



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA
ORDINARY COUNCIL
MEETING

23 NOVEMBER 2021

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



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 23 NOVEMBER 2021 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 October 2021.

Note: The Minutes of the Ordinary Council Meeting held on 26 October 2021 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 8 November 2021

DATE:	23 November 2021
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of 8 November 2021 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of 8 November 2021 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 "*Standing Item - Rates Debtors*" as detailed in the 8 November 2021 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.

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 "*Standing Item - Sundry Debtors*" as detailed in the 8 November 2021 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.

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting.

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 8 November 2021 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 8 November 2021 Audit (Finance and Risk) Committee Meeting.

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, adopt the revised Audit (Finance and Risk) Committee Terms of Reference as attached to the Agenda/Minutes of the 8 November 2021 Audit (Finance and Risk) Committee Meeting.

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:

1. That the Audit (Finance and Risk) Committee meetings for 2022 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 7 March 2022	5:00 pm	Council Chambers, Kununurra

Monday, 13 June 2022	5:00 pm	Council Chambers, Kununurra
Monday, 12 September 2022	5:00 pm	Council Chambers, Kununurra
Monday, 5 December 2022	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*.

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 8 November 2021.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

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

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

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 8 November 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	23 November 2021
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

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

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

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the October 2021 Council resolutions is detailed in Attachment 1.

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

ATTACHMENTS

Attachment 1 - Council Action Register - October 2021

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	23 November 2021
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 October 2021 to 17 November 2021.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 20 October 2021 to 17 November 2021.

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was one document for the time period 20 October 2021 to 17 November 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
26/10/2021	Amendment 1 to Local Planning Scheme No. 9 (LPS 9) to be sent to the Minister for Planning for approval.

ATTACHMENTS

Nil

12.2.3. Extraordinary Election

DATE:	23 November 2021
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Endorses 12 March 2022 for an extraordinary election to fill the vacancy of Councillor following the resignation of Cr Alma Petherick;**
- 2. Notes that the Electoral Commission has agreed in terms of section 4.9(2) of the Local Government Act 1995, to hold the extraordinary election on 12 March 2022, more than 4 months after the vacancy occurred;**
- 3. Declares that, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the extraordinary election together with any other elections which may be required;**
- 4. Endorses that, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the extraordinary election will be as a postal election, and**
- 5. Refers the funding of the costs associated with the extraordinary election to the Shire's Mid-year Budget Review.**

PURPOSE

The purpose of this report is for Council to endorse the date of 12 March 2022 as the date for the extraordinary election, for the Electoral Commissioner to be responsible for the extraordinary election and for the election to be a postal election.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On 17 October 2021, the Chief Executive Officer, received an email from Cr Alma Petherick tendering her resignation from Council. This was confirmed in writing from her on 18 October 2021 and was accepted. This has created an extraordinary vacancy of Council. There are two options available to Council - to remain at 8 elected members or to hold an extraordinary election.

STATUTORY IMPLICATIONS

The Local Government Act, 1995 has provisions that are relevant to this report and in particular Division 2 and Division 4. Division 2 recognises the situation where there may be a resignation creating an extraordinary vacancy of a Councillor and any offices that the resigning Councillor has been elected to. Division 4 deals with the process of what to do in the event that the office of a councillor becomes vacant for holding of an Extraordinary Election or leaving the office vacant, whichever the case may be.

Division 2

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies; or*
- (b) resigns from the office; or*
- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
- (db) is dismissed under section 8.15L or 8.25(2); or*
- (e) becomes the holder of any office or position in the employment of the local government; or*
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

[Section 2.32 amended: No. 55 of 2004 s. 686; No. 24 of 2005 s. 58; No. 1 of 2007 s. 5; No. 31 of 2018 s. 6.]

2.34. How extraordinary vacancies occur in offices elected by council

(1) The office of a member of a council as a councillor mayor or president, deputy mayor or deputy president becomes vacant if the member —

- (a) ceases to be a councillor under section 2.32; or*
- (b) resigns from the office; or*

(c) does not make the declaration required by section 2.29(2) within 2 months after being elected to the office; or

(d) being the deputy mayor or deputy president, is elected by the council as mayor or president of the council.

(2) A person who holds an office referred to in subsection (1) immediately before an ordinary elections day continues to hold that office after that day (whether or not he or she ceases to be a councillor on that day) until his or her term of office ends under item 11 or 12 of the Table to section 2.28.

[Section 2.34 amended: No. 2 of 2012 s. 9.]

Division 4

4.8. Extraordinary elections

(1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.

(2) An election is also to be held under this section if section 4.57 or 4.58 so requires.

(3) An election under this section is called an extraordinary election.

