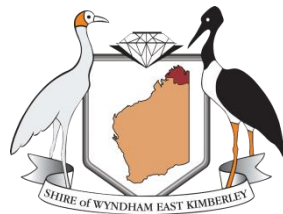


I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

26 February 2019

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.

Signed on behalf of Council



CARL ASKEW

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 MINUTES
WYNDHAM COUNCIL CHAMBERS
TO BE HELD ON 26 FEBRUARY 2019 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

The Shire President declared the Meeting open at 5.01pm.

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

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
C Askew	Chief Executive Officer
N Kearns	Director Planning and Community Development
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
M Davidson	Manager Engineering Services
M Northover	Resident
S Rushby	Resident
E Van Aiken	Reporter – The Kimberley Echo

APOLOGIES

Cr G Lodge	Councillor
S Dyson	Director Infrastructure

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Cr Mat Dear	12.2.3 - Elector Motion 6	Annual General Meeting of Electors 5 December 2018	As Manager for Ord Irrigation Cooperative we own Infrastructure at the top of Kelly's Knob.

- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Question from Chris McLachlan, Wyndham Resident

Re CBP Item 393, contaminated soil was removed from Pearse St, Wyndham, at a budgeted cost of \$20,000. Please advise how much soil was removed, what was the contamination, where was it moved to and what was the actual cost of removal?

The Shire President took the question on notice.

Questions asked by Simone Rushby, Kununurra Resident

1) Could the director of infrastructure please tell me how often he and or staff attend Ivanhoe Crossing

2) Could the director please tell me to his knowledge when Ivanhoe Crossing was last at a level below the top of the bollards

3) It is my belief that the last time that Ivanhoe Crossing was below the bollards was more than one week ago, why then has Ivanhoe Crossing remained closed.

4) A reputable government department has reported that in excess of 100 instances of vandalism occurred over the past few days. The Shire President has stated that he will never openly admit to the wider public that Kununurra is experiencing vandalism issues because of the damage to the tourism industry. What damage does the president believe will occur to the industry if this continues during the upcoming Kimberley moon festival where people will have paid large sums of money to visit the region, only to have their experience marred by damage or theft of their property?

5) While I understand many of the Shire Councillors have personal links to tourism ventures and industries and therefore concern over the impact to the industry, I would like to ask what about the damage that is already being done (so a reality not just an expectancy) to local business , property and householders. Why is the tourism industry being given preference?

The Shire President took these questions on notice.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Alma Petherick provided a written request for a leave of absence from the March 2019 Briefing and Ordinary Council Meeting.

OFFICER RECOMMENDATION

That council approve a leave of absence for Cr Petherick for the 26 March 2019 Ordinary Council Meeting.

COUNCIL DECISION

Minute Number: 26/02/2019 - 115913

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

That council approve a leave of absence for Cr Petherick for the 26 March 2019 Ordinary Council Meeting.

Carried: 8/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 11 December 2018

Note: The Minutes of the Ordinary Council Meeting held on 11 December 2018 are provided under separate cover via www.swek.wa.gov.au

Council Decision

Minute Number: 26/02/2019 - 115914

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

That Council confirms the Minutes of the Ordinary Council Meeting held on 11 December 2019

Carried: 8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President thanked Cr Deb Pearce, Stuart Dyson and Shire staff for their work on Australia Day. He also reminded everyone of the upcoming Thank a Volunteer Day event taking place in Kununurra and Wyndham on Friday 15 March. Nominations are now open for Volunteer of the Year – Kununurra and Volunteer of the Year – Wyndham.

Our Annual Community Survey has commenced and is available on the Shire website and in your PO Box.

The Audit Committee yesterday received the report on the Regulation 17 External Audit conducted by Auditors - Moore Stephens. The Organisation was proven to be in good health, showing that a great amount of work has been done at the Shire to improve its governance systems and processes. 2016 saw 35 recommendations. 2018 saw this reduced to 13, of which 4 have already been completed.

On Tuesday 19 February – the CEO, Director Infrastructure and I met with KDHS Principal, Kate Wilson and Chair of the P & C, Sarah Greenwood to discuss parking and traffic flow issues at the school. The Shire was able to table and discuss options provided through our Road Safety Auditors.

On Thursday 21 Feb I attended a reception function hosted by the Chair of Landcorp, George McCullagh, Board Members and CEO.

On Friday the CEO, Director Planning and Community Development and I met with the Board, CEO and Regional Manager of Landcorp to discuss a range of Planning and Development matters relevant to the Shire.

The Shire President also noted the CCTV project has commenced; Contractors, Calibre, were on site in Wyndham last week to undertake a site inspection of the proposed CCTV locations including Koolinda St, Bonaparte St, Croc Park, St Paul's Way and Koolama St.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

16.1 Lake Argyle Road Stage 4

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Kimberley Zone 2019 Meeting Dates

DATE:	26 February 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the below 2019 Schedule of Meetings for the Kimberley Zone of WALGA and Regional Collaborative Group (RCG) as approved by the Kimberley Zone at the 4 December 2018 meeting and via Circular Resolution on 18 February 2019.

Date	Location	Meeting aligned with
Tuesday 19 March 2019	Derby	State Council Meeting
Tuesday 30 April 2019	Video conference	State Council Meeting
Tuesday 10 June 2019	Broome	State Council Meeting and Joint Pilbara Kimberley Forum
Tuesday 6 August 2019	Perth	WALGA Local Government Convention
Tuesday 3 September 2019	Halls Creek	State Council Meeting
Tuesday 3 December 2019	Darwin	State Council Meeting and Joint Kimberley NT Forum

Council Decision

Minute Number: 26/02/2019 - 115915

Moved: Cr D Pearce

Seconded: Cr N Brook

That Council endorses the below 2019 Schedule of Meetings for the Kimberley Zone of WALGA and Regional Collaborative Group (RCG) as approved by the Kimberley Zone at the 4 December 2018 meeting and via Circular Resolution on 18 February 2019.

Date	Location	Meeting aligned with
Tuesday 19 March 2019	Derby	State Council Meeting
Tuesday 30 April 2019	Video conference	State Council Meeting
Tuesday 10 June 2019	Broome	State Council Meeting and Joint Pilbara Kimberley Forum
Tuesday 6 August 2019	Perth	WALGA Local Government Convention
Tuesday 3 September 2019	Halls Creek	State Council Meeting
Tuesday 3 December 2019	Darwin	State Council Meeting and Joint Kimberley NT Forum

Carried: 8/0

PURPOSE

For Council to endorse the 2019 Schedule of Meetings for the Kimberley Zone of WALGA and Kimberley Regional Group.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kimberley Regional Group (KRG) meets on a regular basis throughout the year and have an annual joint forum with the Local Government Association of the Northern Territory.

At the 3 October 2014 Kimberley Zone of WALGA /Kimberley Regional Group (Zone / KRG) Meeting in Derby, a resolution was made to schedule four face-to-face Zone / KRG meetings per year, in addition to holding video conference meetings as required for consideration of the WALGA State Council Meeting Agenda. At the 4 December 2018 Zone meeting a report

presented the 2019 Schedule of Meeting dates for the Kimberley Zone of WALGA and Kimberley Regional Group.

The Kimberley Zone Resolved the following:

KIMBERLEY ZONE RESOLUTION:
(RECOMMENDATION)

That the Kimberley Zone endorses the 2019 Schedule of Meetings as contained below:

<i>Tuesday 19 March 2019</i>	<i>Joint Zone KRG Meeting</i>	<i>Aligns with revised State Council Meeting</i>	<i>Derby</i>
<i>Tuesday 30 April 2019</i>	<i>Joint Zone KRG Meeting Joint</i>	<i>Aligns with State Council Meeting</i>	<i>Video Conference</i>
<i>Tuesday 2 July 2019</i>	<i>Joint Zone KRG Meeting</i>	<i>Aligns with State Council Meeting Aligns with Joint Pilbara Kimberley Forum</i>	<i>Broome</i>
<i>Tuesday 6 August 2019</i>	<i>Joint Zone KRG Meeting</i>	<i>Aligns with WALGA Local Government Convention</i>	<i>Perth</i>
<i>Tuesday 3 September 2019</i>	<i>Joint Zone KRG Meeting</i>	<i>Aligns with State Council Meeting</i>	<i>Halls Creek</i>
<i>Tuesday 3 December 2019</i>	<i>Joint Zone KRG Meeting</i>	<i>Aligns with State Council Meeting Aligns with Joint Kimberley NT Forum</i>	<i>Darwin</i>

Moved: Shire of Derby West Kimberley Seconded: Shire of Wyndham East Kimberley
Carried 4/0

At the same meeting the Kimberley Zone also resolved the following:

KIMBERLEY REGIONAL GROUP RESOLUTION:

That the Kimberley Regional Group endorse a single regional forum to be held in Broome to coincide with the 2019 Broome – Singapore flights with a date and theme to be ratified by circular resolution at a later date.

Moved: Shire of Derby West Kimberley Seconded: Shire of Wyndham East Kimberley
Carried 4/0

In early February, a KRG Agenda Item was emailed to all Zone CEOs for Circular Resolution as per attachment 1. Ultimately, it was confirmed that the 2 July 2019 meeting would be rescheduled to 10 June 2019 to align with the Joint Pilbara Kimberley Forum and the direct flights from Broome to Singapore.

Overall, it should be noted that five face-to-face meetings have been scheduled, in addition to one video conference.

As a result of a past decision of the group, both the Kimberley Zone and RCG meetings are joined. It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). The RCG is a deed of agreement between four (4) local governments with the Minister for Local Government to progress regional reform, resource sharing, partnerships, shared services and regional cooperation.

WALGA Kimberley Zone

The Western Australian Local Government Association (WALGA) is the single association for Local Government, representing the political and strategic interests of Local Government at State and Federal levels. The Shire of Wyndham-East Kimberley is a member of WALGA.

Local Governments are grouped into regional bodies called Zones a geographically based subdivision containing Ordinary Members and is incorporated within a country or metropolitan constituency. The Kimberley Country Zone Membership is made up of the Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome, Shire of Derby/West Kimberley, Shire of Cocos Islands and the Shire of Christmas Island.

The roles/functions of a Zone are primarily as follows:

1. select a State Council representative;
2. consider the State Council agenda;
3. provide direction/feedback to their State Councillor;
4. develop/advocate positions on regional issues affecting Local Government;
5. progress regional Local Government initiatives;
6. identify relevant issues for action by WALGA;
7. networking and sharing information; and
8. Contributing to policy development through Policy Units and Policy Forums.

Zones:

- have an integral role in shaping the political and strategic direction of Local Government as a tier of government;
- are responsible for bringing relevant local and regional issues to the State decision making table;
- are a key player in developing policy and legislative initiatives for Local Government; and
- have direct relationships with the State Council of the Association, Policy Units and Policy Forums and the Secretariat of the Association.

Every Zone has at least one representative on State Council (generally the Zone Chair and currently Cr Chris Mitchell - Shire of Broome. The Deputy Zone Chair is also the Deputy State Council Representative and is currently Cr David Menzel - Shire President SWEK). Each representative is primarily responsible for ensuring that the Association is governed in

the best interests of all member Local Governments. Representatives are also required to advocate the viewpoints and interests of their Zone on issues under consideration by State Council.

Regional Collaborative Group (RCG)

In September 2010 as part of the Western Australian State Government's Local Government reform agenda, the four Kimberley Shires (Shire of Wyndham/East Kimberley, Shire of Halls Creek, Shire of Broome and the Shire of Derby/West Kimberley) formed the Kimberley Regional Collaborative Group (RCG), formalised with the signing of an agreement with the State Government. The Group was formed with a view to adopting a regional approach to strategic and community planning and facilitating the harmonisation of core functions and services across participating local governments.

