



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

23 AUGUST 2022

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.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3. DECLARATION OF INTEREST	5
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5. PUBLIC QUESTION TIME	5
6. APPLICATIONS FOR LEAVE OF ABSENCE	5
7. PETITIONS.....	6
8. CONFIRMATION OF MINUTES	6
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	7
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	8
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	8
12. REPORTS	8
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	8
12.2. CHIEF EXECUTIVE OFFICER.....	9
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions .	9
12.3. PLANNING AND COMMUNITY DEVELOPMENT	11
12.3.1. Local Planning Policy Review	11
12.4. CORPORATE SERVICES	15
12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund.....	15
12.4.2. Monthly Financial Report July 2022	18
12.5. INFRASTRUCTURE	22
12.5.1. Police Protection Barriers.....	22
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	28
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	28
16. MATTERS BEHIND CLOSED DOORS	29
16.1. CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW AND KEY PERFORMANCE INDICATORS.....	30
16.2. REQUEST TO WAIVE INTEREST	33
16.3. REQUEST TO WAIVE RATES	35
17. CLOSURE	36

SHIRE OF WYNDHAM EAST KIMBERLEY ORDINARY COUNCIL MEETING MINUTES WYNDHAM COUNCIL CHAMBERS HELD ON TUESDAY 23 AUGUST 2022 AT 5:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Deputy Shire President declared the Meeting open at 5:04pm.

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

Cr D Menzel	Shire President (via video conference)
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr D Hearty	Councillor
Cr B Kyne	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
N Kearns	Director Planning and Community Development
Paul Webb	Director Infrastructure
N Bray	Minute Taker
K Guerin	Shire Officer

3. DECLARATION OF INTEREST

- Financial Interest

Item	Person	Declaration
16.1	V Lawrence	Item directly impacts their remuneration and terms of employment

- Impartiality Interest

Item	Person	Declaration
16.3	Cr T Chafer	The ratepayer in question is one of their employees

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Question from Rhonda Guerinoni

“How does the Council allow Mr R Storey of 530 Riverfarm Rd to build 3 occupied dwellings, a 4th being constructed and the family occupied dwelling only to have one (1) council bin?”

Response by Director Felicity Heading

In 2016 waste collection services were expanded to include rural areas outside of the Kununurra and Wyndham townsites. At that time all properties were provided with one service and one waste receptacle. Additional services and receptacles were provided on request.

River Farm Road is zoned Horticulture and includes properties used for commercial purposes. As such property owners may also have commercial arrangements directly with the waste contractor for other services or can take waste directly to the landfill.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr B Kyne has requested a leave of absence for the period 12 September – 16 October inclusive of 27 September 2022 Ordinary Council Meeting.

OFFICER'S RECOMMENDATION

That Council approve a leave of absence for Cr Kyne for the period 12 September – 16 October inclusive of 27 September 2022 Ordinary Council Meeting.

Council Decision

Minute Number: 23/08/2022 - 118695

That Council approve a leave of absence for Cr Kyne for the period 12 September – 16 October inclusive of 27 September 2022 Ordinary Council Meeting.

**Moved: Cr M McKittrick
Seconded: Cr J Farquhar**

Decision 7/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 July 2022

Council Decision

Minute Number: 23/08/2022 - 118696

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 July 2022.

**Moved: Cr B Kyne
Seconded: Cr J Farquhar**

Decision: 8/0

Note: The Minutes of the Ordinary Council Meeting held on 26 July 2022 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

27 July 2022 - WAPC Stakeholders Meeting – A number of councilors and officers were involved in the visit from the Western Australian Planning Commission Board. This included an evening social event, a tour of the Shire and the opportunity to present the Shire’s needs to the Board.

29 July 2022 - Anti-Social Behaviour Meeting - Shire President and Acting CEO met with key agencies to discuss anti-social behaviour.

1 August 2022 – Cabinet Meeting - The Shire President attended the State Cabinet meeting in Broome to meet with State Government Ministers to discuss matters of interest to the Shire and the Kimberley region in general.

1 August 2022 - Census 2026 Discussion - The Shire President and Acting CEO met with ABS, RDAK Board, KDC & Kimberley LGA’s to discuss issues arising from the 2021 Census and plans for the 2026 Census with an emphasis on a greater focus on regional and remote areas, re-thinking the ABS workforce and additional engagement with stakeholders (including Kimberley Shire’s before the count.