[Section 4.8 amended: No. 2 of 2012 s. 10.]

4.9. Election day for extraordinary election

(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —

(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

(b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

4.17. Cases in which vacant offices can remain unfilled

(1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

(2) *If a member's office becomes vacant under section 2.32 —*

(a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*

(b) *before the third Saturday in July in that election year,*

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) *Subsection (3) applies —*

(a) *if —*

(i) *the office is for a district that has no wards; and*

(ii) *at least 80% of the number of offices of member of the council in the district are still filled;*

or

(b) *if —*

(i) *the office is for a ward for which there are 5 or more offices of councillor; and*

(ii) *at least 80% of the number of offices of councillor for the ward are still filled.*

(4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

[Section 4.17 amended: No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]

POLICY IMPLICATIONS

There are no specific policies of Council that will need to be addressed from a content point of view. There are some policies that will have some application depending on the direction Council prefers to pursue.

- CP/GOV-3106 - Council Elections – Caretaker Period
- CP/CNC- 3145 - Code of Conduct for Council Members, Committee Members and Candidates for local government elections
- CP/CNC-3141 - Elected Member Allowances & Entitlements
- CP/CNC-3144 - Elected Member Continuing Professional Development

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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

Strategy 4.1.1: Advocate and lobby effectively on behalf of the community

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

RISK IMPLICATIONS

Risk: Failure to provide effective advocacy for the Shire and the Region to develop projects, support industry and provide opportunities for all.

Control: Ensuring that a full complement of Councillors are present, engaged and well informed of community priorities and needs.

FINANCIAL IMPLICATIONS

The cost of an extraordinary election will be approximately between \$20,000 and \$30,000. There are some potential savings to be made should Council decide to not to have an extraordinary election and run with only 8 elected members. This will amount to approximately \$37,000 between now and the next scheduled election in October 2023.

COMMUNITY ENGAGEMENT

No community engagement process is required for this decision of Council.

COMMENTS

There are two options that are available to Council:

1. The Local Government Act, 1995 requires that an election is to be held if the office of a Councillor becomes vacant under section 2.32. It further requires that within one month a date needs to be set for the extraordinary election by the Shire President or by resolution of Council. If this date has not been set within the month then the CEO is to notify the Electoral Commissioner and then the Electoral Commissioner will set the date and notify the CEO (section 4.9 of the Local Government Act, 1995); or
2. Council can resolve not to have an extraordinary election and let the vacancy remain unfilled with the permission of the Electoral Commissioner.

Councillors will be aware of a number of pros and cons to each of these positions. There will also be a number of views out in the community as to what the preferred course of action should be. There is however, one overriding factor that the administration regards as critical making Option 1 the preferred option. If Council only has 8 elected members and a vote is tied 4 each then the Local Government Act 1995 provides that the Shire President (or the person presiding) will have a second vote. It is our belief and advice that in the event that the Shire President is required to exercise his casting vote, those decisions could be open to criticism as not being a vote of the majority of Council. An additional elected member will prevent this to some degree. Should the new elected member not have any close business links to current sitting members then the case could be made that decisions are made independently and transparently. Furthermore, an additional elected member at the table will bring more diverse skills and expertise to Council which will make for better decision making.

Following the briefing on 9 November 2021, the Shire President fixed the date for an extraordinary election on 12 March 2022. The Electoral Commissioner has accepted this date and requires Council to resolve that it be responsible for the conduct of the extraordinary election and that the extraordinary election be held as a postal election.

One matter that remains unknown at this stage is that in the event of a Federal Election being declared which date would conflict with the extraordinary election, the Federal election will take precedence.

ATTACHMENTS

Attachment 1 - Proposed Election Timetable

Attachment 2 - Letter to Electoral Commissioner

Attachment 3 - Letter from the Electoral Commissioner.

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Annual Community Grants 2021/22

DATE:	23 November 2021
AUTHOR:	Community Grants and Events Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/A
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves the allocation of funding under the Community Grant Program for 2021/22 and 2022/23 for Events as follows:
 - a. Kununurra Agricultural Society for the Annual Agricultural Show - \$10,000 over two years (2021/22 and 2022/23) subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Annual review and acquittal;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - iv. All necessary approvals and insurances are obtained prior to the event.
 - b. Kununurra Water Ski Club for the Annual Dam to Dam - \$10,000 over two years (2021/22 and 2022/23) subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Annual review and acquittal;
 - iii. Suitable (agreed) acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - iv. All necessary approvals and insurances are obtained prior to the event.