The RCG was originally due to terminate on the 30 June 2015. In preparation for this, the Kimberley Shires formed a Kimberley Regional Group (KRG) for the purpose of governing and undertaking shared regional initiatives. The KRG has a Kimberley Local Government Governance Agreement between the four Kimberley Shires, which provides the legal framework for the establishment, membership and operation of the Kimberley Regional Group. This agreement was signed on 24 February 2014 and expired in February 2018. A new Agreement was presented to and discussed at the following Zone/RCG meeting before being presented to individual Councils for endorsement in March 2018. The agreement governing the Kimberley Regional Collaborative Group has a finite life and is now scheduled to terminate on 30 June 2022, unless agreed otherwise by the parties.

Under the RCG, members are tasked with developing and implementing a Kimberley Strategic Community Plan and Kimberley Regional Business Plan. The Kimberley Regional Group (KRG) Regional Community Strategic Plan and Regional Business Plan [the Plans] were last reviewed at the March 2018 meeting with more detailed revisions being undertaken through workshops at the September and October 2018 Zone meetings. At the 4 December 2018 KRG Meeting it was resolved as follows;

That the Kimberley Regional Group adopts the Regional Business Plan 2018-2022 as contained in Attachment 1.

Moved: Shire of Derby West Kimberley Seconded: Shire of Halls Creek

Carried 4/0

The RCG and Kimberley Zone meetings are held at the same time and the representatives are the same. Travel is required to each of the zones (meetings are rotated between members to share in cost and hosting) for the quarterly meetings as well as to Darwin and Perth for conferences at least once a year.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2018/19 budget allocates \$22,000 for SWEK travel/attendance/registration to Kimberley Regional group meetings, with \$12,132 remaining in the budget at the time of preparing this report. The Shire of Wyndham East Kimberley also contributed in 2018/19 \$55,000 to the operation of the Zone, with each of the members of the Zone contributing the same.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

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

Corporate Business Plan

CBP Action: #482 - Participate in Kimberley Zone Regional Collaborative Group (RCG)

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Consultation occurred between the individual Kimberley Shire Councils and WALGA to determine the dates for the 2019 schedule of meetings for the Kimberley Regional Group; taking into consideration Ordinary Council Meeting dates.

The dates selected do not overlap with the Shire's Briefing Sessions or Ordinary Council Meeting dates and therefore Officer's recommend Council endorse these dates.

ATTACHMENTS

Attachment 1 - KRG Agenda Item - Circular Resolution - Forum date and theme

12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	26 February 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Council Decision

Minute Number: 26/02/2019 - 115916

Moved: Cr M McKittrick

Seconded: Cr M Dear

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

Carried: 8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from the December 2018 Council resolutions (Attachment 1).

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

ATTACHMENTS

Attachment 1 - Council Action Register - December 2018

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

12.2.3. Annual General Meeting of Electors 5 December 2018

DATE:	26 February 2019
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	CM13.9
DISCLOSURE OF INTERESTS:	N/A

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 1

That Council reaffirms its current position regarding the use of Ivanhoe Crossing and does not support the changing of access to Ivanhoe Crossing.

Council Decision

Minute Number: 26/02/2019 - 115917

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

That Council reaffirms its current position regarding the use of Ivanhoe Crossing and does not support the changing of access to Ivanhoe Crossing.

**Carried:6/2
Against: Cr A Petherick, Cr M McKittrick**

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 2

That Council reaffirms the previous Council decisions to not reinstate rocks in front of culverts at Ivanhoe Crossing.

Council Decision

Minute Number: 26/02/2019 - 115918

Moved: Cr T Chafer
Seconded: Cr M Dear

That Council reaffirms the previous Council decisions to not reinstate rocks in front of culverts at Ivanhoe Crossing.

Carried: 6/2
Against: Cr A Petherick, Cr M McKittrick

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 3

That Council reaffirms its current position on Shire vehicle magnetic logos following a recent review of all light fleet vehicles.

Council Decision

Minute Number: 26/02/2019 - 115919

Moved: Cr T Chafer
Seconded: Cr J Farquhar

That Council reaffirms its current position on Shire vehicle magnetic logos following a recent review of all light fleet vehicles.

Decision:3/5
Lost

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 4

That Council notes that the Shire administration has undertaken a review of its light fleet and that for operational requirements its preference is to standardise all vehicles as 4WD.

Council Decision

Minute Number: 26/02/2019 - 115920

Moved: Cr A Petherick
Seconded: Cr M McKittrick

That Council notes that the Shire administration has undertaken a review of its light fleet and that for operational requirements its preference is to standardise all vehicles as 4WD.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 5

That Council notes that legislation allows infringements to be issued in all breaches within the provision of the Dog Act 1976, and that these are generally \$200 for all offences, including but not limited to unregistered, not microchipped and wandering dogs, however it is Shire practice that:

- a. If an animal is seized and it is NOT microchipped or registered, the owner is only charged a seizure fee of \$96, plus the costs to microchip and register the animal. No infringement is issued in this instance.
- b. If an animal is seized and it is registered and microchipped then the owner is only charged a seizure fee of \$96 - no infringement is issued unless it is a repeat offender.

Council Decision

Minute Number: 26/02/2019 - 115921

Moved: Cr J Farquhar
Seconded: Cr T Chafer

That Council notes that legislation allows infringements to be issued in all breaches within the provision of the Dog Act 1976, and that these are generally \$200 for all offences, including but not limited to unregistered, not microchipped and wandering dogs, however it is Shire practice that:

- a. If an animal is seized and it is NOT microchipped or registered, the owner is only charged a seizure fee of \$96, plus the costs to microchip and register the animal. No infringement is issued in this instance.
- b. If an animal is seized and it is registered and microchipped then the owner is only charged a seizure fee of \$96 - no infringement is issued unless it is a repeat offender.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 6

Cr M Dear declared an impartiality interest as the Manager of the Ord Irrigation Cooperative that own Infrastructure at the top of Kelly's Knob.

That Council notes the Shire administration will;

- 1. Organise to inspect the Kelly's Knob Walk Trail**
- 2. Undertake a risk assessment of the Trail, and**
- 3. Include the walk trail within its Asset Management Program for ongoing maintenance.**

Council Decision

Minute Number: 26/02/2019 - 115922

Moved: Cr D Pearce

Seconded: Cr M McKittrick

That Council notes the Shire administration will;

- 1. Organise to inspect the Kelly's Knob Walk Trail**
- 2. Undertake a risk assessment of the Trail, and**
- 3. Include the walk trail within its Asset Management Program for ongoing maintenance.**

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 7

That Council notes that the Shire administration currently utilises Main Roads WA (MRWA) guidelines where they have a position, if not AustRoads specifications are utilised.

Council Decision

Minute Number: 26/02/2019 - 115923

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council notes that the Shire administration currently utilises Main Roads WA

(MRWA) guidelines where they have a position, if not AustRoads specifications are utilised.

Carried:8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 8

That Council supports the current arrangements for the hosting of Annual General Meetings of Electors continuing to be held in Kununurra Council Chambers, noting that live access to the meeting provided from Wyndham Council Chambers using Shire video conferencing facilities can be arranged at a cost if requested.

Cr Dear proposed that the words "at a cost" be deleted from the resolution and the mover and seconder agreed.

Council Decision

Minute Number: 26/02/2019 - 115924

Moved: Cr D Pearce

Seconded: Cr T Chafer

That Council supports the current arrangements for the hosting of Annual General Meetings of Electors continuing to be held in Kununurra Council Chambers, noting that live access to the meeting provided from Wyndham Council Chambers using Shire video conferencing facilities can be arranged if requested.

Carried:8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 9

That Council supports the Elector Motion and:

- 1. Requests the Kununurra Post Office remark the lines, signs and directional arrows in the car park for which they are responsible.**
- 2. Request the CEO to investigate car parking areas within the Kununurra Post Office/Leisure Centre area that fall under the Shire's responsibility and remark the lines, signs and directional arrows.**

Council Decision

Minute Number: 26/02/2019 - 115925

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council supports the Elector Motion and:

- 1. Requests the Kununurra Post Office remark the lines, signs and directional arrows in the car park for which they are responsible.**
- 2. Request the CEO to investigate car parking areas within the Kununurra Post Office/Leisure Centre area that fall under the Shire's responsibility and remark the lines, signs and directional arrows.**

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION - Electors Motion 10

That Council requests the CEO to:

- 1. Undertake a review of street pavement signage on one-way streets; and**
- 2. Paint large directional arrows on all roads and streets that are one way in accordance with Main Roads (MRWA) guidelines and standards.**

Cr McKittrick asked if this included on way streets in Wyndham. This was confirmed by administration and the word "all" was included in part 1 of the resolution.

Council Decision

Minute Number: 26/02/2019 - 115926

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council requests the CEO to:

- 1. Undertake a review of street pavement signage on all one-way streets; and**
- 2. Paint large directional arrows on all roads and streets that are one way in accordance with Main Roads (MRWA) guidelines and standards.**

Carried: 8/0

PURPOSE

To present for Council consideration the motions carried at the Annual General Electors Meeting held on 5 December 2018.

Council is only required to make a decision in response to a motion made at an electors' meeting, if it is moved, seconded, put to the vote and carried by a majority of Electors.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

A number of questions and motions were presented at the meeting with ten (10) motions being voted on by the electors present, of which all were carried.

STATUTORY IMPLICATIONS

5.32. Minutes of electors' meetings

The CEO is to —

(a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

(b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at

the

electors' meeting are first considered.

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications are contingent upon Council's consideration of the motions as presented.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

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

Strategy 4.2.2: Ensure community input informs planning and decision making

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

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

The Annual General Meeting of Electors was advertised on the Shire's website, Facebook page and local public notice and all electors were invited to attend. Seven (7) Elected Members and five (5) community members plus a number of Shire staff were in attendance.

COMMENTS

Questions tabled and answered at the meeting will appear in the AGM Minutes and as part of the Ordinary Council Meeting Agenda for 26 February 2019. There were ten (10) Elector Motions carried at the Annual General Meeting of electors.

The motions are responded to individually below:

ELECTOR MOTION 1

Moved: Donna Aladin

Seconded: Keith Wright

That Council consider changing access to Ivanhoe Crossing for recreational purposes as has occurred in the past.

Carried 11/0

Officer's Comment on Motion provided by Director Infrastructure

The management of Ivanhoe Crossing has been considered by Council on six previous occasions for various reasons, including the height of water that is safe for crossing, reinstatement of rocks over the culverts, signage and the type of access and activities permitted.

Large saltwater crocodiles are known to inhabit the area around the crossing hence the signage from the Parks and Wildlife Service warning of the dangers and not to swim, fish or camp near the waters. All crossings are unique and should not be compared to other crossings in the Kimberley. In addition water levels at the crossing vary with the season and

releases of water from the diversion dam. Water flow velocity as well as height over the crossing are both critical factors in determining safety and the use of the crossing.

The Shire is currently awaiting the outcome from the Coroner's Report regarding a fatality in 2016. Therefore it is the Shire's position that the use of the crossing remains unchanged and does not support changing the access to Ivanhoe Crossing for recreational purposes due to the high level of risk involved and the potential liability to the Shire.

Please refer to attachments "Kimberley Echo Article 24.01.2019", "Ivanhoe Crossing Fact Sheet 17 May 16" and "Ivanhoe Crossing Report - June 2016"

ELECTOR MOTION 2

Moved: Darren Spackman

Seconded: Donna Aladin

That Council reinstates the oversized rocks in front of the culverts at Ivanhoe Crossing.

Carried 10/2

Officer's Comment on Motion provided by Director Infrastructure

At many previous meetings of Council, a resolution has been made regarding the oversized rocks at Ivanhoe Crossing. These are stated below.

