongoing Council reports.
- Elected Members' Information Bulletin updates.
- Newsletters.
- Website updates.
- Media releases.

COMMENTS

The Quarterly Progress and Performance Report is generated from the Shire's integrated planning and reporting process. However, it differs from the previous versions by now separating performance areas by their (operational) functions. The purpose of this is to better track performance against the completion of actions relevant to each nominated service area and to enable operational managers to document key achievements and issues within the reporting period. This new format is a guide to future refinements to the Shire's Corporate Business Plan (CBP), particularly with respect to the first-year priorities and actions and is proposed to be further refined to better monitor performance against core service delivery. It is considered that these refinements to the reporting will also be a useful resource for the Chief Executive Officer in reviewing operational performance and organisational structure and complements agreed KPI's and for Councillors to more accurately see how the organisation, as a whole, is performing.

The Shire has developed and implemented an Integrated Planning and Reporting Online Portal (IPR Portal) to simplify and improve the accessibility of the process for Officers. The IPR Portal has improved the analysis and application of performance information to support accountability, inform policy development and implement and create greater value for the

community. The IPR Portal enables a clear line of sight between planning, measuring and monitoring of performance and public reporting quarterly and annually. Through measuring and monitoring results, the Shire can gain a better understanding of the internal and external drivers impacting the delivery of services and projects and support initiatives to improve the performance of the organisation.

A summary of progress on actions by quarter is provided in the tables below. They show that Officers have indicated over 88% of actions were started during the first quarter (and in progress), which is expected at the beginning of the financial year and also is reflective of a high number of actions on time and on budget, which may change as the year progresses and subject to influences beyond the organisation's control i.e. COVID-19 (Coronavirus) pandemic.

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on time (as reported)	97%			
Percentage on budget (as reported)	98%			
Complete	3%			
Not started	9%			
In progress	88%			
On hold	0%			
Deferred	0%			

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

Strategic Community Plan 2017-2027 Focus Areas	Actions completed	Actions in progress	Actions not started, on hold or deferred
1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	0	9	0
2 Enhancing the environment (Place) <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i>	0	24	0
3 Economic prosperity (prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	1	13	1

4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	1	6	4
---	---	---	---

Overall, the organisation performed well over the reporting period with a positive financial result and maintained good operating performance with respect to meeting customer needs emerging from the main (initial) impacts of the COVID-19 State of Emergency. This period also saw a number of innovations in the information technology area (to improve internal processes) and the implementation of a number of measures to assist residents, ratepayers and community and business organisations, such as the Financial Hardship Policy and some fee waivers and with respect to the implementation of the newly initiated Community Support Grant. The organisation was also successful in securing a major funding commitment from the State Government for a water playground in Kununurra (\$3.2M) and continues to talk to community members and to prepare plans and proposals to revitalise the main towns.

It is recommended that the report at Attachment 1 be received by Council.

ATTACHMENTS

Attachment 1 - Quarterly Progress and Performance Report - July to September 2020 (21Q1)

12.3.3. Community Development Policies for Review

DATE:	24 November 2020
AUTHOR:	Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the following amended policies:

- CP/COM - 3580 Community Development Policy;
- CP/COM - 3583 Baby Tree Program Policy; and
- CP/COM - 3856 Future Leaders Award Policy

Council Decision:

Minute Number: 24/11/2020 – 118347

That Council adopts the following amended policies:

- CP/COM - 3580 Community Development Policy;
- CP/COM - 3583 Baby Tree Program Policy; and
- CP/COM - 3856 Future Leaders Award Policy

Moved: Cr M Dear

Seconded: Cr N Brook

Decision: 8/0

PURPOSE

For Council to consider adopting four reviewed Planning and Community Development Policies with minor amendments.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The following are relevant (previous) decisions with regard to policies prepared and updated by the Planning and Community Development directorate:

COUNCIL DECISION

Community Development Policy - CP/COM 3581

Minute No: 11371 (May 2016)

Moved: Cr B Roberson

Seconded: Cr S Cooke

That Council:

- 1. Adopts the reviewed CP/COM 3580 Community Development Policy as detailed in***
- 2. Revokes Council Policy CP/COM 3581 Council Community Facilities Policy.***

Attachment 1.

Carried 8/0

COUNCIL DECISION

Baby Tree Policy - CP/COM 3583

Minute No: -11730 (July 2017)

Commissioner resolved:

That Council adopts the amended CP/3583 Baby Tree Policy as detailed in Attachment 1.