- 2. Approves the allocation of funding under the Community Grant Program for Community Programs as follows:**
 - a. Kununurra Scout Group for the Youth Team Building Leadership Camp - \$2,500 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**
 - b. Kununurra Warriors Boxing Clubs Coming Out of The Shadows Program - \$2,500 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**
 - c. Kununurra Police Citizen Youth Club (PCYC) for the Kununurra Youth Beats Music Program - \$5,000 subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Suitable acknowledgement of the support of the Shire of Wyndham East Kimberley.**

- 3. Approves the allocation of funding under the Community Grant Program for Facilities Grants – Property and Buildings as follows:**
 - a. Kimberley Action Sports - \$8,000 for BMX Track Surface Upgrade subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - b. Ord River Pistol Club - \$10,000 for Solar Power and Lighting Infrastructure. Subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;**
 - ii. Funding acquittal;**
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;**
 - c. Kununurra Neighbourhood House - \$12,000 for the Opp Shop Extension. Subject to the following conditions:**
 - i. Entering into a Funding Agreement with the Shire of Wyndham**

- East Kimberley;
 - ii. Funding acquittal;
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - d. Kununurra Water Ski Club - \$10,000 for development of working drawings to construct stage one - ablutions upgrade. Subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Funding acquittal;
 - iii. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
 - e. Ord River Paddlers Club - \$15,000 for a storage shed subject to the following conditions:
 - i. Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - ii. Council approval to the amended lease area;
 - iii. Final design approval to ensure a suitable structure is built and integrates with the environment;
 - iv. Funding acquittal;
 - v. Appropriate acknowledgement of the support of the Shire of Wyndham East Kimberley;
4. Request to defer the decision to endorse the Key Assets application and allow Shire officers to liaise further with the agency. Potential future funding to be considered by Council at a later date.
5. Requests the Chief Executive Officer to advise unsuccessful Community Program Grant applicants that their applications were not successful and to provide relevant feedback to them.
6. Requests the Chief Executive Officer to give public notice to advise of successful and unsuccessful applicants.

PURPOSE

For Council to consider applications for funding lodged under the Community Grant Program.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Services, activities and the opportunities provided by community organisations are highly valuable to any community. Strong community organisations build resilience within the community and their presence means that during times when government spending is challenged, services within the community are less likely to be impacted. For these reasons it is in the interest of the Shire to support these organisations through the provision of the Community Grant Program to be as strong, resilient and effective as possible.

The Community Grant Program, as that relates to the current round, has three funding streams: Events; Community Programs and for Buildings and Facilities. In July 2020, Council adopted an updated Community Grant Program Policy and Guidelines (Attachment 1 and Attachment 2) which enabled approval for up to three years of funding for the Events and Community Programs streams and this limits the amount of funding that is available in this round, which is explained in the Financial Implications section of this report. In addition to this, the Shire also provides Quick Grants (up to \$500), the Future Leaders Award and Community Support Grants – the latter being directly related to the financial impacts of the current State of Emergency.

This year, the Shire received 11 applications for funding under the Community Grant Program. Two applications were received under the Event funding stream; three applications were received under the Community Program funding stream and six relate to the Property and Building funding stream. A summary of each application is provided as follows:

Event applications

Kununurra Agricultural Show

Kununurra Agricultural Society (KAS) has requested \$25,000 . This is to hold the annual Kununurra Agricultural Show at the Kununurra Showgrounds in July each year. The event includes food stalls, rides, exhibitions and competitions. Kununurra Agricultural Society had 7,450 attendees at the 2018 show and 7,000 at the 2019 show and expects to see 6,000 attendees over the 2 days at the 2022 show, pending COVID 19 restrictions and border restrictions. The funding requested would be used for entertainment fees, airfares and travel costs and advertising. In 2020, Council provided \$10,000 funding for this event.

Kununurra Water Ski Club Dam to Dam

The Kununurra Water Ski Club has requested \$10,000 for their annual Dam to Dam event. The event is usually held in April and is a 55km dinghy race to the bottom of the Lake Argyle dam wall, starting and finishing at Ski Beach. The event also includes a champagne breakfast and kids games. Last year, Council provided \$10,000 for this event.

The total funding requested in this years' budget for both event applications submitted is \$35,000. Both applicants have applied funding annually up to and including the 2022/23 financial year .

Community Programs Grant applications

Kununurra Scout Group

Kununurra Scouts have applied for \$4,500 for their Youth Team Building and Leadership Camp. The camp objective is to encourage young people's personal progression and support them in their development as active citizens through leadership and team building

skills. The funds would be used to purchase supplies and to bring an external provider to the Shire to assist with running the camp, this would make it more accessible for families who cannot afford to fly to Perth for camps.