Council at its Ordinary meeting of 27 January 2016 made the following decision:

COUNCIL DECISION

Minute No. 11240

Moved: Cr D Spackman

Seconded: Cr A Petherick

That Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing

Carried 5/2

For: Cr D Spackman, Cr A Petherick, Cr S Rushby, Cr K Wright, Cr E Bolto

Against: Cr B Robinson, Cr J Parker

Council at its Ordinary meeting of 23 February 2016 made the following decision:

COUNCIL DECISION

Minute No. 11273

Moved: Cr S Cooke
Seconded: Cr N Perry

That Council revoke Minute 11240: that Council reinstate the oversize rocks in front of the open culverts at Ivanhoe Crossing.

Carried: 6/3

For: Cr J Parker, Cr K Wright, Cr B Robinson, Cr S Cooke, Cr E Bolto, Cr N Perry
Against: Cr D Spackman, Cr S Rushby, Cr A Petherick

COUNCIL DECISION

Minute No. 11274

Moved: Cr D Spackman
Seconded: Cr A Petherick

That a desktop safety audit be requested of Ivanhoe Crossing and any findings be included in the community information

Carried 9/0

COUNCIL DECISION

Minute No. 11275

Moved: Cr S Cooke
Seconded: Cr N Perry

That Council:
Immediately initiates community consultation in the form of both public survey (published on Facebook and in the Kimberley Echo), and a community forum, to ascertain the primary use of Ivanhoe Crossing from a community perspective. The results of both to be brought back to Council for consideration at a near future Briefing Session

Carried 9/0

Council at a Special Council Meeting on 31 May 2016 made the following decision:

COUNCIL DECISION

Minute No: 11345

Moved: Cr K Wright

Seconded: Cr S Rushby

That this Council:

1. Proceed in a timely manner, that a reasonable person would consider reasonable, to clean out the partially blocked culverts using any mechanical or manual means to enable free access of water of the Ord River to pass through the culverts.

2. As soon as is practicable, erect signage illustrating the dangers of alighting from vehicles crossing the Crossing or stopping for any reason and alighting. Such signage will be installed at both ends of the Ivanhoe Crossing. Such signage or separate (multi language) signage will also emphasise that due to the dangers of crocodiles in the area, that swimming is totally discouraged.

3. As a matter of urgency the Shire will ensure that those culverts that are open either partially or fully, will be rendered safe by a means considered safe by Engineering, Council and public opinion in general. Such safe outcomes will be achieved by cleaning the partially open culverts, and facing the upstream sides with suitable methods ie: self-cleaning or easily cleaned sloping headwalls with water access holes of a size and number to allow water but not persons to access the culverts (calculations will take into account that the lesser the number of water access holes or the lesser the diameter that this will raise the Crossing water levels.) This combination may mean that a greater number of culverts will need to be cleaned and treated as above and engineering calculations will achieve this balance. Placement of suitable oversize rock to achieve the aforementioned outcomes, or any other proven and cost effective method that maintains water levels below 300 mm can be employed.

4. Indicates that Engineers will be conscious that the flow rate of a quoted 42 cusecs should still allow a traffic depth of water of on the Crossing of a maximum 300 mm The above combination of flow rate and water depth will dictate the number of culverts that will be thus treated.

5. States that at any subsequent time where Ivanhoe Crossing has been closed by an excessive water level (during a "wet" season) that Council expects that the Crossing will be re-opened immediately or within 5 days of when the water level on the Crossing has stabilised to a maximum average of 300mm.

6. Authorise an “out of budget” expenditure of \$25000 to expedite the above in the first instance and that provision be made in subsequent budgets to implement the above on a yearly basis.

7. Any deviation from any point in this resolution of Council with the exception of this point will be referred to a Council meeting or Special Council meeting for resolution of the deviation.

Lost 3/5

For: Cr K Wright, Cr S Rushby, Cr D Spackman

Against: Cr J Parker, Cr E Bolto, Cr S Cooke, Cr N Perry, Cr B Robinson

Council at its Ordinary meeting of 28 June 2016 made the following decision:

COUNCIL DECISION

Minute No: 11414

Moved: Cr N Perry

Seconded: Cr B Robinson

That Council;

1. Request a regulatory review of the crossing by Main Roads Western Australia with a view to implementing;

- a. A speed limit of 10 km/h on the crossing,**
- b. The Installation of “Give Way” signs on the crossing.**
- c. Prohibition of stopping on the crossing other than for stopping at the passing bay to allow the passage of oncoming vehicles.**

2. Notes that establishment of the speed limit referred to in the decision above may necessitate the establishment of step down limits on both sides of Ivanhoe Crossing.

3. Prohibit the use of the crossing by pedestrians.

4. Prohibit the public from alighting from vehicles on the crossing.

5. Designate Ivanhoe crossing as a single lane crossing.

6. Install signage advising of risks associated with, fast flowing water and strong currents, a slippery or slippery when wet road surface, unprotected edges and drop offs and to drive into the water slowly.

7. Erect appropriate signage to advise and manage the implementation of decisions 1, 3, 4, 5, 6 and 7 above including the meaning and use of the depth markers on the crossing, at an estimated cost of \$6,500 which shall be charged to the Ivanhoe Crossing Reconstruct account.

8. Notes that the additional signage referred to in decisions 1, 3, 4, 5, 6 and 7 above will cost an estimated \$6,500 which shall be funded from the 2015/16 forecast budget surplus.

9. Request the CEO to formally acknowledge and thank the representatives from Water Corporation, Department of Parks and Wildlife and Main Roads Western Australia for their attendance at the public forum and for assisting the Shire in its community consultation.

Carried 5/4

For: Cr J Parker, Cr S Cooke, Cr N Perry, Cr E Bolto, Cr B Robinson Against: Cr K Wright, Cr S Rushby, Cr D Spackman, Cr A Petherick

Council at its Ordinary meeting of 28 February 2017, in relation to a report responding to the Annual General Electors Meeting on 31 January 2017, made the following decision:

COUNCIL DECISION

Minute No: 28/02/2017-11606

Commissioner resolved:

That Council;

- 1. Install steel plates supported by rock to the 15 southern most culverts at Ivanhoe Crossing, and**
- 2. reaffirms its decision No.11414 of 28 June 2016, regarding management of Ivanhoe crossing, to install appropriate signage at Ivanhoe crossing.**

Carried 1/0

REASON FOR VARYING OFFICER'S RECOMMENDATION

The Commissioner took into consideration the comments from the community both at the Annual General Meeting of Electors and independently, and determined to amend the officer's recommendation with the addition of the installation of steel plates on 15 culverts.

The placement of rocks in front of the culverts introduces new risk to Ivanhoe Crossing, these include the possibility of people being pinned to the rocks due to the water velocity, plus the possibility of falling in the water and hitting the rock. Similar concerns apply to grates unless designed to avoid being pinned to them.

Advice received from Main Roads on 18 December 2018 confirmed that reinstating rock to block culverts will raise the level of the water flowing over the crossing and potentially make it unsafe for traffic and that that the crossing would potentially be closed for longer periods throughout the year.

It is the officer's recommendation that the existing open culverts remain open as per the original design of the crossing. Please refer to attachments "Ivanhoe Crossing Fact Sheet 17 May 2016" and "Ivanhoe Crossing Council Report of 28 June 2016".

ELECTOR MOTION 3

Moved: Darren Spackman

Seconded: Keith Wright

That Council undertake a review of all Shire vehicles to ensure they are permanently stickered with the Shire logo.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

At the Ordinary Council meeting of 27 February 2018 in relation to the item on the Annual Meeting of Electors of 23 January 2018, the following was reported and noted by Council.

Statement by Bevin Spackman, Packsaddle Road Kununurra:

"Shire owned vehicles should be fitted with livery from the Shire, I believe that the Directors Vehicles for example should be signed as being from the Shire. I object to vehicles being used for private use, particularly in a 4wd capacity or long trips. We pay in excess of \$140,000 in rates, and I believe that the vehicles should be used how they are supposed to be and in view of the public with the Shire emblem on the vehicle."

Officer's Comment on Statement provided by Chief Executive Officer

The Shire maintains a fleet of heavy, medium and light plant and vehicles. All plant and most vehicles have Shire livery (badging) fixed to them in order to identify them (transfer decals). A limited number of vehicles (CEO and senior staff) have magnetic decals that can be removed or attached as required.

A number of staff, as part of their contract of employment, have either commuter, restricted or full private use. All vehicles are first and foremost operational and are required as part of the Shire's work activities. Some are "pool" vehicles and some assigned to individual positions. In addition a number of staff are allowed some personal use of certain vehicles and this has been and is a legitimate attraction/recruitment/retention option for the Administration's workforce. This is not uncommon throughout local government as well as other levels of government and private enterprise.

The CEO, Directors and a limited number of senior managers have full private use and the Shire's position has always been, as it is in most other local governments, to allow either vehicles to be "unbadged" or have the capacity to remove badging for periods of private use. The Shire has an Organisational Directive in relation to Vehicles and Vehicle Use which is operational in its focus and primarily addresses vehicle use matters. All staff who have access to a vehicle are required to sign agreement to that Directive. This current practice and position for the Executive is considered to be appropriate by the CEO.

In response to Elector Motion 3, the Shire's light vehicle fleet has been reviewed and all Shire vehicles which do not have magnetic SWEK logo magnets will be issued with magnetic sets.

The decision to utilise magnets over stickers has been made based on the following considerations:

1. The use of magnets will enable vehicles that are assigned to officers with Private Use employment conditions to be 'debadged' outside of operational use, to afford such employees a degree of privacy during private use.
2. Stickers can affect resale value of vehicles as they can damage paintwork finish.
3. Stickers attract a removal cost at the time the vehicle is due for disposal.
4. The standardisation of magnet use ensures vehicles are consistent in their presentation and are standardised for rotation within the Shire's vehicle fleet.

Magnets will be in place on all Shire vehicles whilst undertaking Shire business.

ELECTOR MOTION 4

Moved: Donna Aladin

Seconded: Keith Wright

That Council undertake a review of its light fleet with a view to changing vehicles to 2WD as opposed to 4WD unless operationally required.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

In response to Electors Motion 4, the Shire has reviewed its vehicle fleet in respect to operational requirements for 2WD vs 4WD as well as the financial cost of holding the vehicles over their useful lives.

The current light vehicle fleet is comprised of 23 vehicles, including vehicles for the Executive. Executive vehicles all have a private use component as do other vehicles in the fleet. The vehicles that have private use have to satisfy a number of requirements. They are pool vehicles for operational use during working hours and are required to carry more than one member of staff. Vehicles are also required to enable staff to visit any area where the Shire Administration is conducting Shire operations including travelling on unsealed roads. This includes work across directorates. The predominant use of these vehicles is for work purposes. The vehicles also have an element of attraction and retention of staff to ensure that the Shire attracts quality staff and retains them. Shire Officers therefore consider that the type of vehicle in use is appropriate.

The cost of private use of the executive vehicles can be demonstrated with reference to the vehicle provided to the Director Corporate Services. The cost of private use of the vehicle for the 2018 Fringe Benefits Tax (FBT) year excluding imputed costs but including depreciation and FBT was \$6,357. The value of the provision of a private vehicle used in the salary package was \$6,000. The cash costs that would be saved by not allowing private use of the vehicle would have been \$4,596. The Shire would however then have to provide an additional \$6,000 in cash salary as compensation for the removal of part of the negotiated salary leaving the Shire \$1,404 worse off. The provision of the private use of a vehicle is therefore beneficial to both employer and employee.

Finally on Executive vehicles a comparison between the capital cost of a 2015 Landcruiser Prado GX Automatic and what is perceived to be a cheaper smaller vehicle, the 2015 RAV4 GXL Automatic is as follows:

Landcruiser Prado GX Automatic:

Retail price in 2015 - \$54,490 (Including GST)
Trade Price (average) in 2019 - \$31,650 (Including GST)
Capital cost - \$22,840 (Including GST)
Average annual capital cost excluding GST - \$4,152

RAV4 GXL Automatic:

Retail price in 2015 - \$40,490 (Including GST)
Trade Price (average) in 2019 - \$19,750 (Including GST)
Capital cost - \$20,740 (Including GST)
Average annual capital cost excluding GST - \$3,771

Difference - \$381 per annum.