Carried 1/0

COUNCIL DECISION

Future Leaders Award

Minute No: 115956 (March 2019)

Moved: Cr J Farquhar

Seconded: Cr D Pearce

That Council adopt the draft reviewed CP/COM 3856 Future Leaders Award

Carried 9/0

STATUTORY IMPLICATIONS

The following legislation are relevant to the policies being reviewed:

Local Government Act 1995 - Sections 3.1 & 3.18

Local Government (Administration) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

POLICY IMPLICATIONS

Council Policy CP/GOV-3112 Policy Management Policy requires that policies be reviewed a minimum of 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.

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 1.3.4: Support the development of a broader range of educational opportunities, including alternative education pathways for youth

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.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following policies have been reviewed in accordance with the policy review schedule and have no amendments:

- CP/COM - 3856 - Future Leaders Award

The following Policies require minor amendments:

- CP/COM - 3583 Baby Tree Program
 - Minor changes to reflect current Shire Officer roles. Current Policy states - *Babies born outside the Shire boundaries for medical reasons may be included at the discretion of the Director Community Development.*
 - To be changed to - *Manager of Community Development.*
- CP/COM - 3580 - Community Development Policy
 - Minor change to reflect recent changes to the Community Grant Program, PolicyCP/COM-3582. The changes are to align with the recent change of name from Community Grant Scheme to Community Grant Program.

ATTACHMENTS

Attachment 1 - CP/COM - 3583 Baby Tree Program

Attachment 2 - CP/COM - 3580 - Community Development Policy

Attachment 3 - CP/COM - 3856 - Future Leaders Award

12.3.4. Kununurra PCYC - Offer to lease Kununurra Youth Hub

DATE:	24 November 2020
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A306
FILE NO:	CP.07.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves entering into a Memorandum of Understanding with PCYC and the Shire, committing to a 10 year community lease, with 10 year further option, of the Kununurra Youth Hub (Part Lot 510 Ron Hodnett Drive, Kununurra), from 31 October 2021, subject to Ministerial approval and conditional on the parties agreeing on the terms of the redevelopment of the community facility, and**
- 2. Approves that agreement of the terms of redevelopment between the parties is reflected in a deed of agreement to be referred back to Council for approval.**

Council Decision:

Minute Number: 24/11/2020 – 118348

That Council:

- 1. Approves entering into a Memorandum of Understanding with PCYC and the Shire, committing to a 10 year community lease, with 10 year further option, of the Kununurra Youth Hub (Part Lot 510 Ron Hodnett Drive, Kununurra), from 31 October 2021, subject to Ministerial approval and conditional on the parties agreeing on the terms of the redevelopment of the community facility, and**
- 2. Approves that agreement of the terms of redevelopment between the**

parties is reflected in a deed of agreement to be referred back to Council for approval.

Moved: Cr G Lodge

Seconded: Cr A Petherick

Decision: 8/0

PURPOSE

To consider a request to lease and redevelop the Kununurra Youth Hub.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Police and Community Youth Centres (PCYC) have written to the Shire offering to lease the Kununurra Youth Hub in line with the following terms:

- PCYC to commence a community lease at the Youth Hub no later than 31 October 2021.
- PCYC is provided with a 10+10 year community lease at \$500 per year for the premises.
- PCYC to contribute up to \$450,000 to a facility refurbishment plan (Stage 1) to the existing building of the Youth Hub, which the Shire has a reserve fund of \$58,000 dedicated to this plan.
- PCYC and the Shire to commit to a joint funding submission for the additional development (Stage 2) to the Youth Hub, contingent on satisfactory lease terms being agreed to.

A copy of the offer from PCYC is provided at Attachment 1.

Council has previously considered matters related to the establishment of a PCYC in Kununurra, and at their August 2019 Ordinary Meeting (**Minute No 118080**) offered PCYC a 5 year (3 plus 2) lease of part of the former Shire administrative Offices in Coolibah Drive. PCYC later declined this offer, and the Shire has since that time accommodated their manager in the Kununurra Leisure Centre and made all of those facilities available to them to conduct their activities. Current proposals to construct a water playground in Kununurra, in any case, require the demolition of the Shire's former administrative buildings and now negates the option to lease this to PCYC.

PCYC has previously provided the Shire with a proposal to redevelop the Kununurra Youth Hub, which would be constructed in two stages:

Stage 1 - refurbishment of the existing administrative component to accommodate PCYC staff and WA Police Youth Policing Officers as well as some co-tenants and to repurpose the existing activity area and kitchen to deliver diversionary programs.

Stage 2 - Proposed construction of multi-purpose (indoor) playing courts and an automotive workshop.

A copy of the PCYC redevelopment proposal has previously been provided to Councillors.

A notice was issued to terminate the lease of the Kununurra Youth Hub to Save the Children on 27 October 2020 and the lease will now terminate on 29 October 2021.