Kununurra Warriors Boxing Club

The Kununurra Warriors Boxing Club has requested \$5,000 funding to run their program *Coming Out Of The Shadows* which they have indicated is designed to develop confidence in its members. The program includes physical fitness, mental health exercises, 'yarning' and nutritional sessions. The total project cost in the application is estimated at \$11,500, of which the funding would cover the cost of coach and facilitation, healthy catering, printing and stationary, a graduation event, merchandise and equipment. The program has support from local youth service providers such as Kununurra Waringarri Aboriginal Corporation which has indicated that the clubs trainers and coaches have strong connections to 'at risk' youth and would provide a positive diversionary activity for youth in the region.

PCYC

PCYC has requested funding to purchase musical instruments to create a Kununurra Youth Beats Music Program, which would be run from the Kununurra Youth Hub. The program would focus on young people aged 10+. It would have up to 10 participants experimenting with music at a weekly session. The \$10,000 requested would purchase a computer with recording equipment and software, speakers, 2 electric guitars, 2 bass guitars, a drum kit, a keyboard, microphones and a lockable storage cabinet.

A music teacher (mentor) will be responsible for program delivery and they have advised that the equipment will only be used under direct supervision and tuition and will be securely stored when not in use. Initially only a small cohort of disengaged, vulnerable and at-risk young people will participate in the program. It will target those high risk youth that do not participate or engage in arts/craft or sport activities with an alternative program. The program intends to empower young people to try a new, complex skill such as learning music. They hope to provide an opportunity for young people to build capacity and resilience which supports their mental health as well as a host of other life skills development (i.e. perseverance, fine motor skills, concentration) that are valuable tools for further engagement such as education.

The total funding requested for this financial year for all Community Program Grant applications lodged is \$19,500. None of the applicants in this stream have requested funding for multiple years.

Facilities Grant - Building and Property applications

Kimberley Action Sports

Kimberley Action Sports has requested \$13,575 to reshape and compact a BMX track located on the association's lease at the end of Drovers Road in Kununurra (opposite the rodeo ground).

The association intends to apply for State Government funding through the next round of the Department of Local Government, Sport and Cultural Industries Community Sports Recreation Facilities Fund (CSRFF) to completely seal and weatherproof the track however this could not be done without reshaping the track first.

The total project cost is estimated at \$27,150 and the balance of funding is proposed to come from Kimberley Action Sports Incorporated and from volunteer labour.

Ord River Paddlers

The Ord River Paddlers have requested funding to install a shed to provide secure storage of equipment. The total project cost is estimated at \$47,615 and the association has applied for \$15,965 through the Community Grant Program (33%). The balance of funding is proposed to come from the Ord River Paddlers Club (own) funds.

The proposed location of the shed is located on the association's lease site at Lot 2371 Old Darwin Road. However, the association has requested an amendment to their lease area to ensure a more suitable location for them to access the water. The new lease area is proposed to move approximately 10 - 15m southwards and will be about 8m shorter in length but approximately 5m wider. This is to allow for the storage shed to be built and ensure it is setback a suitable distance from the water's edge. A copy of the proposed site plan can be found in Attachment 3.

Shire officers are currently working with the association to finalise these amendments to the site and will be seeking Council approval once completed.

Ord Pistol Club

The Ord Pistol Club has requested funding to install solar power and lighting infrastructure at their facilities. The proposed project is to install lighting infrastructure at the range to allow for members and visitors to access the facility beyond daylight hours. Adequate nighttime lighting may also enable clubs to potentially attract more members as it would allow greater flexibility to run shoot meets and competitions.

The total project cost is estimated at \$42,000. Officers have discussed the project costs with the association in particular regarding a plan if they were not awarded the full \$20,000 through the Community Grant Program. The association has indicated that they would still intend to complete the project however they may need to scale it back.

Kununurra Neighbourhood House

The Kununurra Neighbourhood House has requested funding to extend the current community Opp Shop. The project would increase the floor area by approximately 7

square metres and aims to include more storage space, improve access and increase customer capacity.

The total project cost in the application is estimated at \$34,000, of which Neighbourhood House have requested \$17,000 (approximately 50%) of Shire funding.

Key Assets

Key Assets is a not-for-profit children and family services provider, registered with the Australian Charities and Not-for-Profit Commission. The agency has been working in the East Kimberley since 2015 and delivers family support and wellbeing Service (FSWS) in partnership with the Wunan Foundation and Ngnowar Aerwah. FSWS works with families to keep children out of care and to return children home from care.

Key Assets has requested \$12,000 for a project to install Child and Family Wellbeing Service Mapping signage throughout Kununurra. The signage will have information on child and family wellbeing services throughout the East Kimberley including Wyndham and Halls Creek however installation is limited to Kununurra.