For vehicles other than Executive vehicles, the majority of vehicles require 4WD capability to satisfy operational requirements. In the limited instances where 2WD is suitable, the preference is to acquire 4WD's to ensure standardisation of the Shire's fleet to enable rotation of vehicles between business units for the purposes of ensuring vehicles of the same manufacturing year are acquiring similar mileage, wear and tear and operation. It is estimated that the maximum number of vehicles that could be changed from 4WD to 2WD without affecting operational efficiency is five (5).

Additional to this, Toyota manufacture vehicles in set configurations. The 2WD utilities have limited configurations and when operational requirements require utility trays and/or dual cabs the required configuration are 4WD base models only.

Holding costs between 2WD and 4WD have been calculated. Fuel and servicing costs are not materially different between each vehicle type and therefore have not been considered in this analysis. The acquisition price, disposal price, insurance and licencing costs have been compared and can be summarised as follows:

Single Cab Toyota Hilux 2WD diesel

Licencing - \$283 per annum (calculated at 2.75% of dutiable value (set as Net Book Value)

Insurance - \$186 (calculated at 1.806% of Net Book Value)

Purchase price (2015) including GST - \$24,490

Disposal price (2018) including GST - \$13,050

Holding cost per annum excluding GST - \$2,549

Single Cab Toyota Hilux 4WD diesel

Licencing - \$389 per annum (calculated at 2.75% of dutiable value (set as Net Book value)

Insurance - \$255 per annum (calculated at 1.806% of Net Book Value)

Purchase price (2015) including GST - \$36,990

Disposal price (2018) including GST - \$23,050

Holding cost per annum excluding GST - \$3,178

Difference between 2WD and 4WD - \$629 per annum

Estimated cost difference for five fleet vehicles - \$3,145 per annum

ELECTOR MOTION 5

Moved: Donna Aladin

Seconded: Cr T Chafer

That Council considers a 24 hour grace period for impounded animals which are microchipped and registered before an infringement is issued. This is to apply to first offences only.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

If an animal is seized and it is not microchipped or registered the owner is charged a seizure fee of \$96 and the costs to microchip and register the animal. No fine is issued in this instance. If an animal is seized and it is registered and microchipped then the owner is only charged a seizure fee - no fine is issued unless it is a repeat offender.

Subsequently, in response to the question raised, Rangers are not issuing fines when seizing a dog for the first time. The seizure fee should remain in all circumstances to cover the time Rangers deal with the animal/s i.e.: transportation, handling, feeding and housing costs. However Officers are reviewing the purchase of iPads so that Rangers have

immediate access to the dog database so that owners can be contacted to collect their dog straight away and not be taken to the compound.

Fines can be issued in all breaches within the provision of the *Dog Act 1976* - these fines are generally \$200 for all offences including but not limited to unregistered, not microchipped and wandering.

ELECTOR MOTION 6

Moved: Donna Aladin

Seconded: Cr N Brook

That Council undertake regular maintenance of the walk path to Kelly's Knob and improve ease of access.

Carried 9/0

Officer's Comment on Motion provided by Director Infrastructure

The Shire will include the walk path to Kelly Knob within its Asset Management Program and will organise to inspect the path via the use of the drone. The inspection will focus on safety and ease of access and the Shire will also undertake a risk assessment of the walking trail.

ELECTOR MOTION 7

Moved: Darren Spackman

Seconded: Keith Wright

That Council re-investigates using Main Roads Specifications as their preferred engineering standards as opposed to AustRoads.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

The Shire at its discretion utilises both AustRoads guidelines and Main Roads WA (MRWA) specifications. Whilst MRWA invests in resources in the developing of specifications that are tailored for use in WA, MRWA specifications in most cases references AustRoads guides and elaborate on them for implementation in WA.

Advice to the Shire in the Kimberley region is predominantly based on Main Roads specifications. AustRoads provide expert technical input to national policy development on road and road transport issues. MRWA are a member of AustRoads as are all the other State and territories.

ELECTOR MOTION 8

Moved: Michelle McKittrick

Seconded: Keith Wright

That Council alternate the location of the Annual General Meeting of Electors between Kununurra and Wyndham.

Carried 12/0

Officer's Comment on Motion provided by Chief Executive Officer

The Local Government Act 1995 requires;

5.27. *Electors' general meetings*

(1) *A general meeting of the electors of a district is to be held once every financial year.*

(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

(3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. *Convening electors' meetings*

(1) *The CEO is to convene an electors' meeting by giving —*

(a) *at least 14 days' local public notice; and*

(b) *each council member at least 14 days' notice,*

of the date, time, place and purpose of the meeting.

(2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

The Council practice to date has been to hold general meetings of electors at its main administration centre (Council Chambers) in Kununurra.

Ordinary Council Meetings are currently rotated between Kununurra and Wyndham each year, with four (4) meetings per year being held in Wyndham and the balance in Kununurra. When Council (and Administration) travel to Wyndham for Ordinary meetings there is an operational cost (including time) for all members and staff to attend. In addition, when Council holds its meetings in Wyndham it always makes itself available in the hour before to meet with interested residents in an informal "meet and greet" format. This access to Council, in combination with the current OCM rotations does fulfil a similar purpose to a meeting of electors.

In addition, Council now has the technology and capability to allow members to join a meeting electronically using video conferencing hardware and software, and this facility can also be used to link the Wyndham Council Chambers with Kununurra. This capability is regularly used to facilitate staff meetings, interviews and other remote meetings. The capability therefore exists to allow both Chambers to be used simultaneously for Annual General Meetings or other meetings of Council, and, if requested, this could be considered

by Council in the future for Annual General Meeting of Electors. To date no such requests have been received.

Given such meetings generally occur out of hours, if Council were to use such video facilities there would be a cost to allow the building to be open (and closed afterwards) as well as the meeting to be streamed. The primary cost would be in officer time and assumes a local staff member is available and willing to assist. If an officer is required to travel from Kununurra to facilitate such a meeting the costs will be significantly higher.

There have been no such requests for this arrangement to date and a decision to support this recommendation may create further requests for other meetings, and as such administration costs would increase proportionately.

ELECTOR MOTION 9

Moved: Donna Aladin

Seconded: Cr T Chafer

That Council request the post office remark the lines, signs and directional arrows in the car park.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

Advice from Main Roads WA confirmed that line marking within a carpark is at the discretion of the owner and Local Government but is subject to Australian Standards - AS 1742.11 Manual of uniform traffic control devices – Parking Controls, AS 2890.1 Parking Facilities – Off-street car parking and AS 2890.6 Parking Facilities – off-street parking for people with disabilities.

The Shire will contact the Post Office to request them to remark the lines, signs and directional arrows in the car park that fall within their leased area. The Shire will also investigate car parking areas within the Post Office/Leisure Centre area that fall under the Shire's responsibility.

ELECTOR MOTION 10

Moved: Keith Wright

Seconded: Cr A Petherick

That Council request the administration to paint large (2m) directional arrows on all roads and streets that are one way.

Carried 12/0

Officer's Comment on Motion provided by Director Infrastructure

The Shire will undertake a review of all one way streets within Kununurra and Wyndham.

It should be noted that it is the responsibility of the Shire to reinstate any line marking as a result of resealing works, improvement works, maintenance of car parking areas, etc. All other line marking is undertaken by MRWA.

The Shire will review increased 'One Way' street signage on one-way streets.

ATTACHMENTS

Attachment 1 - Ivanhoe Crossing Council Report of 28 June 2016

Attachment 2 - Ivanhoe Crossing Fact Sheet 17 May 2016

Attachment 3 - Kimberley Echo Article 24.01.2019

12.2.4. Local Government Act Review Submission

DATE:	26 February 2019
AUTHOR:	Senior Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GR.09.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council

- 1. Makes a written submission from the Shire of Wyndham East Kimberley on Phase two of the Local Government Act 1995 review as per attachment 1 of this report, and**
- 2. Provides a copy of that submission to the Department Local Government, Sport and Cultural Industries and the Western Australian Local Government Association (WALGA) via the Kimberley Zone.**

Council Decision

Minute Number: 26/02/2019 - 115927

**Moved: Cr J Farquhar
Seconded: Cr T Chafer**

That Council

- 1. Makes a written submission from the Shire of Wyndham East Kimberley on Phase two of the Local Government Act 1995 review as per attachment 1 of this report, and**
- 2. Provides a copy of that submission to the Department Local Government, Sport and Cultural Industries and the Western Australian Local Government Association (WALGA) via the Kimberley Zone.**

Carried:8/0

PURPOSE

For Council to make a written submission from the Shire of Wyndham East Kimberley on phase two of the Local Government Act 1995 review process and for the written submission to be forward to the Department of Local Government, Sport and Cultural Industries and to the Western Australian Local Government Association (WALGA) via the Kimberley Zone.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In 2017, the McGowan Government announced a review of the Local Government Act 1995. This is the first significant reform of local government conducted in more than two decades. In the first phase of reform, local governments and the community were invited to have their say on the priority reforms earlier this year. The drafting of a Bill which includes universal training for candidates and Council members, Council member code of conduct, improvements to CEO recruitment and performance review and a simplified gift framework is now underway.

Phase two of the review considers nine different key topic areas as outlined in the table below and local governments and community members are currently invited to have a say on some or all of the reform areas;

Agile	Smart	Inclusive
Beneficial Enterprises	Administrative Efficiencies	Community Engagement – IPR
Financial Management	Council Meetings	Complaints Management
Rates, Fees and Charges	Interventions	Elections

The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The Department's vision is for local governments to be agile, smart and inclusive.

Agile includes topics that focus specifically on how local governments can best use their resources to adapt to changing conditions. It is important that they can strike a balance between community expectations, the practical limitations of revenue and expenditure and external pressures.

Smart includes topics that focus specifically on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable.

Inclusive focuses specifically on local governments representing and involving their communities in decision-making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and are responsive to community needs.

In October 2018, the Shire of Wyndham East Kimberley hosted the Department of Local Government, Sport and Cultural Industries in Kununurra to hold workshops with the Council, Administration and Community on phase two of the Local Government Act Review. Working within the three categories, Smart, Agile and Inclusive, the Shire has agreed with a majority of the policy decisions put forward by the Department and WALGA, as well as added to

them, with issues which the Shire believes are more specific to our Local Government's social, economic and geographical climate.

All Local Governments have been encouraged and requested to provide a submission to WALGA. This report will also enable the Shire to contribute to an agenda item formulating a regional sector position to be presented to the Zone meeting leading up to the 6 March 2019 State Council meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

There are no risk implications associated with this report

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

A summary of the changes recommended by the Shire of Wyndham East Kimberley are contained in attachment 1. The table highlights those issues where the impact to the Shire of Wyndham East Kimberley is of significance, the Shire's position in terms of WALGA's position statements and any key arguments for the proposed changes.

ATTACHMENTS

Attachment 1 - Phase Two Submission Local Government Act 1995

12.2.5. Developing Northern Australia Conference

DATE:	26 February 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTERESTS:	No disclosure of interest

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council nominate Shire President Cr David Menzel, Cr _____ and the Chief Executive Officer to attend the Developing Northern Australia Conference in Karratha from 11 - 12 July 2019.

Councillor D Pearce nominated Deputy President T Chafer to also attend the Developing Northern Australia Conference. Deputy President T Chafer accepted the nomination.

Council Decision

Minute Number: 26/02/2019 - 115928

Moved: Cr D Pearce

Seconded: Cr A Petherick

That Council nominate Shire Deputy President, T Chafer to attend the Developing Northern Australia Conference in Karratha from 11 - 12 July 2019.