5 August 2022 – Water Corporation – The Shire President and Acting CEO met with Water Corporation to discuss the Kununurra WWTP upgrade project.

5 August 2022 - Anti-Social Behaviour Meeting - Shire President and Acting CEO met with key agencies to discuss anti-social behaviour with presentation from the Family Responsibility Commission (QLD).

8 August 2022 - CDC Community of Practice Meeting – The Shire President and Acting CEO attended a meeting with other East Kimberley leaders to discuss strategies and programs moving forward with the repeal of the cashless debit card legislation.

9 August 2022 - Minderoo Foundation Meeting – The Shire President and Acting CEO met with the Minderoo Foundation as a follow up to the CDC Community of Practice Meeting as that relates to the Shire’s involvement and also input to the Senate Standing Committee.

10 August 2022 - WALGA Best Practice Governance Review Steering Committee – The Shire president attended this meeting which provided an update on the project with the updated options paper due mid-October 2022.

11 August 2022 – Boab Metals – The Shire President, Acting CEO and Shire Officers attended a presentation by Boab Metals relating to their project in the Kimberley as well as the need for key worker housing.

12 August 2022 - Anti-Social Behaviour Meeting - Shire President and Acting CEO met with key agencies to discuss anti-social behaviour.

19 August 2022 - Anti-Social Behaviour Meeting - Shire President and CEO met with key agencies to discuss anti-social behaviour.

22 August 2022 – Broome Chamber of Commerce and Industry – The Shire President and the CEO met for a general update and to discuss ways to work together and deliver stronger results for our business community across the Kimberley.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council will move behind closed doors to discuss items listed at 16:

- 16.1 Chief Executive Officer - Annual Review and Key Performance Indicators
- 16.2 Request to Waive Interest
- 16.3 Request to Waive Rates

Cr D Menzel joined meeting via Video Conference at 5:18pm

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	23 August 2022
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.

Council Decision

Minute Number: 23/08/2022 - 118697

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

Moved: Cr M Dear

Seconded: Cr C McNeil

Decision: 9/0

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

RISK IMPLICATIONS

Nil

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 July 2022 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 - July 2022

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

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Local Planning Policy Review

DATE:	23 August 2022
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.01.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to advertise the proposed revocation of:

- **Local Planning Policy 4 (LPP 4)**
- **CP/PMG-3783 Communication Antennae**

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

Council Decision

Minute Number: 23/08/2022 - 118698

That Council authorises the Chief Executive Officer to advertise the proposed revocation of:

- **Local Planning Policy 4 (LPP 4)**
- **CP/PMG-3783 Communication Antennae**

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

Moved: Cr J Farquhar
Seconded: Cr M Dear

Decision: 9/0

PURPOSE

For Council to consider the proposed revocation of Local Planning Policy 4 (LPP 4) - Events Application Package and CP/PMG-3783 Communication Antennae.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The review of Local Planning Policies has been ongoing since 2020 and in that time five Local Planning Policies have been reviewed, with two currently being advertised for amendment (Local Planning Policy 11 and Local Planning Policy 12).

The primary role of a Local Planning Policy (LPP) is to guide development and provide additional information concerning the position a local government will likely take on particular planning matters. For this reason Local Planning Policies must be based on sound town planning principles, be clear and concise, assist in making decisions and not contradict or unnecessarily repeat a Local Planning Scheme. Many of the Shire's Local Planning Policies have been in operation for some time and subsequently procedures and requirements have changed which may render some Policies redundant. In light of this it is likely some policies will be recommended for revocation and potentially some of the information may be included as a Planning Information sheet to provide guidance to developers and homeowners/occupiers.

Local Planning Policy 4 (LPP 4) 'Events' was prepared and adopted in August 2009 to provide a 'one stop shop' type application for organisers to ensure community events were compliant with relative legislative requirements. At that time, development approvals were issued for events under the provisions of Town Planning Schemes 6 and 7 as a change of use application and health approval was issued under the provisions of the *Health (Public Buildings) Regulations 1992*. As event approvals are now issued only under the *Health (Public Building) Regulations 1992*, a Local Planning Policy is no longer required and as such it is recommended that Local Planning Policy 4 (LPP 4) be revoked.

Policy CP/PMG-3783 'Communication Antennae' was prepared to provide clarity around development approval requirements for communications infrastructure. Due to the implementation of State Planning Policy 5.2 'Telecommunications Infrastructure' and other legislative changes, it is recommended that the Policy be revoked and information on any requirement for application be conveyed via an Information Sheet.