The proposed location of the sign installation is yet to be finalised however Key Assets have indicated that they would like it to be near the Kununurra Water Playground. The project also includes the painting of wall murals, if permitted. Council is not asked to endorse any proposed location at this point and Shire officers will work closely with Key Assets to ensure suitable locations should the project proceed.

The application did not provide a lot of detail in relation to ongoing operational costs and who is responsible for the upkeep, repairs and maintenance as well as ensuring that the information remains valid and up to date. Shire officers have sought further clarification to these concerns, Key Assets have indicated that there is a procedure in place to ensure that the online mapping tool is updated every three months. This will be done through a semi-automated system which Binarrri Binyja Yarrawoo (BBY) will manage. Key Assets have indicated that if a physical sign was to be built they and BBY would commit to updating the sign every 12 months.

The total project cost in the application is estimated at \$31,150.

Kununurra Water Ski Club

The Kununurra Water Ski Club has requested \$12,135 to prepare working plans and drawings for their universal design amenities building located within their lease boundary.

The association has had several meetings with Shire officers to discuss the project. The ablutions upgrade would be stage one of a larger project vision which would include future clubroom developments. The association has indicated that upgrading and constructing the ablutions would enable them to hold more functions and competitions which will in turn allow for greater fundraising and income toward future clubroom development.

The association is seeking further external funding through the Department of Local Government, Sport and Cultural Industries Community Sports Recreation Facilities Fund (CSRFF) once the rounds open in 2022. The total project cost in the application is estimated at \$24,270. The remaining balance of funding is proposed to come from the club. A copy of the Kununurra Ski Club Masterplan can be found in Attachment 4.

The total funding requested under the Facilities Grant - Buildings and Property stream, across all projects, is \$90,675.

The total funding requested across all funding streams is \$145,175.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building, event approval or to authorise works in a road or reserve may be required.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The budget allocation for all funding streams within the Community Grant Program is \$300,000. Of this, Council has previously committed three-year funding (ending in the 2022/23 financial period) of \$179,325.35 for:

Events

Ord Valley Muster:	\$50,000
Kimberley Action Sports (Lake Argyle Adventure Race):	\$12,000
Kununurra Campdraft and Rodeo Association:	\$15,000
Lake Argyle Swim:	\$20,000

Community Programs

Kununurra Neighbourhood House	\$15,000
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<u>Rates Assistance Grants (21/22)</u>	\$67,325.35
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Total committed to date	\$179,325.35
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With respect to the balance of the fund, Officer's suggest that the following should be set aside:

- \$10,000 for quick grants
- \$5,000 for Future Leaders Award
- \$10,000 for Community Support Grants (State of Emergency - COVID-19)

Taking out those funds already committed and the balance of the fund set aside for other (related) programs, this leaves approximately \$95,000 to allocate.

The total funding requested across all funding streams during this round is \$145,175. Which is oversubscribed by \$50,175.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2017-2027*:

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

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

Strategy 1.1.4: Work with partners to inspire young people to become engaged in their families, schools and communities

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

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

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

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

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

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

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

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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project: #107 Deliver a Community Grant Program

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

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

- Sharing a Community Grants flyer on Facebook, the Coles and Neighbourhood House notice boards and on the Shires website
- Directly contacting 41 local not-for-profit groups by email to ensure they were aware the Shires Annual Grants round was open
- Making appointments available on request to discuss local groups projects in person or by phone

COMMENTS

The Community Grant Program Review Panel has assessed each application against the eligibility criteria within the policy and as outlined in the guidelines and a summary of that assessment is provided at Attachment 5. The applications lodged under the Events and Community Programs funding streams have a high correlation against the selection criteria and each is well aligned with the Shire's strategic goals; Each application has demonstrated need, budget capacity and have considered access and equity. Both applications lodged under the events funding stream could be considered 'signature events' and can demonstrate benefit to the community and the associated economic benefits.

A separate assessment to determine the economic benefit of each event is provided at Attachment 6. This was prepared by applying an Event Impact Calculator, which is a tool within the idProfile resource (idcommunity) shared with Regional Development Australia.

Five of the applications lodged under the Facilities Grant - Property and Buildings are recommended to fund subject to the conditions outlined within the recommendation to Council.

Shire officers recommended that Council defer an outcome of the Key Assets application. Further clarification is required in relation to the location of the signage and wall murals, the ongoing maintenance costs and who is responsible to update the physical signage once installed, which is particularly relevant since plans are being prepared to landscape the areas within and adjoining the new water playground in Kununurra. Once further clarification has been sought the application can be presented to Council for consideration at a later Ordinary Council Meeting.