Carried:8/0

Council Decision

Minute Number: 26/02/2019 - 115929

Moved: Cr J Farquhar

Seconded: Cr N Brook

That Council endorse the attendance of Shire President Cr David Menzel, Cr T Chafer and the Chief Executive Officer to the Developing Northern Australia Conference in Karratha from 11 - 12 July 2019.

Carried:8/0

PURPOSE

For Council to nominate Elected Members to attend the Developing Northern Australia Conference in Karratha from 11-12 July 2019 at the Red Earth Arts Precinct.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The annual conference will be held in Western Australia for the first time and discussions involving growth, progress and investment aligning the Northern Australia white paper is the focus.

The Developing Northern Australia Conference will be held from Thursday 11 to Friday 12 July 2019 in the City of Karratha, WA at the Red Arts Earth Precinct.

The Conference is in its 5th year and attracts investors, policy makers, business owners, all sectors of government, decision makers, academics, visionaries, industry, researchers, Indigenous leaders and entrepreneurs that are all contributing to change and making a difference in Northern Australia. The Shire has been represented by the Shire President and CEO at this Conference since it commenced.

The conversation at the 2019 Conference will include the diversification of economies and creating vibrant, resilient communities in the north.

There will be over 60 presentations covering a range of topics to include resources, land, water, energy, renewables, agribusiness, Northern Australian population strategy and industry sector opportunities pertaining to a prosperous, sustainable future for Northern Australia.

STATUTORY IMPLICATIONS

There are no statutory implications

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

The cost of attending the conference is \$1,190 prior to 31 May 2019 and \$1,290 thereafter. The cost of flights per individual attending will be approximately \$2,000 as travel will be via Perth. Accommodation in Karratha at this peak time of year will be approximately \$700 per attendee in an area where a car is not required. If Taxi's can be utilised then accommodation slightly further from the venue would cost approximately \$400 - \$500. Currently there is \$14,205.91 for Members Conferences and \$17,096.77 for Members Travel remaining in the 2018/19 budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: Economic Prosperity

Focus Area 4: Civic Leadership

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

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

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

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

RISK IMPLICATIONS

Poor delivery of information and lack of representation from State or Federal Government authorities.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

While it is recommended that the Shire President and CEO attend this Conference, it is also open to all other Councillors that wish to nominate to attend. Given the cost of getting there and the attendance fees, it is recommended that no more than two others attend.

ATTACHMENTS

Nil

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Renewal of Caravan Parks and Camping Grounds Licences

DATE:	26 February 2019
AUTHOR:	Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for:

- Bachsten Creek Bush Camp;
- Digger's Rest Station;
- Discovery Holiday Park;
- Drysdale River Station;
- El Questro Station Township;
- Ellenbrae Station;
- Hidden Valley Caravan Park;
- Home Valley Station;
- Home Valley Station - Pentecost River Camping Ground;
- Ivanhoe Village Caravan Resort;
- Kalumburu Mission Camping Ground;
- Kimberley Wilderness Lodge (Ungolan Camp);
- Kimberleyland Waterfront Holiday Park;
- Kununurra Agricultural Society;
- Lake Argyle Resort;
- Lakeside Caravan Park;
- McGowan Island Beach Resort;
- Mount Elizabeth Station;
- Parry Creek Farm Tourist Resort and Caravan Park;
- Town Caravan Park, and
- Wyndham Town Caravan Park.

Council Decision

Minute Number: 26/02/2019 - 115930

Moved: Cr N Brook

Seconded: Cr D Pearce

That Council approves the renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for:

- Bachsten Creek Bush Camp;
- Digger's Rest Station;
- Discovery Holiday Park;
- Drysdale River Station;
- El Questro Station Township;
- Ellenbrae Station;
- Hidden Valley Caravan Park;
- Home Valley Station;
- Home Valley Station - Pentecost River Camping Ground;
- Ivanhoe Village Caravan Resort;
- Kalumburu Mission Camping Ground;
- Kimberley Wilderness Lodge (Ungolan Camp);
- Kimberleyland Waterfront Holiday Park;
- Kununurra Agricultural Society;
- Lake Argyle Resort;
- Lakeside Caravan Park;
- McGowan Island Beach Resort;
- Mount Elizabeth Station;
- Parry Creek Farm Tourist Resort and Caravan Park;
- Town Caravan Park, and
- Wyndham Town Caravan Park.

Carried:8/0

PURPOSE

For Council to approve the renewal of licences issued under the *Caravan Parks and Camping Grounds Act 1995* for Caravan Parks and Camping Grounds within the Shire.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Caravan parks and camping grounds must be licenced under the *Caravan Parks and Camping Grounds Act 1995*. Licences remain in force for one year from the day on which the licence was granted or renewed. Licence renewal requires approval by Council.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995

6. Caravan park or camping ground not to be operated without a licence
 - (1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.
Penalty: \$5 000.
 - (2) In subsection (1) —
appointed day means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purpose of that subsection ².
7. Application for the grant or renewal of a licence
 - (1) An application for the grant or renewal of a licence for a facility is to be —
 - (a) made to the local government in the appropriate prescribed form;
 - (b) accompanied by the appropriate fee prescribed; and
 - (c) accompanied by any information that the local government reasonably requires for a proper consideration of the application.
 - (2) An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.
 - (3) An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.
 - (4) Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.
 - (5) Before granting a licence a local government must ensure that —
 - (a) the applicant has complied with the requirements of this Act;
 - (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.
 - (6) A local government may refuse to renew a licence if —

- (a) the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;
 - (b) a condition imposed on the licence has been contravened; or
 - (c) the licence was obtained by fraud or misrepresentation.
- (7) Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant.
- (8) Notice of a decision under this section is to state that the applicant or licence holder is entitled to apply to the State Administrative Tribunal for a review of the decision.

8. Duration of licence

A licence remains in force for the prescribed period unless —

- (a) it is provided otherwise in the licence; or
- (b) it is cancelled.

Caravan Parks and Camping Grounds Regulations 1997

52. Duration of licence

The prescribed period for the purposes of section 8 of the Act is one year from the day on which the licence was granted or renewed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Majority of Owners/Operators have paid the licence renewal fees. Those that have not been received will not be sent a licence until the outstanding fees are paid.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

Corporate Business Plan

CBP Action: #340 Manage and provide environmental health services

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss

Control: Routine inspections to ensure compliance.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There are no new licences for approval. The renewals are for existing caravan parks and camping grounds. All applications have been assessed and are recommended for renewal.

ATTACHMENTS

Attachment 1 - Proposed Licences 2019 - Caravan Parks and Camping Grounds

12.3.2. CBP Quarterly Progress Report - October to December 2018

DATE:	26 February 2019
AUTHOR:	Senior Integrated Planning and Reporting Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/a
FILE NO:	CM.10.7
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the Corporate Business Plan 2018/19 - 2020/21 Quarterly Progress Report - October to December 2018

Council Decision

Minute Number: 26/02/2019 - 115931

**Moved: Cr T Chafer
Seconded: Cr N Brook**

That Council notes the Corporate Business Plan 2018/19 - 2020/21 Quarterly Progress Report - October to December 2018

Carried: 8/0

PURPOSE

For the Council to receive the October to December 2018 Quarterly progress review (quarter two) of the Corporate Business Plan 2018/19 - 2021/22.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

The Corporate Business Plan Year 2018/19 - 2021/22 was adopted by Council at the 26 June 2018 Ordinary Council Meeting (**Minute No: 115783**).

The Quarterly Progress Report is generated from the Shire's integrated planning process. The report reflects the progress of individual actions of the Corporate Business Plan which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving the strategic direction of the Shire.

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

STATUTORY IMPLICATIONS

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

This Act is intended to result in:

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

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

POLICY IMPLICATIONS

CP/COM-3100 - Community Engagement Policy aims to improve the outcomes and benefits of effective community engagement including:

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

FINANCIAL IMPLICATIONS

Financial progress for the year to date is reported monthly by the Monthly Financial Statements. The attached report provides a quarterly financial summary.

STRATEGIC IMPLICATIONS

The Corporate Business Plan Quarterly Progress Report serves to monitor the implementation of operational priorities and activities and report on the achievement of the Strategic Community Plan goals.

Strategic Community Plan 2017-2027

Focus Area 1: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

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

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

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

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

Corporate Business Plan 2018/19

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

CBP Task: Provide quarterly CBP progress reports

RISK IMPLICATIONS

Risk: The Shire fails to carry out the actions set out in the corporate Business Plan.

Control: Regular reporting of progress to CEO, Directors and Council to ensure that performance is monitored and managed.

Risk: Community unaware of Shire activities and progress and become disengaged

Control: Provide quarterly and annual reports to community on the Shires activities and progress

COMMUNITY ENGAGEMENT

The Corporate Business Plan Quarterly Progress Report is made available to the community via the Shire's web page.

COMMENTS

The Quarterly Progress Report – October to December 2018 is shown at attachment 1 to this report. This is the first progress report for the 2018/19 year, and the first progress report against the new Strategic Community Plan 2017-2027. The Report details the progress during the September Quarter in delivering defined priorities by goal, strategy and directorate. This progress is further reviewed by the Shire's Executive Management Team to ensure that performance is monitored and managed.

Summary of progress by quarter is provided in the following table:

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on target	82%	93%		
Complete	6	14		
Not started	19	12		

Progress against the Strategic Community Plan 2017-2027 is summarised below and detailed in the attached report.

Strategic Community Plan 2017-2027 Focus Areas	Percentage of actions completed	Percentage of actions on target
1 Healthy vibrant active communities (People) <i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>	5%	90%
2 Enhancing the environment (Place) <i>We value our Kimberley lifestyle and natural environment. We will work to improve the liveability of our towns and their connection to our surrounding environment.</i>	18%	90%
3 Economic prosperity (prosperity) <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	4%	69%
4 Civic leadership (Governance) <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	11%	93%

ATTACHMENTS

Attachment 1 - Corporate Business Plan Quarterly Progress Report - Q2 October to December 2018

12.3.3. East Kimberley Regional Airport - Proposed Lease

DATE:	26 February 2019
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
ASSESSMENT NO:	A7975
FILE NO:	CP.16.27
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Offers Northern Airport Services Pty Ltd a three year lease, plus a two year option, on a commercial lease within the East Kimberley Regional Airport Terminal, Kununurra, subject to:
 - a. The commencing rent being \$48,135 (excluding GST) as per the current market rent;**
 - b. The tenant meeting all applicable outgoings, inclusive of rates, utility charges, building and property maintenance expenses;**
 - c. Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.****
- 2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with Northern Airport Services Pty Ltd.**
- 3. Authorises the Shire President and Chief Executive Officer to sign the finalised lease and affix the Shire's Common Seal.**

Council Decision

Minute Number: 26/02/2019 - 115932

Moved: Cr D Pearce

Seconded: Cr T Chafer

That Council:

- 1. Offers Northern Airport Services Pty Ltd a three year lease, plus a two year option, on a commercial lease within the East Kimberley Regional Airport Terminal, Kununurra, subject to:
 - a. The commencing rent being \$48,135 (excluding GST) as per the current market rent;**
 - b. The tenant meeting all applicable outgoings, inclusive of rates, utility****

- charges, building and property maintenance expenses;
- c. Local public notice of the proposed disposition being given in accordance with the *Local Government Act 1995*.
2. Delegates to the Chief Executive Officer the responsibility for undertaking and finalising lease arrangements directly with Northern Airport Services Pty Ltd.
 3. Authorises the Shire President and Chief Executive Officer to sign the finalised lease and affix the Shire's Common Seal.

Carried:8/0

PURPOSE

To seek approval from Council to enter into a commercial lease with a current tenant, Northern Airport Services Pty Ltd (NAS), at the East Kimberley Regional Airport (EKRA) Terminal in Kununurra for use of "Airline Passenger check in functions, ticketing, baggage handling, equipment storage, administration".

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Prior to 2001, Ansett was the main airline offering Regular Passenger Transport (RPT) at the Kununurra airport and provided its own ticketing, ground handling staff and IT equipment for their operations.