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

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, creation of new and any major amendments to, or revocation of, a Local Planning Policy, requires advertising.

There are no financial implications associated with the policy review, with the exception of any advertising costs. It is the intention that advertising of policies will be undertaken concurrently to reduce financial costs.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *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

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*.

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 relative content from revoked Policy CM/PMG-3783 'Communication Antennae' is being included in an Information Sheet, as the information is no longer required as a policy instrument. The information sheet will be reviewed and updated as required and in accordance with any legislative changes.

The proposed revocation of both policies is in line with the applicable legislative requirements and will be advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

ATTACHMENTS

Attachment 1 - Local Planning Policy 4 (LPP 4) - Adopted Policy

Attachment 2 - CP/PMG-3783 Communication Antennae - Adopted Policy

12.4. CORPORATE SERVICES

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

DATE:	23 August 2022
AUTHOR:	Finance Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.32
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 July 2022, being:

Municipal EFT 143599 - 143780 (14/07/2022 - 28/07/2022)	\$	1,534,363.08
Municipal Cheques 52025-52025 (04/07/2022)	\$	43.70
Trust EFT 52035 - 52035 (01/07/2022 - 29/07/2022)	\$	6,828.40
Payroll (13/07/2022 - 29/07/2022)	\$	496,546.81
Direct Bank Debits (01/07/2022 - 29/07/2022)	\$	255,059.77
Total	\$	2,292,841.76

Council Decision

Minute Number: 23/08/2022 - 118699

That Council receive the lists of accounts paid from the Municipal and Trust funds for July 2022, being:

Municipal EFT 143599 - 143780 (14/07/2022 - 28/07/2022)	\$	1,534,363.08
Municipal Cheques 52025-52025 (04/07/2022)	\$	43.70
Trust EFT 52035 - 52035 (01/07/2022 - 29/07/2022)	\$	6,828.40
Payroll (13/07/2022 - 29/07/2022)	\$	496,546.81
Direct Bank Debits (01/07/2022 - 29/07/2022)	\$	255,059.77
Total	\$	2,292,841.76

Moved: Cr J Farquhar
Seconded: Cr M McKittrick

Decision: 9/0

PURPOSE

To present the list of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

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 2022/23 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 July 2022

12.4.2. Monthly Financial Report July 2022

DATE:	23 August 2022
AUTHOR:	Coordinator Finance
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 receives the interim Monthly Financial Report for the period ended 31 July 2022.

Council Decision

Minute Number: 23/08/2022 - 118700

That Council receives the interim Monthly Financial Report for the period ended 31 July 2022.

Moved: Cr C McNeil

Seconded: Cr M McKittrick

Decision: 9/0

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the period ended 31 July 2022.

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 28 June 2022 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 28/06/2022 - 118681

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 M Dear

Seconded: Cr J Farquhar

Decision 7/0

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

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 4.4.4: 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

The Shire has engaged Moore Australia to prepare the Monthly Financial Report on an ongoing basis. The basis of the report is the same as for previous Monthly Financial Reports but in addition to the Statements of Financial Activity by Program and by Nature or Type, the report includes summary information in the form of graphs showing budgets versus actuals, an executive summary of key financial activities, and additional explanatory notes to the financial statements.

Comments in relation to budget versus actual variances are included at note 16 in the Financial Statements.

Council should note that the report is an interim report as year end procedures need to be processed before a final position for 30 June 2022 is arrived at. These year end processes include adjustments to provisions, transfers to and from reserves and assessments for fair value of assets.

ATTACHMENTS

Attachment 1 - Monthly Financial Report July 2022

12.5. INFRASTRUCTURE

12.5.1. Police Protection Barriers

DATE:	23 August 2022
AUTHOR:	Director Infrastructure and Strategic Projects
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	GS.05.13
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community Funder - provide funds or other resources Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

That Council approve the Administration to:

- 1. Commence with the design for construction of 'Disruptive and Protective Hardcover installations', in consultation with Local Police, the consideration of the placement being subject to appropriate engineering standards to reduce run off road impact object crash speeds to 40kmh or lower and the installation being aesthetic fit for purpose to the satisfaction of Council;**
- 2. Accept the receipt of grant funding in the amount of \$49,500 to be allocated to this project;**
- 3. Determine detailed costings for the project; and**
- 4. Seek Council approval for the final project design and costings before project commencement.**

Council Decision

Minute Number: 23/08/2022 - 118701

That Council approve the Administration to:

1. Commence with the design for construction of 'Disruptive and Protective Hardcover installations', in consultation with Local Police, the consideration of the placement being subject to appropriate engineering standards to reduce run off road impact object crash speeds to 40kmh or lower and the installation being aesthetic fit for purpose to the satisfaction of Council;
2. Accept the receipt of grant funding in the amount of \$49,500 to be allocated to this project;
3. Determine detailed costings for the project; and
4. Seek Council approval for the final project design and costings before project commencement.