ATTACHMENTS

- Attachment 1 - CP/COM-3582 Community Grants Policy
- Attachment 2 - Community Grants Program Guidelines
- Attachment 3 - SWEK Lease - Ord River Paddlers - Site Plan
- Attachment 4 - Kununurra Water Ski Club Masterplan

Attachment 5 - Summary Annual Grants Assessment Matrix
Attachment 6 - RDA Kimberley - Event Impact Assessment Model

12.4. CORPORATE SERVICES

12.4.1. Interim Monthly Financial Report September 2021

DATE:	23 November 2021
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Interim Monthly Financial Report for the period ended 30 September 2021.

PURPOSE

For Council to receive the Interim Monthly Financial Report for the period ended 30 September 2021.

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 27 July 2021 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/07/2021 - 11496

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.

Moved: Cr G Lodge

Seconded: Cr M McKittrick

Decision 9/0

The above materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996, Regulation 34.

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

CP/FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shire's forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

It should be noted that the Interim Monthly Financial Report for the period ended 30 September 2021 does not include final figures and end of year adjustments for the year ended 30 June 2021. The final position for the 2020/21 financial year will be reported in the 2020/21 Annual Financial Statements.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report September 2021

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

DATE:	23 November 2021
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for October 2021, being:

Municipal EFT 141575 - 141797 (01/10/2021-29/10/2021)	\$ 2,847,358.12
Trust EFT 502250- 502263 (01/10/2021 - 29/10/2021)	\$ 6,517.60
Payroll (05/10/2021 - 20/10/2021)	\$ 478,779.17
Direct Bank Debits (01/10/2021-25/10/2021)	\$ 111,538.88
Total	\$ 3,444,193.77

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*.

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 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 2021/22 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 Plan 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 Council at the next ordinary meeting of 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 2021

12.5. INFRASTRUCTURE

12.5.1. Gibb River - Kalumburu Road, disposal

DATE:	23 November 2021
AUTHOR:	Manager Assets and Engineering
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	RD.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the disposal of the following roads to Main Roads Western Australia and authorises the Chief Executive Officer to write to Main Roads WA and other advocacy with relevant State Government Ministers to give effect to this resolution:

- 1. Gibb River - Kalumburu Road**
- 2. Port Warrender Road.**

PURPOSE

To seek approval from Council for the disposal of the Gibb River - Kalumburu Road and Port Warrender Road to Main Roads Western Australia.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This matter has previously been presented for discussion at the 14 September 2021 Council Briefing Session.

STATUTORY IMPLICATIONS

Local Government Act 1995, Subdivision 5 - Certain provisions about thoroughfares, 3.52. Public access to be maintained and plans kept, (2) Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.

POLICY IMPLICATIONS

CP/OPS 3649 Maintenance of Shire Assets
CP/OPS 3655 Road Development
CP/OPS 3659 Asset Management
CP/OPS 3661 Shire Road Network

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project:

206 - Road Maintenance Program
209 - Road Renewal Program

Service Area:

Asset Management and Capital Works
Asset Management

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.

Control:

Progress disposal of Kalumburu Road in order to mitigate safety, access, commercial and financial risk to the Shire of Wyndham East Kimberley. Seek change of responsibility of a high cost regional connector road from the Shire of Wyndham East Kimberley to Main Roads Department Western Australia

FINANCIAL IMPLICATIONS

The disposal of this road will have a major impact on the Shire's obligation for renewals. Currently the Shire expends municipal funds, grant funds and disaster recovery funds on these roads. While the vast amount of funds that are expended are from outside sources there is a growing expectation that the Shire needs to raise the level of service on this road and that is not affordable. With a minimum renewal cost of approximately \$100,000 per kilometre and a total road length of 355kms the Shire would need to allocate approximately

\$4.5 million annually to maintain the road based on an eight year useful life of a resheet. This amount excludes water courses, any drainage structures, mobilisation and any project management required.

Should this be agreed to by the State government there will be a small reduction in the roads component of the Commonwealth Financial Assistance Grant.

COMMUNITY ENGAGEMENT

No community engagement is required at this time. If the Shire is successful in disposal of the Gibb River - Kalumburu Road and the Port Warrender Road, engagement will be required when the asset is handed over to Main Roads Department Western Australia.

COMMENTS

The Shire currently has responsibility for the maintenance of the Gibb River - Kalumburu Road, from the intersection of the Gibb River - Wyndham Road, for 248.29 km, with termination at the Carson River Station Boundary. The Shire also has responsibility for maintenance of Port Warrender Road from the intersection of Gibb River - Kalumburu Road for 107.02 km with termination at Port Warrender.

The Shire currently receives a nominal sum of \$144,000 per annum from Roads to Recovery, which is directed into Gibb River - Kalumburu Road. This makes allowance for an Opening Grade and a mid year Grade in areas of most need. There are not sufficient funds for a closing grade. The Works are undertaken with a single contract grader and operator and is at most, a smoothing operation only.