When Ansett went into receivership and stopped flights to Kununurra, Airnorth took on the lease of the ticketing area, back office and tarmac parking area, and they in turn sub-leased to Northern Airport Services Pty Ltd (NAS) to operate the ticketing and baggage handling for Airnorth, Skywest and Qantas.

At the Ordinary Council Meeting (OCM) held on 19 September 2006, Council considered alternatives to the leasing of the ticketing area, office space and tarmac parking area at the airport, and decided to undertake a tendering process, with the draft tender document and lease document subsequently adopted by Council at the 19 December 2006 OCM.

The tender was advertised in early 2007, and the current tenant NAS were the only entity to lodge a tender, which fulfilled the tender specifications, and Council resolved as follows:

COUNCIL DECISION

Minute No. 7654

Moved: Cr J Buchanan

Seconded: Cr R. Devenish-Meares

1. **Accept the tender price of \$30,850 for the lease of East Kimberley Regional ticketing area, back office, veranda, tarmac parking and store at the East Kimberley Regional Airport by Northern Airport Services Pty Ltd(NAS).**

2. ***That Council enter into a lease agreement with NAS as stipulated by the attached Schedule.***
3. ***That Council note the cover letter from Northern Airport Services Pty Ltd and reiterate that the advertised terms and conditions of the tender and lease stand.***

Carried Unanimously: 9/0

The initial lease to NAS was for a 3 year term, commencing on 1 May 2007, with a 3 year further term. The latest lease to NAS commenced on 1 February 2014, for a term of 3 years and a further option of 2 years. The lease expired on 31 January 2019, and NAS are currently a tenant at will. A copy of the current lease is provided as attachment 1.

The intent of this report is to seek approval to offer a new three year lease, with a two year option and to lease on the same terms as the current lease, with the only changes proposed in relation to the Land parcel and the leased area.

The 2014 lease incorrectly describes the land on which the airport terminal as Lot 181 on Deposited Plan 28266, however due to a subdivision that occurred in 2010, the land is now Lot 200 on Deposited Plan 66654.

In July 2017 there was an amendment to the lease area due to the construction and placement of two air-conditioning units for the Airport Terminal air-conditioning upgrade within the area leased to NAS. In February 2019, NAS has also requested an additional area, currently a meeting room, also be included into the leased area as additional office space. A copy of the updated lease plan, also showing the additional area recently requested, is provided as attachment 2.

For the Shire to offer a lease directly to NAS the Shire is required to first give local public notice in accordance with section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995 (LGA)*, the leasing of land is included as a form of disposal of property and is required to be undertaken in accordance with this section of the Act.

The proposed lease to NAS will be required to be undertaken in accordance with section 3.58 of the Act, which states that a local government can only dispose of property via the following methods:

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

As the intention is to offer a lease to the existing tenant, the Shire will be required to advertise the proposal to lease portions of the Airport Terminal, and the notice is required to include:

- A description of the property concerned;
- The names of all parties concerned;
- The consideration to be received by the local government; and
- The market value of the disposition (within the last 6 months)

The Shire has obtained a current market rent for the proposed lease, which has been determined to be \$45,510 (exclusive of GST) per annum. A copy of the valuation report is provided under separate cover.

However, NAS has requested the leased area be extended to include a meeting room, which was not accounted for in the valuation report. This meeting room has an area of 10.5m² and is intended to be used as additional office space.

The recent valuation for office areas was calculated at \$250 per square, which would equate to an additional lease rent of \$2625 per annum to include the additional area.

POLICY IMPLICATIONS

Policy CP/PMG-3781 Leasing of Council Managed/Owned Land - Commercial

The proposed lease to NAS is proposed to be on the same terms as the previous lease, with an initial term of three years and a further option of two years. The commercial leasing policy states that rent will be subject to a valuation of fair market rent being obtained, with a CPI rent review conducted annually.

The Shire as the landlord will be responsible for major building and infrastructure (e.g. air conditioning plant), however the Lessee's will be responsible for maintenance and will be required to pay outgoing costs inclusive of rates and utility changes and other building and property maintenance expenses relevant to the areas they exclusively use.

FINANCIAL IMPLICATIONS

The Shire will receive market rent for the lease and will also invoice NAS for outgoing costs. The outgoings are defined in Item 9 of the Schedule in the current lease.

The valuation for the current area used by NAS was calculated to be \$45,510 (exclusive of GST) per annum, and including the additional 10.5m² of office area requested, by NAS, would increase this to \$48,135 (exclusive of GST) per annum.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: Economic Prosperity

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

Strategy 3.1.4: Plan for current and future business and infrastructure land use needs

Corporate Business Plan

CBP Action: # 460 Investigation and development of the Kununurra airport enterprise precinct.

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Ensure compliance with legislative requirements prior to entering into lease.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the requirements of the *Local Government Act 1995* and will include a notice in the Kimberley Echo for a period of at least 14 days and public notices to be displayed at the Shire's Administration offices in Kununurra and Wyndham and at the Kununurra School and Community Library.

COMMENTS

To allow the existing tenant to continue to provide the ticketing and baggage handling services, it is recommended that Northern Airport Services be offered a lease of three (3) years, with a further option of two (2) years. The lease will conform with criteria specified in the commercial leasing policy for which a current market valuation has been undertaken to determine the initial rent, and will include outgoing costs inclusive of utility changes and building and property maintenance expenses.

Prior to entering into the lease, in accordance with section 3.58 of the *Local Government Act 1995*, the Shire will be required to give local public notice of its intention to lease a portion of the airport terminal, including the current market value and consideration to be received by the Shire, which are intended to be the same.

If any submissions are received during the public notice period, these submissions will be required to be considered by Council prior to a lease being entered into, which will be finalised by the Chief Executive Officer.

ATTACHMENTS

Attachment 1 - Copy of current lease to NAS
Attachment 2 - Amended Lease Plan

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report December 2018 and January 2019

DATE:	26 February 2019
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial reports for the periods ending 31 December 2018 and 31 January 2019.

Council Decision

Minute Number: 26/02/2019 - 115933

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council receives the monthly financial reports for the periods ending 31 December 2018 and 31 January 2019.

Carried:8/0

PURPOSE

For Council to receive the monthly financial reports for the periods ended 31 December 2018 and 31 January 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

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 26 June 2018 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute Number: 26/06/2018-115800

Moved: Cr M Mckittrick

Seconded: Cr M Dear

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: 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 comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual audit performed.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required.

COMMENTS

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

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 31 December 2018.

Attachment 2 - Monthly Financial Report for the period to 31 January 2019.

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

DATE:	26 February 2019
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

December 2018:

Municipal EFT 133793 - 133949 (05 Dec 18 - 21 Dec 18)	\$ 1,996,076.82
Municipal Cheques 51887 - 51897 (05 Dec 18 - 21 Dec 18)	\$ 102,644.85
Trust Cheques 1201 – 1205 (21 Dec 18)	\$ 1,250.00
Trust EFT 501720 - 501731 (03 Dec 18 - 21 Dec 18)	\$ 5,244.50
Payroll (05 Dec 18 - 18 Dec 18)	\$ 509,332.95
Direct bank debits (01 Dec 18 – 31 Dec 18)	\$ <u>109,211.90</u>
Total December 2018	\$ 2,723,761.02

January 2019:

Municipal EFT 133950 – 134181 (04 Jan 19 – 31 Jan 19)	\$ 1,811,053.09
Municipal Cheques 51898 – 51908 (04 Jan 19 – 24 Jan 19)	\$ 97,543.23
Trust EFT 501732 - 501750 (02 Jan 19 - 31 Jan 19)	\$ 15,844.30
Payroll (02 Jan 19 – 30 Jan 19)	\$ 745,275.30
Direct bank debits (02 Jan 19 – 31 Jan 19)	\$ <u>144,260.71</u>
Total January 2019	\$ 2,813,976.63

Council Decision

Minute Number: 26/02/2019 - 115934

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

December 2018:

Municipal EFT 133793 - 133949 (05 Dec 18 - 21 Dec 18)	\$ 1,996,076.82
Municipal Cheques 51887 - 51897 (05 Dec 18 - 21 Dec 18)	\$ 102,644.85
Trust Cheques 1201 – 1205 (21 Dec 18)	\$ 1,250.00
Trust EFT 501720 - 501731 (03 Dec 18 - 21 Dec 18)	\$ 5,244.50
Payroll (05 Dec 18 - 18 Dec 18)	\$ 509,332.95
Direct bank debits (01 Dec 18 – 31 Dec 18)	\$ <u>109,211.90</u>
Total December 2018	\$ 2,723,761.02

January 2019:

Municipal EFT 133950 – 134181 (04 Jan 19 – 31 Jan 19)	\$ 1,811,053.09
Municipal Cheques 51898 – 51908 (04 Jan 19 – 24 Jan 19)	\$ 97,543.23
Trust EFT 501732 - 501750 (02 Jan 19 - 31 Jan 19)	\$ 15,844.30
Payroll (02 Jan 19 – 30 Jan 19)	\$ 745,275.30
Direct bank debits (02 Jan 19 – 31 Jan 19)	\$ <u>144,260.71</u>
Total January 2019	\$ 2,813,976.63

Carried: 8/0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Councils Delegations Register 2018/19 which was adopted by the Council on the 28 August 2018, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2018/19 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 payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire’s financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS - Item 12.4.1

Attachment 1 - List of Accounts Paid December 2018

Attachment 2 - List of Accounts Paid January 2019

12.4.3. 2018/19 Mid Year Budget Review Report

DATE:	26 February 2019
AUTHORS:	Director Corporate Services, Financial Accountant
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Receives the 2018/19 Mid Year Budget Review Report for the period ended 31 December 2018;**
2. **Approves the budget amendments as detailed in attachment 1;**
3. **Approves a transfer of funds to the Asset Management Reserve of \$63,000 for the purpose of future capital works at the Kununurra and Wyndham Depots;**
4. **Approves an allocation of \$33,000 from the East Kimberley Tourism Reserve for renewal works associated with Tourism House;**
5. **Approves an allocation of \$9,000 from the Foreshore Reserve for survey work associated with leases on the Kununurra Lake foreshore;**
6. **Approves an allocation of \$9,000 from the Kununurra Youth Hub Reserve for the purpose of installing an air conditioning system and associated works in the Kununurra Youth Hub building; and**
7. **Authorises the budget savings of \$65,400 be carried over and dealt with in the 2019/20 budget process.**

Council Decision

Minute Number: 26/02/2019 - 115935

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council:

1. **Receives the 2018/19 Mid Year Budget Review Report for the period ended 31 December 2018;**
2. **Approves the budget amendments as detailed in attachment 1;**
3. **Approves a transfer of funds to the Asset Management Reserve of \$63,000 for the purpose of future capital works at the Kununurra and Wyndham Depots;**
4. **Approves an allocation of \$33,000 from the East Kimberley Tourism Reserve for renewal works associated with Tourism House;**
5. **Approves an allocation of \$9,000 from the Foreshore Reserve for survey work**

- associated with leases on the Kununurra Lake foreshore;
6. Approves an allocation of \$9,000 from the Kununurra Youth Hub Reserve for the purpose of installing an air conditioning system and associated works in the Kununurra Youth Hub building; and
 7. Authorises the budget savings of \$65,400 be carried over and dealt with in the 2019/20 budget process.

Carried: 8/0

PURPOSE

To consider and adopt the proposed amendments to the 2018/19 Budget arising from the 2018/19 Mid-Year Budget Review process.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In preparing the 2018/19 Municipal Fund Budget Shire officers follow a rigorous process from which estimates of income and expenditure for the 2018/19 financial year are determined. As the preparation of the budget is based on estimates of what the financial position of the Shire is at 30 June 2018, once the 2018 financial audit was completed after 30 June 2018, Shire Officers had to consider differences between the forecast data used in preparing the 2018/19 Budget and the estimates used. A report was put to Council at the Ordinary Council Meeting on 30 October 2018 where the 2018/19 Adopted Budget was amended to take into account changes to the forecast opening position of the Shire.