Moved: Cr M McKittrick

Seconded: Cr M Dear

Decision: 9/0

PURPOSE

The administration seeks a formal decision on the outcome considered at the Council briefing pertaining to the installation of gates and hardcover points in the Kununurra townsite to assist in disabling stolen vehicles, reduce risk to pedestrians and other road users, and reduce ram raid events that can affect businesses in town.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This matter was discussed at Briefing of Council 12 July 2022, with police report 'Kununurra Disruptive and Protective Hardcover proposal 2022. This matter was further discussed at Briefing of Council 09 August 2022, with clarifications from Kununurra Police.

STATUTORY IMPLICATIONS

Local Government Act 1995, Part 3, Division 1, 3.1 (1) the general function of a local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS

CP/OPS-3661 Shire Road Network

This policy provides guidance on the extent of the Shire public road network.

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.1: Lead an interagency approach to address community safety concerns including crime reduction planning and programs

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

Shire Project: 212 - Implement a Community Safety and Crime Prevention Plan

Service Area: Asset Management and Capital Works, Asset Management & Engineering Services

RISK IMPLICATIONS

Risk: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

Control: Work with local agencies to progress warranted sustainable projects that provide tangible benefits to the community

FINANCIAL IMPLICATIONS

This project is the subject of a grant application with the Department of Primary Industries and Regional Development. A cash contribution of 50% is required from LGA's, schools and private businesses. Total request for this project is \$99,000, requiring \$49,500 from the Shire for this component of the project. Funding approval will be subject to resolution by Council.

COMMUNITY ENGAGEMENT

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

- Liaison with Local Police on installation type and locations.
- Further communications with Council on preliminary installation to ensure compatibility with town aesthetic
- Letter of support from MG Corporation

COMMENTS

Shire staff have over the last few months been approached by business owners seeking information on how to install substantial bollards at the perimeter of their business, in order to deter or prohibit damage to their property by stolen vehicles performing ram raids. Staff have been working with business in an advisory capacity to provide supporting information. In conversation with Local Police, it was highlighted that bollard installation would be largely unnecessary if stolen vehicles could be disabled earlier in a 'police pursuit'.

Our local Police have provided a document that proposes the installation of heavy duty gates and hardcover protection areas that would be used to coral, and then disable stolen vehicles.

The deployment of 'stingers' or spike strips, requires police officers to stand in proximity to the device (and the trafficable path), and as a result they are at times allegedly targeted by the operator of the stolen vehicle. Police therefore seek locations that provide protection from potential vehicle hits, such as behind substantial trees, impassable terrain or other miscellaneous robust roadside elements. This does limit possible current shelter locations, and due the limited number of locations, these are generally known by criminals and mostly avoided. The provided report attempts to identify strategic locations to install hardcover protection points, to deny town access, or to disable stolen vehicles as early as possible, and to deny access to tracks that act as "rat runs" or vehicle disposal points. It should be noted that the solution proposed in the document are not a panacea. This is a part solution, that may require fine tuning to yield better future results, in combination with other wider efforts.

Proposed roadside installations serve three purposes;

- Protect officers whilst deploying stingers
- Force vehicles to use the trafficable path (the road) and onto deployed devices.
- Keep vehicles on the trafficable path at intersections to protect pedestrians

In an attempt to soften the visual amenity of hardcover protection locations and in consultation with Police, Shire officers are proposing installation of substantial sized boulders, embedded in ground at 1.8m spacings. Local rock would be a better fit to our local aesthetic, deny access to the verge and provide the required shelter to police officers.