The Shire also receives funding via the *Aboriginal Access Roads*, this being Federal funding, and was \$180,000 in 2019/2020 and \$150,000 in 2020/2021. This amount has been accumulated over three years, to garner maximum yield for output. One year expenditure will pay for mobilisation for construction works only and as such would not provide a result in any one year expenditure. Works conducted in the 2019/2020 financial period required a camp setup, and allowed for hit/miss resheeting on 15km of road (beginning of Gibb River - Kalumburu Road). The Shire also receives funds for *Remote Access Roads* with past funding being \$97,800 in 2018/2019, \$163,000 in 2019/2020, and \$160,000 in 2020/2021. This is not specifically identified for the Gibb River - Kalumburu Road, and is used for maintenance on remote access roads, generally, to maintain station access roads that are identified as Roads in the Shires road inventory, to chainages specified by CP/OPS 3661 Shire Road Network. Works conducted allow for mobilisation and use of a grader, which provides smoothing operations only.

Any reconstruction of Gibb River - Kalumburu Road will need to cater to significant damaging annual rainfall that will result in extended closure of the road until repairs can be progressed either by an opening grade or repair through emergency funding (DRFAWA). This may require upgrade of sections of road to floodway, extended culvert structures, scour protection or even bridge structures. Additionally, regular heavy maintenance to drainage would be required to minimise or correct damage.

As Main Roads continue to seal the Derby - Gibb River Road, increases in tourist traffic should be expected. There will be an exponential increase in risk to the Shire due to deterioration in road condition as traffic volume escalates. It is very likely that there will be an increase in tourism traffic and heavy transport. This will cause a more rapid deterioration of the roads identified in this report. Accordingly officers should pursue the disposal of the roads to Main Roads Western Australia to minimise risk and future liabilities to the Shire.

The Gibb River - Kalumburu Road and Port Warrender Roads are essentially regional distributor roads that are more aligned with the purview of a State Agency.

Handing the road over the roads will require officers to write to the Commissioner of Main Roads requesting revestment of the road with Main Roads.

Recently, the Shire of Broome has managed to divest the Cape Leveque Road to Main Roads Department, the road which has now been upgraded to a sealed standard.

Main Roads Department state that '*Broome Cape Leveque Road provides access through the Dampier Peninsula to Aboriginal communities, pastoral stations, pearling industries and tourist destinations. During the wet season, access to these areas was often restricted due to flooding. Now that it is sealed, road users have all weather access and will benefit from the safety improvements. Work is now underway to upgrade the first 13.6 kilometres and community access roads.*' This statement bears significant similarity with the Gibb River - Kalumburu Road and Port Warrender Road.

ATTACHMENTS

Nil

12.5.2. Carlton Hill Road, portional disposal

DATE:	23 November 2021
AUTHOR:	Manager Assets and Engineering
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	RD.07.34
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the closure and disposal of Carlton Hill Road from 10.5km to the end of the existing road reserve at 23.71km and authorises the Chief Executive Officer to implement the road closure process.

PURPOSE

For Council to consider portional disposal and road closure of Carlton Hill Road from 10.5km to end of existing road reserve 23.71km.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This item was previously presented to Council briefing on 9 November 2021, 11 June 2019 and 13 August 2019, where information was provided to Council to consider portional disposal of Carlton Hill Road. This item, with supporting documents, has been attached.

This matter appears to have been held in abeyance, possibly associated with public feedback regarding the perceived loss of access to natural locations such as Cape Domett (12.2km) and Skull Rock (16.2km) with members of the public expressing they believe they have 'right of access' to these locations.

The Shire has written to the Department of Planning, Lands and Heritage (DPLH) seeking clarification on public access to natural locations. DPLH's response received 18 October 2021 (Attachment 2 - Public Access Points) clearly states that *'there is no public right to enter on a pastoral lease'*. The 'owner' of the lease may allow public access to a pastoral lease. In both instances to access Cape Domett or Skull Rock, once a person has turned off

of the current Carlton Hill Road road reserve they have already entered onto the Pastoral Lease currently operated by Kimberley Agricultural Investment (KAI).

As a result, disposal of the redundant section of Carlton Hill Road would have no additional burden on public access to either location as the general public already require permission to enter the Pastoral Lease once they have left the road reserve.

STATUTORY IMPLICATIONS

Land Administration Act 1997 and Land Administration Act 1998

The statutory process to close a road is specified in Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*.

Section 58, requires the local government to advertise a proposed road closure for a period of 35 days before it can resolve to request the Minister for Lands to close a road, or portion thereof. A local government must also not resolve to close a road until it has considered any objections made during the advertising period.