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 and is required to be undertaken in accordance with this section of the LGA.

However, there are exemptions from the requirements outlined in *regulation 30 of the Local Government (Functions & General) Regulations 1996*, which states that a disposition of land is an exempt disposition if –

- (i) the land is disposed of to a body, whether incorporated or not -
- (ii) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (iii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."

A (new) lease to PCYC would be considered an exempt disposition and the Shire could directly enter into a lease negotiation and the applicable Management Order for the Reserve allows the Shire to grant a lease up to 21 years. Ministerial approval is, nevertheless, still required.

POLICY IMPLICATIONS

CP PMG-3780 Leasing of Council Managed Reserve Land - Community applies. Relevant provisions include:

- Ability to approve a lease for the term requested.
- Rental at \$500 per annum.
- Matters related to meeting all relevant costs, as well as insurance and building maintenance, which may be included in an agreement and/or schedule to the lease.

FINANCIAL IMPLICATIONS

There are financial implications as they relate to the Shire contributing to the redevelopment of the facility. Those costs are unknown at this stage and would need to be agreed to by both parties.

The Youth Hub Reserve, referred to in the letter from PCYC, is to *'hold lease payments from the Kununurra Youth Hub to provide for the maintenance, renewal and upgrade of the building in accordance with the lease conditions.'* The current balance of this reserve is \$32,710 after a transfer of \$32,708 was made to the Covid-19 Reserve.

STRATEGIC IMPLICATIONS

Action #347 of the Corporate Business Plan refers to the development of a 'Youth and Resilience Hub' to support East Kimberley based youth programs, which reflects an intention to redevelop the facility for the purposes proposed by PCYC.

RISK IMPLICATIONS

Risk: Failure to meet statutory requirements or to account for potential legal parameters relevant to lease obligations or that are relevant to the redevelopment of land and management of Shire facilities.

Control: Ensure that suitable legal mechanisms are put in place to protect the Shire's interests with respect to lease and (future) development proposals.

COMMUNITY ENGAGEMENT

Nil

COMMENTS

Council is able to authorise the lease term as requested by PCYC in line with applicable statutory provisions, subject to Ministerial approval and in line with Council policy and the start of the lease aligns with the termination of the existing lease of the facility to Save the Children.

As there are details to be agreed between the parties with regard to the redevelopment of the facility, and any ongoing costs, it is recommended that this is done so within the context of a Memorandum of Understanding and eventual deed of agreement for the purpose of confirming the Shire's contribution to the staged redevelopment of the facility and with regard to undertakings for the preparation of (future) joint funding submissions and any other related matters. This will then be referred to Council for approval.

ATTACHMENTS

Attachment 1 - PCYC letter of offer to lease the Kununurra Youth Hub

12.4. CORPORATE SERVICES

12.4.1. Interim Monthly Financial Report October 2020

DATE:	24 November 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 31 October 2020

Council Decision:

Minute Number: 24/11/2020 – 118349

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

Moved: Cr J Farquhar

Seconded: Cr N Brook

Decision: 8/0

PURPOSE

For Council to receive the Interim Monthly Financial Report for the period ended 31 October 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 Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

The Covid-19 pandemic has had an impact on the financial position of the Shire as at 30 June 2020. Revenue and debt collections have reduced significantly 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 Budget section of the Interim Monthly Financial Report for October 2020 does not include final carry forward figures and end of year adjustments for the year ended 30 June 2020, whereas the actual figures include carry forward figures and year-end adjustments for the financial year 2019/20. 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 - October 2020

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

DATE:	24 November 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 receive the list of accounts paid from the Municipal and Trust funds for October 2020, being:

Municipal EFT 139018 - 139178 (07/10/2020-30/10/2020)	\$ 1,073,600.21
Trust EFT 502081 - 502095 (02/10/2020 - 30/10/2020)	\$ 15,306.50
Payroll (07/10/2020 - 21/10/2020)	\$ 462,455.07
Direct Bank Debits (01/10/2020-30/10/2020)	\$ 96,064.24
Total	\$ 1,647,426.02

Council Decision:

Minute Number: 24/11/2020 – 118350

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

Municipal EFT 139018 - 139178 (07/10/2020-30/10/2020)	\$ 1,073,600.21
Trust EFT 502081 - 502095 (02/10/2020 - 30/10/2020)	\$ 15,306.50
Payroll (07/10/2020 - 21/10/2020)	\$ 462,455.07
Direct Bank Debits (01/10/2020-30/10/2020)	\$ 96,064.24
Total	\$ 1,647,426.02
Moved: Cr N Brook	
Seconded: Cr M Dear	
	Decision: 8/0

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 October 2020, 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 Delegation of some power and duties to CEO

Local Government (Financial Management) Regulations 1996 -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

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; the amount of the payment; the date of the 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 after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid October 2020

12.5. INFRASTRUCTURE

12.5.1. Ewin Center Reserve Funds Transfer

DATE:	24 November 2020
AUTHOR:	Manager Assets and Operations
RESPONSIBLE OFFICER:	Director Infrastructure
FILE NO:	CP.16.48
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

For Council to approve the transfer of \$25,000 from the Child Care Reserve to fund additional maintenance Works at the Ewin Early Learning Centre.