COUNCIL DECISION

Minute Number: 30/10/2018 - 115873

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council -

1. Adopt the changes to the Municipal Fund Budget 2018/19 as detailed in Attachment 3;
2. Adopt the recommendation to transfer an additional amount of \$76,373 to the Drainage Reserve;

Decision: 8/0

The starting point for the Mid Year Budget Review is therefore the budget as amended after the 30 October 2018 Ordinary Council Meeting. The Department of Local Government and Communities has issued Circular No. 06/2006 to provide local governments with information about the budget review process. The following paragraph is a key point from the circular:

A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments: is in receipt of income and incurs expenditure in accordance with the adopted budget.

A detailed review of the financial position and operations for the period to 30 December 2018 has been undertaken identifying the reasons for significant variances and the action required to address them. The attachment contains the details of the Officer recommendations and is now presented to Council for its consideration.

Officers have ensured that Council resolutions presented during the 2018/19 financial year have been considered in this Mid Year Budget Review. Changes to the Adopted Budget are proposed by Officers where they believe that circumstances have occurred that impact permanently on the budget position for the financial year under review.

STATUTORY IMPLICATIONS

Local Government Act, 1995:

6.8. Expenditure from municipal fund not included in annual budget

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b) *is authorised in advance by resolution*;*
 - c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

*(1a) In subsection (1) — **additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- 2) *Where expenditure has been incurred by a local government —*
 - a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; an*
 - b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*
 - c) *[Section 6.8 amended by No. 1 of 1998 s. 19.]*

Local Government (Financial Management) Regulations 1996:

Regulation 32 - Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3)):

A local government may exclude from the calculation of the budget deficiency —

- a) *money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year; and*
- b) *reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year; and*
- c) *in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year; and*

- d) any proposed amounts of depreciation of non-current assets; and
- e) assets from grants or gifts or non-cash revenue or expenditure; and
- f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and
- g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.

Regulation 33A - Review of Budget:

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) consider the local government’s financial position as at the date of the review; and
- (c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

After taking into account all adjustments considered to be permanent changes to the budget position for the 2018/19 financial year, the overall improvement to the budget is considered to be \$219,100. The allocation of these funds is to provide for additional expenditure of \$141,700, a transfer to Reserves of \$63,000, transfer from Reserves of \$51,000 and retaining the \$65,400 cash surplus to be dealt with in the 2019/20 budget process . The details of these changes are discussed below in the Comments section.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: 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 comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual financial audit.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Mid Year Budget Review examined both the operating income and expenditure of the Shire, and its capital works program for the year to 31 December 2018. From this examination the following savings have been recognised as permanent changes to the budget position at 31 December 2018:

1. Operational savings that have determined that there is additional budgeted funds available amounting to a net total of \$219,100. These savings are from budgeted staff costs of \$75,000, material and contracts of \$93,500, additional revenue of \$82,600 and a reduction in rate revenue due to reclassification and exemption status of properties totalling \$32,000.
2. Part of the additional income of \$63,000 relates to a lease of portion of the Kununurra Depot. This is not considered to be ongoing in nature and therefore Officers recommended the funds be retained in Shires Asset Management Reserve to provide for future upgrades and improvements to the Kununurra and Wyndham Depots.
3. Additional operational expenditure that is required amounts to \$141,700:
 - Shire receptions \$ 2,000
 - Survey costs relating to Old Darwin Road \$ 9,000
 - Legal Fees - Town Planning and Regional Development \$ 5,000
 - Advertising - Town Planning and Regional Development \$ 2,000
 - Cemetery maintenance \$ 5,000
 - Wyndham Sports Oval \$ 9,700
 - Wyndham Depot - cleaning costs \$ 3,800
 - Wyndham Radio Transmission \$10,000
 - Plant Operating Costs \$10,000
 - Staff housing maintenance \$ 8,200
 - Improvements at the Kununurra Pound \$10,000
 - LiDAR for Drainage Study \$25,000
 - Renewal Works on Shire Buildings \$42,000
4. The remaining funds of \$65,400 are recommended to be carried forward as a cash surplus to be allocated as part of the 2019/20 Annual Budget process.

No changes are being recommended for infrastructure capital works projects as these are in the main commencing in the dry season. For projects that have commenced and been completed, the differences between the budgeted funding and the actual costs incurred are not material to warrant budget amendments at this time. Shire Officers consider that the budgets provided for infrastructure capital works do not need to be amended to achieve the outcomes as forecast in the Adopted and Amended Budgets. A detailed review of capital works will be undertaken during the budget process which has already commenced.

As the revenue and costs related to the capital works program has a significant effect on the Reserves of the Shire, it is also considered that a detailed review of the Reserves will be undertaken as part of the budget process once the capital works projects are underway as there is no material changes to Reserves from what has already been adopted by Council and part of this report.

The period under review saw the West Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) works completed and the Shire has been reimbursed in full for all costs apart from the Shire contribution which amounted to \$148,400 for each claim. The works in total amounted to \$8,882,932 over three financial years.

The Attachment listed below details the financial information provided in the commentary above.

ATTACHMENTS

Attachment 1 - 2018/19 Mid Year Budget Review.

12.5. INFRASTRUCTURE

12.5.1. East Kimberley Regional Airport - Runway Extension Project Update

DATE:	26 February 2019
AUTHOR:	Director Infrastructure
RESPONSIBLE OFFICER:	Acting Manager East Kimberley Regional Airport
FILE NO:	TT.04.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

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

Council Decision

Minute Number: 26/02/2019 - 115936

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council:

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

Carried: 8/0

PURPOSE

For Council to endorse the final report on the proposed East Kimberley Regional Airport (EKRA) Runway Extension, in particular the recommendations from the Business Case for a

runway extension in parallel with freight growth opportunities as outlined in the Council resolution from December 2018.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL

The East Kimberley is recognised as one of the most remote communities in Australia and the EKRA operations are key to its connectivity to the rest of Australia. The proposed extension to the airport runway represents an opportunity to enhance this connectivity and potentially lower costs to passengers by accommodating larger Code 4C aircraft. For this reason, the Shire has consistently promoted the proposal and it is a key feature of the Airport Master Plan, which was reported to last year's December Ordinary Meeting, where the Council decided:

Council Decision

Minute Number: 11/12/2018 - 115908

Moved: Cr M McKittrick Seconded: Cr A Petherick

That Council endorses the key directions identified in the draft East Kimberley Regional Airport Runway Extension Project - Business Case and Cost Benefit Analysis with:

- 1. The document to be utilised as part of dialogue with other levels of government and private sector on funding and marketing opportunities.**
- 2. A further report to be submitted to Council with any refinements to the document and consideration for its formal adoption.**

Decision:8/0

An updated Business Case and Cost Benefit Analysis has been provided under separate cover to Councillors. The report combines passenger survey data analysis with an assessment of cost-benefit, along with other influencing factors to better understand the benefits associated with the runway extension project and the opportunities that may flow from it, particularly with regard to freight movement; additional air routes (trial flights) and airfares/costs. This is particularly critical in light of the potential for a reduction in the number of Code 3 aircraft in the future.

The Business Case identifies a range of quantifiable and non-quantifiable benefits on the back of being able to accommodate larger Code 4 aircraft; for tourism and freight handling as well as job creation and an improvement of liveability factors, backed by financial modelling.

STATUTORY IMPLICATIONS

The Construction of the works will need to be implemented through a complying procurement process and construction will need to meet the provisions of Civil Aviation Safety Authority (CASA) Manual of Standards (MOS) Part 139 - Aerodrome Design Standards.

POLICY IMPLICATIONS

There are no significant policy implications as the proposed extension of the aerodrome facilities are anticipated in the planning framework. There is a need during the implementation phase to comply with a range of procurement and safety matters.

FINANCIAL IMPLICATIONS

The construction costs to extend the Runway together with associated works is estimated at over \$17m, together with land acquisition, to achieve the ultimate width. This is beyond the capital funding of a Shire the size of SWEK and it is envisaged to need the support of other levels of government. A key output from the Business Case is to undertake activities to establish a funding model to deliver the project. This could be a mix of Federal/State/Private and Shire contributions. The exact model and associated risks will be the next piece of work to be undertaken by Officers.

Officers will also investigate the establishment of a freight export centre at the airport in parallel with the above.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 3: Economic Prosperity

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

Strategy 3.1.1: Improve the Shire's transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

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

Strategy 3.2.2: Develop a viable regional centre as a key to retaining services and supporting population growth

Strategy 3.2.4: Support the identification and development of investment opportunities that create jobs

RISK IMPLICATIONS

Risk: Inability to deliver levels of service expected by the community.

Control: Develop agreed standards of service and communicate with the community.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Increased accountability to the Audit (Finance and Risk) Committee.

Risk: Non-compliance with procurement policy and procedures resulting in financial and/or reputation loss.

Control: Adherence to procurement policy and procedures.

COMMUNITY ENGAGEMENT

No formal community engagement is required (other than the Melbourne Trials which is a stand-alone piece of work).

There has been ongoing dialogue with key groups including the East Kimberley Marketing Group and EKCCI.

A passenger survey was previously undertaken in May-June 2018.

COMMENTS

The East Kimberley Regional Airport (Kununurra) Runway Extension Project: Business Case and Cost Benefit Analysis (Final Report) adds rigour to previous work undertaken in the context of the preparation of the Airport Master Plan for the purpose of progressing further with the runway extension project, which will enable the airport to accommodate Code 4 aircraft. The report confirms that the project will deliver higher Net Present Value (from doing the project); that the economic benefits flowing from the project are significant, and furthermore that the project will contribute other opportunities and benefits including social.

It is recommended that Council endorses the updated report and furthermore, for the purpose of implementing, instructs Officers to use this as the basis for additional modelling for delivery of the project as well as to identify other growth opportunities.

ATTACHMENTS

EKRA Business Case and CBA Final Report 201218

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

Council Decision

Minute Number: 26/02/2019 - 115937

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council considers the following reports as late items;

- 1. 15.1 Consideration of recommendations contained within minutes of the Audit (Finance and Risk) Committee Meeting of 25 February 2019**
- 2. 15.2 Support to Vary Section 64 Liquor Restrictions**
- 3. 15.3 Motion regarding proposed operation of a bail house in the LIA of Kununurra**

Carried:8/0

15.1. Consideration of Recommendations Contained Within the Minutes of the Audit (Finance and Risk) Committee Meeting of 25 February 2019

DATE:	26 February 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

Councillor N Brook moved and Councillor T Chafer seconded that all recommendations from the Audit (Finance and Risk) Committee Meeting be moved “en bloc”.