There are risks associated with the installation on non-frangible objects in the road, these being identified in no particular hierarchy of importance;

- **Non-frangible object in road**

The *Austroads Safe System Assessment Framework* identifies crashes with potential to result in fatal or serious injury can occur in the following crash types;

Head-on crashes (>70km/h)

Right angle crashes (>50km/h)

Run off road impact object crashes (>40km/h)

Crashes involving vulnerable road users (>30km/h)

The placement locations should *not* be considered on open road high speed environments. Either by design or good fortune, the proposed locations are at intersections, on the slow leg entry where vehicles would need to be travelling slower to navigate the corner into town, or slowing to enter the exit leg of the intersection (the vertical leg of the 'T' junction). In these instances, the vehicle should be travelling slower than 40km/h, and as such hitting a non-fragile object likely outcome is property damage and minor injury to the vehicle occupant. As this relates to **all** road users, the risk needs to also be associated with other road users, whose speed should be much slower than a 40km/h corner navigation. There is a risk of vehicles hitting a non-frangible object at high speed. In those instances, the vehicle would not safely navigate the intersection and would in most probability enter a private property or other roadside infrastructure outside the road reserve. It is likely that this would occur in any event, regardless of prohibitive infrastructure installations.

- **Police Officer protection**

Officers in the road reserve deploying stingers need to shelter behind a non-frangible object from errant, or deliberately controlled vehicles attempting to target them whilst they are performing duties to protect our community. Any attempt to lessen the structural integrity of the protection device would put the officers at risk, and as such negate safety protected by the devices.

Conditional on hardcover locations being placed in low speed environments (exit point of an intersection) the risk to officers outweigh any benefit to weakening these structures. Non-frangible objects at low speed locations will protect the lives of our local police officers.

- **Local businesses**

Local businesses are at very real risk of repeated ram raid attacks by criminals in stolen vehicles. This is causing reputational risk and very real harm to our community. The Shire has very limited to nil capacity to deal with this directly. It is difficult in an engineering perspective to put a cost benefit ratio on cash to community benefit. As such, this matter is put to the briefing as a gauge of support for this process to ascertain the value of progressing with the program in some form (contribution of \$50,000 by the Shire to a \$100,000 project) vs the loss of local businesses and their livelihood. Rapidly

disabling or prohibiting access to the townsite by stolen vehicles will reduce the number of ram raids in the town.

- **Pedestrian safety**

In discussion with Police on this project, it was identified that drivers of stolen vehicles have no respect for the vehicle, limits of the road or other users including pedestrians. Anecdotally, there have been near misses of vehicles cutting corners and nearly hitting pedestrians who are out at night. Locations identified in the report may not just be associated with stinger deployment, but keeping the vehicles on the roadway proper to avoid conflict with pedestrians. Additionally, rapidly disabling these vehicles will reduce contact time on road with pedestrians (and other road users).

- **Reputational risk**

There is very real risk to the community's reputation when local or visitor vehicles are stolen. Shire staff have left and clearly stated that they are leaving due to high crime levels in town. This may not be an isolated occurrence. Cars of tourists being stolen are extremely likely to feed negative perceptions of our town turning away potential visitors or residents. If this is the case, it will have a tangible financial impact to our community and potential population growth. Whilst the proposal may not reduce car theft, rapidly disabling a vehicle may reduce damage to the vehicle, and if the proposal limits the time of a rampaging vehicle on road, this will most likely discourage ongoing future theft.

- **Safety of stolen vehicle occupants**

Thieves in stolen vehicles and other occupants are at risk, potentially in deployment of stingers, and also in impact with non-frangible objects. Placing hardcover at most likely slow points will reduce occupant risk, and potentially end the activity as quickly as possible, further reducing that risk to the occupants and other vulnerable community members.

- **Legal risk**

If a stolen (or other) vehicle hit a non-frangible object in the road reserve, there is liability risk to the Council. To a lesser extent, there is a risk to the Shire if a stolen vehicle causes damage or death and the Shire has been seen to do nothing. The option that offers the least risk to the Shire is to do nothing, and would be the most probable advice if sought by legal means. This risk could in the majority be mitigated if structures were put in place 'by order' of WAPOL. The ability to obtain an order from WAPOL cannot be substantiated to any degree.

Placement of heavy-duty gates is also proposed at 'rat run' and firebreak locations. Gates would be permanently open, and only closed by police in stolen

vehicle/vehicle isolation events. Gate installation has very little associated risk to the Shire, and facilitates great benefit by denying access to escape routes and car dumping locations when gates are closed.

Overall, the very real *tangible risks* that this project proposal eliminates outweigh tangible risk, however, due to the current litigious nature of society, there is litigation risk to the Shire if engaging to reduce that 'real' risk. This item seeks to gauge the sentiment of the briefing, and if supported, to progress that matter to formal resolution of Council.