Council Decision:

Minute Number: 24/11/2020 – 118351

For Council to approve the transfer of \$25,000 from the Child Care Reserve to fund additional maintenance Works at the Ewin Early Learning Centre.

Moved: Cr D Pearce

Seconded: Cr J Farquhar

Decision: 8/0

PURPOSE

To inform Council of the work requested by the Ewin Early Learning Centre, which includes lighting upgrades and maintenance to leaking windows.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council has been presented this matter at Briefing Session 10 November 2020

STATUTORY IMPLICATIONS

Local Government Act 1995, Part 5, Division 6, s.5.56

5.56. 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

CP/OPS - 3659 Asset Management Policy

FINANCIAL IMPLICATIONS

The quotes that officers obtained for the required works total \$21,564 excluding GST, these quotes were presented to Councillors at the November Briefing . Officers have subsequently considered that there may well be supplementary work needed and a contingency of 15% is required to allow for this. The total works would then be estimated to cost \$24,798. Officers are therefore requesting a transfer of \$25,000 from the Child Care Reserve to undertake the works being \$5,400 for the window repair and \$19,600 for LED lights. The Child Care Reserve contains \$188,737 as at the date of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

Corporate Business Plan

CBP Action: #172 Review and maintain asset management plan.

RISK IMPLICATIONS

Risk: Failure to adequately maintain building asset

Control: Develop building asset management plans

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In undertaking annual maintenance of building assets, the maintenance works conducted and to be conducted will exceed the allocated annual maintenance budget of \$5,250 for the 2020/2021 period for this particular asset. As these works are funded by the Child Care Reserve, they do not affect Municipal funds. Additional funding required for maintaining this asset is generally requested from the Child Care Reserve at the Mid Year Budget Review or at a time when the funding is required if urgent.

With respect to the repair/replacement of a leaking window, this is an essential capital renewal work that has to be undertaken. Allowing the current situation to continue could lead to further water damage to the building, especially with the wet season approaching. It is, therefore, appropriate to request Council to allow an appropriation from the Child Care Reserve to fund these costs.

The Ewin Early Learning Centre has made several requests in the past for the replacement of light fixtures throughout the building to lower power costs. While these are not essentially maintenance costs, Shire Officers consider that delaying or not permitting the works serve no tangible purpose. The Child Care Reserve is there for the maintenance and upgrade of the facility. These works will certainly upgrade the facility as the replacement of the lights with LED fittings will require less maintenance over time as well as providing lower power costs to the Centre, contributing towards improved financial sustainability.

ATTACHMENTS

NIL

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

The Presiding Member moved that Council go behind closed doors for the Confidential reports and attachments within Agenda item 16 at 5:51 pm. The Gallery was asked to leave the room.

Council Decision

Minute Number: 118352

Moved: Cr D Menzel

Seconded: Cr G Lodge

That Council move in-camera at 5:51 PM

Decision: 8/0

16.1. REQUEST FOR TENDER T04-19/20 FOOTPATH PROGRAM 2019/20

DATE:	24 November 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTERESTS:	Nil.

Council Decision:

Minute Number: 24/11/2020 – 118353

That Council:

- 1. Accepts the tender submitted by:**
 - a. MGC Building and Maintenance Pty Ltd (ABN: 92 166 544 716) of 6 Kentia Way, Kununurra, for Tender T04-19/20, Project One: Kununurra Foreshore Path in accordance with the tender documentation and for the fixed lump sum price of \$425,000 excluding GST; and**
 - b. DE Carpenters Pty Ltd (ABN: 20 101 059 483) of Lot 255 Jabiru Road, Kununurra, for Tender T04-19/20, Project Two: Kununurra Shared Loop Path in accordance with the tender documentation and for the fixed lump sum price of \$777,371.00 excluding GST.**
- 2. Delegates the formation of the Contracts to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to contract;**
- 3. Not accept a tender for Project Three: Footpath Renewals – Various;**
- 4. Approves the waiver of the Kununurra Landfill Fees for the disposal of clean fill associated with Project One and Two;**
- 5. Approves the transfer of \$25,000 from the COVID-19 Reserve to the Kununurra Foreshore Path Project GL: 1041106140; and**
- 6. Approves the transfer of \$100,000 from the COVID-19 Reserve to the Kununurra Shared Loop Path Project GL: 1041202330.**