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “Audit Regulation 17 Review 2018” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Note the results of the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance; and**
- 2. Note that the implementation of the improvements outlined within the report will be prioritised and implemented in a staged approach.**

Council Decision

Minute Number: 26/02/2019 - 115938

**Moved: Cr N Brook
Seconded: Cr T Chafer**

That Council, with reference to Item 7.1 “Audit Regulation 17 Review 2018” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Note the results of the Chief Executive Officer’s review on the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk**

management, internal control and legislative compliance; and

2. Note that the implementation of the improvements outlined within the report will be prioritised and implemented in a staged approach.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 *“Risk & Opportunity Management Policy and Framework”* as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

1. Adopt the Draft Policy CP/GOV-3108 Risk and Opportunity Management as contained in the attachment to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.
2. Note the Risk and Opportunity Management Framework as a supporting administrative document to the Risk and Opportunity Management Policy as attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 26/02/2019 - 115939

Moved: Cr N Brook
Seconded: Cr T Chafer

That Council, with reference to Item 7.2 *“Risk & Opportunity Management Policy and Framework”* as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

1. Adopt the Draft Policy CP/GOV-3108 Risk and Opportunity Management as contained in the attachment to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.
2. Note the Risk and Opportunity Management Framework as a supporting administrative document to the Risk and Opportunity Management Policy as attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Compliance Audit Return 2018*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Note the 2018 Compliance Audit Return has been completed**
- 2. Authorise the Shire President and the CEO to certify the 2018 Compliance Audit Return**
- 3. Authorise the Chief Executive Officer to submit the 2018 Compliance Audit Return to the Department of Local Government by 31 March 2019**

Council Decision

Minute Number: 26/02/2019 - 115940

Moved: Cr N Brook

Seconded: Cr T Chafer

That Council, with reference to Item 7.3 “*Compliance Audit Return 2018*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes;

- 1. Note the 2018 Compliance Audit Return has been completed**
- 2. Authorise the Shire President and the CEO to certify the 2018 Compliance Audit Return**
- 3. Authorise the Chief Executive Officer to submit the 2018 Compliance Audit Return to the Department of Local Government by 31 March 2019**

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Rates Debtors*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Council Decision

Minute Number: 26/02/2019 - 115941

**Moved: Cr N Brook
Seconded: Cr T Chafer**

That Council, with reference to Item 7.4 “*Standing Item - Rates Debtors*” as detailed in the 25 February 2019 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.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Standing Item - Leases*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 26/02/2019 - 115942

**Moved: Cr N Brook
Seconded: Cr T Chafer**

That Council, with reference to Item 7.5 “*Standing Item - Leases*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*Standing Item - Sundry Debtors*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Council Decision

Minute Number: 26/02/2019 - 115943

Moved: Cr N Brook

Seconded: Cr T Chafer

That Council, with reference to Item 7.6 “*Standing Item - Sundry Debtors*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, accept that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 7

That Council, with reference to Item 7.7 “*Standing Item - Insurance Claims*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Council Decision

Minute Number: 26/02/2019 - 115944

Moved: Cr N Brook

Seconded: Cr T Chafer

That Council, with reference to Item 7.7 “*Standing Item - Insurance Claims*” as detailed in the 25 February 2019 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda of the 25 February 2019 Audit (Finance and Risk) Committee Meeting.

Carried: 8/0

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 25 February 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee meeting minutes of 25 February 2019.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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

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

RISK IMPLICATIONS

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

COMMENTS

Various - detailed within the Minutes of the 25 February 2019 Audit (Finance and Risk) Committee meeting.

ATTACHMENTS

Nil

15.2 Support to Vary Section 64 Liquor Restrictions

DATE:	26 February 2019
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	CR.22.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Supports the request of the Kununurra Wyndham Alcohol Accord to vary the Section 64 Liquor Restrictions currently in place in Kununurra and Wyndham to be consistent with the Section 64 Liquor Restrictions proposed to be implemented in the Pilbara.**
- 2. Requests the Department of Racing, Gaming and Liquor to review and amend licence restrictions for the purpose of allowing the sale of glass containers for low strength and boutique beer and wine.**

COUNCIL DECISION

Minute Number: 26/02/2019 - 115945

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council:

- 1. Supports the request of the Kununurra Wyndham Alcohol Accord to vary the Section 64 Liquor Restrictions currently in place in Kununurra and Wyndham to be consistent with the Section 64 Liquor Restrictions proposed to be implemented in the Pilbara.**
- 2. Requests the Department of Racing, Gaming and Liquor to review and amend licence restrictions for the purpose of allowing the sale of glass containers for low strength and boutique beer and wine.**

Carried:8/0

PURPOSE

To advocate on behalf of the Kununurra Wyndham Alcohol Accord and licensees with respect to varying liquor restrictions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Wyndham Alcohol Accord at its meeting of 5 February 2019 agreed to write to the Director of Liquor Licensing for the purpose of varying the Section 64 Liquor Restrictions, currently in place in Kununurra and Wyndham, to be consistent and align with those proposed to be implemented in the Pilbara. A copy the letter from the Kununurra Wyndham Alcohol Accord, to the Director of Liquor Licensing is at Attachment 1.

The Kununurra Wyndham Alcohol Accord has requested that Council supports their request with respect to varying the Section 64 Liquor Restrictions in place in Kununurra and Wyndham.

Councillors will be aware of the Kimberley Regional Group's support of community led alcohol management across the region and to adopt a consistent approach with respect to the implementation of region wide liquor restrictions which is reflective of the Regional Strategic Plan. In supporting their request for changes to the current restrictions, the Kununurra Wyndham Alcohol Accord reviewed the restrictions proposed by the Kimberley Regional Group and those proposed to be implemented in the Pilbara. A spreadsheet highlighting the differences between those restrictions is at Attachment 2.

The restrictions proposed in the Pilbara principally vary with those in place in Kununurra and Wyndham by allowing bulk purchases to bona fide tourists and reducing the time for bulk purchase applications to 24 hours.

Also discussed at the special meeting of the Kununurra Wyndham Alcohol Accord was the issue associated with licence restrictions limiting the sale of low strength and boutique beers and wine in glass containers. This restriction is attached to individual licences. Otherwise, the current Section 64 Liquor Restrictions limit the sale of alcohol in glass containers over 400ml. This limitation was originally placed on licences at the request of the Shire for the purpose of reducing rubbish and physical harm. Until recently, licencees had been provided flexibility in applying this rule however have now been advised by the Liquor Enforcement Division (part of WA Police) that that flexibility is no longer available and as a result some lines of boutique beers may only be sold in cans, which are less available to the outlets. The sale of beer in glass containers within the proposed Pilbara Section 64 Liquor Restrictions only applies to bottles over 750ml - 'King Browns'.

STATUTORY IMPLICATIONS

Sections 175(1a) and 64 of the *Liquor Control Act 1988* enable the Department of Racing, Gaming and Liquor to impose additional licence conditions as restrictions on the sale of take away alcohol (quantities and trading hours) and which may be applied to a specific area or region.

The latest changes to the restrictions on take away alcohol sales in Kununurra and Wyndham were implemented in December 2017. New restrictions on the sale of take away alcohol are proposed to be implemented in the Pilbara which will take effect from 31 March 2019. Restrictions for Broome and Derby, via the recommendations of the Kimberley Regional Zone, are proposed to be voluntary.

The Department of Racing, Gaming and Liquor has powers to vary individual licences, as would apply to the sale of alcohol in glass containers in addition to any limitation nominated within the Section 64 restrictions.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Focus Area 4: Civic Leadership

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

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire.

Corporate Business Plan

CBP Action: #405 Reduce the likelihood of alcohol related harms

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required in this instance.

COMMENTS

Alignment of the liquor restrictions currently in place with those proposed in the Pilbara will address issues with regard to inconsistency in application as well as to directly address matters related to bulk purchases. It will also align the Liquor Restrictions with those proposed to be implemented in Broome and Derby. In all other respects the restrictions would essentially remain unchanged. These changes then would also ensure that the restrictions in the Shire align with those proposed to be applied region wide.

A common sense approach to the sale of low strength and boutique beer and wine is suggested as these products, in the main, are unlikely to cause rubbish and physical harm. Individual licensees, also members of the Accord, should be able to specify which products may be sold in this format and to monitor if there are any negative impacts, which can be achieved through the Accord. This would also assist in better aligning with the proposed Pilbara Section 64 Restrictions.

It is recommended that the Council supports the request by the Kununurra Wyndham Alcohol Accord to align the current restrictions with those proposed to be implemented in the Pilbara and also requests the Department of Racing, Gaming and Liquor to amend individual (take-away alcohol) licences to provide discretion to licensees with respect to the sale of mid-strength and boutique beers and wine in glass containers. A draft letter to the Department of Racing, Gaming and Liquor is provided at Attachment 3.

ATTACHMENTS

Attachment 1 - Letter from Kununurra Wyndham Alcohol Accord to Director Liquor Licensing

Attachment 2 - Spreadsheet comparing liquor restrictions in Kununurra and Wyndham with those proposed by the Kimberley Regional Group and that are proposed to be implemented in the Pilbara

Attachment 3 - Draft letter to Department of Racing, Gaming and Liquor

15.3 Motion regarding proposed operation of a Bail House in the Light Industrial Area of Kununurra

Cr Deb Pearce proposed the following Motion in relation to the Bail House:

That the Council of the Shire of Wyndham East Kimberley does not support the operation of the youth bail house in the Light Industrial Area in Kununurra, and requests the Ministers for Planning and Justice to meet with the Council, MG Corporation, East Kimberley Chamber of Commerce & Industry and other community representatives to discuss

- (1) compatibility of the proposal with relevant planning controls;
- (2) the inappropriate location and lack of safe facilities for bail house child occupants;
and;
- (3) the impacts on and security risks to local businesses in the light industrial area.

Prior to this meeting, that Council works with Stakeholders including MG to identify an alternative, more appropriate site to propose at the meeting.

This meeting needs to be held prior to occupation of the facility by youth clients, or by 15 March 2019 at the latest.

COUNCIL DECISION

Minute Number: 26/02/2019 - 115946

Moved: Cr D Pearce

Seconded: Cr A Petherick

That the Council of the Shire of Wyndham East Kimberley does not support the operation of the youth bail house in the Light Industrial Area in Kununurra, and requests the Ministers for Planning and Justice to meet with the Council, MG Corporation, East Kimberley Chamber of Commerce & Industry and other community representatives to discuss

- (1) compatibility of the proposal with relevant planning controls;**
- (2) the inappropriate location and lack of safe facilities for bail house child occupants; and;**
- (3) the impacts on and security risks to local businesses in the light industrial area.**

Prior to this meeting, that Council works with Stakeholders including MG to identify an alternative, more appropriate site to propose at the meeting.

This meeting needs to be held prior to occupation of the facility by youth clients, or by 15 March 2019 at the latest.

Carried: 8/0

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute Number: 26/02/2019 - 115947

Moved: Cr M McKittrick

Seconded: Cr M Dear

That Council move in-camera at 6.58pm with Officers to remain.

Carried: 8/0

16.1. Lake Argyle Road - Stage 4

DATE:	26 February 2019
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	Stuart Dyson - Director Infrastructure
FILE NO:	RD.07.63
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 26/02/2019 - 115948

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council;

1. Note the terms of the Agreements (Service Agreement & MOU), for the Provision of Works and Services by Main Roads Western Australia for the shoulder widening, culvert extensions, pavement repair and resealing commencing at SLK 2.50 and continuing to, or before an estimated, terminal point of SLK 6.19 on Lake Argyle Road; and
2. Authorise the Chief Executive Officer to execute the Agreements for the Provision of Works and Services by Main Roads Western Australia for the shoulder widening, culvert extensions, pavement repair and resealing commencing at SLK 2.50 and continuing to, or before an estimated, terminal point of SLK 6.19 on Lake Argyle Road.

Carried:7/1
Against: Cr A Petherick

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

5.23. Meetings generally open to public

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

VOTING REQUIREMENT

Simple Majority.

PURPOSE

To consider Main Roads Western Australia proposed Agreement for the Provision of Works and Services to undertake the next stage of the redevelopment works to Lake Argyle Road, and make recommendation for executing the Agreement.

Main Roads Western Australia Agreement for the Provision of Works and Services redevelopment works proposal encompasses shoulder widening, culvert extensions, pavement repair and resealing commencing at SLK 2.50 and continuing to, or before an estimated, terminal point of SLK 6.19 on Lake Argyle Road.

On the basis that the value of the Contract will exceed \$500,000, the award of contract cannot be approved by the Chief Executive Officer under Delegation 7.

COUNCIL DECISION

Minute Number: 26/02/2019 - 115949

Moved: Cr T Chafer

Seconded: Cr M McKittrick

That Council move out of camera at 7.24pm

Carried:8/0

Members of the gallery were invited back to Chambers. The Shire President read aloud the resolution from matters behind closed doors.

17. CLOSURE

The Shire President declared the meeting closed at 7.26pm