ATTACHMENTS

Attachment 1 - Letter of Support - SWEK - Police Protection Barriers

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

Cr T Chafer moved a motion that Council move in camera to discuss items in 16. 'Matters behind closed doors', the motion was seconded by Cr N Brook.

Council Decision:

Minute Number: 23/08/2022 - 118702

That Council move-in camera at 5:31pm to discuss matters in Item 16 - Matters Behind Closed Doors.

Moved: Cr T Chafer

Seconded: Cr N Brook

Decision: 9/0

The Gallery was asked to leave the room.

Cr T Chafer moved a motion that Council move out of camera. The motion was seconded by Cr M Dear. The Gallery was invited back into the Wyndham Chambers and the Council decisions were read aloud.

Council Decision:

Minute Number: 23/08/2022 - 118707

That Council move-out of camera at 6:19pm.

Moved: Cr T Chafer

Seconded: Cr M Dear

Decision: 9/0

16. MATTERS BEHIND CLOSED DOORS

All Shire Officers left the room for item 16.1

16.1. CHIEF EXECUTIVE OFFICER - ANNUAL REVIEW AND KEY PERFORMANCE INDICATORS

DATE:	23 August 2022
AUTHOR:	David Menzel, Shire President
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	PL1907
DISCLOSURE OF INTERESTS:	Vernon Lawrence declares a financial interest as the item is regarding his performance, remuneration review and contract of employment.
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council endorse the recommendations of the CEO KPI Review Panel in relation to CEO's annual performance and remuneration review as per the Confidential Attachments.

Councillors considered that it would be prudent to include a KPI relating to the Corporate Culture of the Administration.

AMENDED MOTION

Council Decision

Minute Number: 23/08/2022 - 118703

That Council endorse the recommendations of the CEO KPI Review Panel in relation to CEO's annual performance and remuneration review as per the Confidential Attachments and the CEO is also to report to Council on the organisational culture within 6 months in preparation for next year's KPI's.

**Moved: Cr M McKittrick
Seconded: Cr B Kyne**

Decision: 9/0

SUBSTANTIVE MOTION

Council Decision

Minute Number: 23/08/2022 - 118704

That Council endorse the recommendations of the CEO KPI Review Panel in relation to CEO's annual performance and remuneration review as per the Confidential Attachments and the CEO is also to report to Council on the organisational culture within 6 months in preparation for next year's KPI's.

Moved: Cr D Hearty

Seconded: Cr B Kyne

Decision: 9/0

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

Clause 2 (a) & 2 (b) applies to this report

5.23. Meetings generally open to public

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

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

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to note and endorse the recommendations of the CEO Performance Review Panel in relation to the CEO's annual performance and remuneration review.

16.2. REQUEST TO WAIVE INTEREST

DATE:	23 August 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
ASSESSMENT NO:	A8171, A8172, A8173
FILE NO:	FM.11.56
DISCLOSURE OF INTERESTS:	NIL
VOTING REQUIREMENT	Absolute Majority
NATURE OF COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 6.47. of the *Local Government Act 1995*, waive outstanding penalty interest with a total combined value of \$543.08 for Rates Assessments A8171, A8172, and A8173.

Council Decision

Minute Number: 23/08/2022 - 118705

That Council, in accordance with Section 6.47. of the *Local Government Act 1995*, waive outstanding penalty interest with a total combined value of \$543.08 for Rates Assessments A8171, A8172, and A8173.

Moved: Cr D Hearty
Seconded: Cr N Brook

Decision: 9/0

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 the recommendation from Shire Officers to waive penalty interest to the total value of \$543.08.

16.3. REQUEST TO WAIVE RATES

DATE:	23 August 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
ASSESSMENT NO:	A217
FILE NO:	FM.11.56
DISCLOSURE OF INTERESTS:	Cr T Chafer declared an impartiality interest as the ratepayer in question is one of their employees
VOTING REQUIREMENT	Absolute Majority
NATURE OF COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 6.47. of the *Local Government Act 1995*, waive rates with a total value of \$2,520.12 for Rates Assessment A217.

Council Decision

Minute Number: 23/08/2022 - 118706

That Council, in accordance with Section 6.47. of the *Local Government Act 1995*, waive rates with a total value of \$2,520.12 for Rates Assessment A217.

Moved: Cr B Kyne

Seconded: Cr J Farquhar

Decision: 9/0

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 the recommendation from Shire Officers to waive rates with a total value of \$2,520.12 for Rates Assessment A217.

17. CLOSURE

Cr T Chafer declared the meeting closed at 6:24pm