**Moved: Cr D Pearce
Seconded: Cr G Lodge**

Decision: 8/0

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

5.23 (2) (c)

5.23. Meetings generally open to public

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

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendation for tender award for *Request for Tender T04-19/20 Footpath Program 2019/20*

16.2. RFQ04-20/21 PROVISION OF SURVEY SERVICES - THREE (3) YEAR TERM

DATE:	24 November 2020
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil.

Council Decision:

Minute Number: 24/11/2020 – 118354

That Council:

- 1. Accepts the quotation from McMullen Nolan Group Pty Ltd (ABN: 90 009 363 311) of Level 1, 2 Sabre Crescent, Jandakot WA, for WALGA PSA C037_16 Request for Quotation RFQ04-20/21, in accordance with the quotation documentation, the submitted schedule of rates and for a period of three (3) years; and**
- 2. Delegates the formation of the contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to contract.**

Moved: Cr J Farquhar

Seconded: Cr M Dear

Decision: 8/0

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

5.23 (2) (c)

5.23. Meetings generally open to public

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

- a matter affecting an employee or employees; and*
- the personal affairs of any person; and*
- 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*
- 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*
- a matter that if disclosed, would reveal —*

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendation for quotation award for *Request for Quotation RFQ04-20/21 Provision of Survey Services - Three (3) Year Term*

16.3. REQUESTS TO WAIVE RATES AND CHARGES

DATE:	24 November 2020
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.07.6, FM.11.56
DISCLOSURE OF INTERESTS:	Nil

Council Decision:

Minute Number: 24/11/2020 – 118355

That Council, pursuant to Section 6.47 of the *Local Government Act 1995*:

- 1. Does not approve the request to waive waste receptacle charges for rates assessment A7621 valued at \$5,150.00.**
- 2. Waives penalty interest for the following rates assessments totalling \$122.10:**
 - **A5774 - \$3.22**
 - **A6880 - \$25.00**
 - **A8159 - \$12.46**
 - **A7033 - \$61.04**
 - **A1661 - \$20.38**

**Moved: Cr J Farquhar
Seconded: Cr G Lodge
Against: Cr D Pearce**

Decision: 3/5

Council D Pearce moved against the Officer's Recommendation. The reason provided to go against the Officer's recommendation was due to Council considering that it didn't support item 1 – "Does not approve the request to waiver waste receptacle charges for rates assessment A7621 valued at \$5,150.00". As no amended or foreshadowed motion was proposed the motion was lost.

Stuart Dyson left the room at 6:11 pm and returned at 6:12 pm

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

5.23. Meetings generally open to public

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

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

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

VOTING REQUIREMENT

Absolute Majority

PURPOSE

For Council to consider requests to waive waste receptacle charges and penalty interest.

16.4. MELBOURNE TO KUNUNURRA DIRECT FLIGHT TRIALS

DATE:	24 November 2020
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	TT.15.3
DISCLOSURE OF INTERESTS:	NIL

Council Decision:

Minute Number: 24/11/2020 – 118356

That Council:

- 1. Notes and endorses the progress made on the direct flight trial between Melbourne and Kununurra; and**
- 2. Delegates authority to the Chief Executive Officer and the Shire President to negotiate the finalisation of the agreement(s) and contracts as required and in accordance with the details and terms provided in the report and confidential attachments; and**
- 3. Reports back to Council with final commercial agreement(s) for authorisation prior to sign off; and**
- 4. Notes that the Shire has allocated an amount of \$200,000 in the Annual Budget 2020/2021 for the support of the Melbourne Direct Flight Trial;**
- 5. Endorses that any shortfall arising from the conduct of the Melbourne Direct Flight Trial will be funded by an allocation from the Airport Reserve;**

Moved: Cr G Lodge

Seconded: Cr D Pearce

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.*

VOTING REQUIREMENT

Simple Majority

The Shire President moved that Council move out of Camera at 6:16 pm. Motion was seconded by Cr D Pearce.

Council Decision

Minute Number: 118357

Moved: Cr D Menzel

Seconded: Cr D Pearce

That Council move out of Camera at 6:16 PM

Decision: 8/0

The Gallery was invited back into the Chambers and the Council Decision was read aloud.

17. CLOSURE

The Shire President declared the meeting closed at 6:23 PM