Regulation 9 requires that the local government provide relevant information to the Minister with a request to close a road permanently, including:

1. written confirmation that the local government has resolved to make the request, details of the date the resolution was passed and any other information relating to the resolution that the Minister may require; and
2. sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed, and
3. copies of any submissions received when advertising the proposed road closure, and the local government's comments on those submissions; and
4. a copy of the notice of motion advertising the proposed road closure; and
5. any other information the local government considers relevant to the Minister's consideration of the request; and
6. written confirmation that the local government has advertised the closure in accordance with section 58 and complied with Regulation 9.

On receiving a request to close a road the Minister may:

- (a) by order grant the request; or
- (b) direct the local government to reconsider the request, having regard to such matters as the Minister thinks fit to mention in that direction; or
- (c) refuse the request.

POLICY IMPLICATIONS

CP/OPS-3659 Asset Management

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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

This matter relates to the following sections of the *Corporate Business Plan 2021-2025*:

Shire Project: 206 - Road Maintenance Program

Service Area: Asset Management and Capital Works

Asset Management

RISK IMPLICATIONS

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

Control: Follow Shire processes to ensure consultation and statutory compliance needs are met to community expectations.

FINANCIAL IMPLICATIONS

If Council resolves to proceed with the closure of any portion of the road reserve, the Shire will also be requested to agree to pay survey costs. Survey costs will vary depending on the area proposed to be closed. There may also be substantial costs associated with the negotiation and preparation of an Indigenous Land Use Agreement with the native title holders if required.

It is recommended, if Council supports closure of the road, it should be subject to KAI agreeing to pay any costs associated with the road closure process and addressing native title matters.

The road and drainage infrastructure on the section of road reserve under consideration has a depreciated replacement value of approximately \$1.12M as per the 2018 Fair Value Methodology. The value is in the road formation and the pavement. There is no advantage to the Shire in removing any of the assets prior to transfer.

If the road was closed, the Shire's Federal grant funding for road maintenance would be reduced by approximately \$49,000 per annum based on 2017/18 grants, the maintenance and renewal costs for this section greatly exceeds this grant funding amount.

COMMUNITY ENGAGEMENT

Community engagement sessions and/or advertising to educate the general public about the existing requirement for public access to pastoral lease areas is required. Previous community engagement resulted in community concern that by the Shire divesting the road then access to Skull Rock and Cape Domett would no longer be possible. The message that access to these places is at the discretion of the pastoral lease holder and the divesting of the road will not affect the public's rights as they currently stand needs to be made clear.

COMMENTS

Carlton Hill Road is currently listed as a Restricted Access Vehicle (RAV) Route, Concessional Unconditional Tri-Drive L1 (RAV 10). The road is not constructed to a standard to facilitate this vehicle type.

The Shire receives continual complaints regarding the road condition by RAV users, including the lack of all weather access. Based on local soil conditions, to build a RAV route in this location to a sealed standard is likely to be around \$1,000,000 per km of road construction, not including any bridge or floodway structures. Whilst a road remains with a Local Government, an asset must be built to at least a minimum standard. Disposal of the road from 10.5km to 23.71km, equates to 13.21km of road, saving potential future construction costs of \$13.21M.

The remaining section of road, being 0.00km to 10.5km, is currently subject to a full design, pending finalisation of bridge design and costing January 2022. Funding for this section of road will need to be sought through grant funding or industry contribution.

Based on construction cost and the maintenance burden of all other Shire road assets, any disposal or reduction in costs of the road network will benefit the organisation in attempts to seek financial sustainability.

If Council proposes to proceed with this matter, the administration will notify relevant State Agencies and work with local landholders to progress disposal of the land and progress a public information session to inform those interested in access to natural attractions that are only accessible through existing Pastoral Lease locations, in addition to implementing the statutory road closure process.

ATTACHMENTS

Attachment 1 - Public Access Points

Attachment 2 - Map Carlton Hill Road

Attachment 3 - KAI email

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. ORD RIVER MAGPIES FOOTBALL CLUB LEASE

DATE:	23 November 2021
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A7620
FILE NO:	CP.07.22
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

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

5.23. Meetings generally open to public

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

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

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

PURPOSE

For the Council to consider matters relevant to its decision in 2018 of the offer of a community lease to the Ord River Magpies Football Club Inc which has yet to be formalised.

16.2. REQUEST TO WRITE OFF RATES

DATE:	23 November 2021
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.11.56
DISCLOSURE OF INTERESTS:	Nil
VOTING REQUIREMENT:	Absolute Majority

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

5.23. Meetings generally open to public

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

PURPOSE

For Council to consider a request received from the ratepayer of assessment A1091 to write off \$4,947 of their 2020/21 levied Rates.

17. CLOSURE