



SHIRE OF WYNDHAM | EAST KIMBERLEY

# AGENDA ORDINARY COUNCIL

24 AUGUST 2021

## **DISCLAIMER**

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

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

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

Signed on behalf of Council



**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
WYNDHAM COUNCIL CHAMBERS  
TO BE HELD ON 24 AUGUST 2021 AT 5:00PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

**3. DECLARATION OF INTEREST**

- Financial Interest
- Impartiality Interest
- Proximity Interest

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

NIL

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. PETITIONS**

## **8. CONFIRMATION OF MINUTES**

### **OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 27 July 2021.**

Note: The Minutes of the Ordinary Council Meeting held on 27 July 2021 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

## **9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

## **10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

- 16.1. CEO KPIs
- 16.2. T12-20/21 Roadworks for Stock Route Road, Research Station Road and Dulverton Street
- 16.3. Exercise of Power of Sale For Recovery of Outstanding Rates

## **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 9 August 2021

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>ASSESSMENT NO:</b>	Various - As Detailed in the Minutes of 9 August 2021 Audit (Finance and Risk) Committee meeting
<b>FILE NO:</b>	Various - As Detailed in the Minutes of 9 August 2021 Audit (Finance and Risk) Committee meeting
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Standing Item - Rates Debtors*” as detailed in the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors including rates debts in legal process are sufficient and appropriate.

#### VOTING REQUIREMENT

Simple Majority

#### COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

#### VOTING REQUIREMENT

Simple Majority

### **COMMITTEE RECOMMENDATION 3**

**That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting.**

### **VOTING REQUIREMENT**

Simple Majority

### **COMMITTEE RECOMMENDATION 4**

**That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 9 August 2021 Audit (Finance and Risk) Committee Meeting.**

### **VOTING REQUIREMENT**

Simple Majority

### **COMMITTEE RECOMMENDATION 5**

**That Council, with reference to Item 7.5 “*Write Offs and Waivers 2020/21*” as detailed in the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report of Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2020 to 30 June 2021 totalling \$598,347, the details of which are provided in Confidential Attachment 1 to the 9 August 2021 Audit (Finance and Risk) Committee Agenda/Minutes.**

### **PURPOSE**

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 9 August 2021.

### **NATURE OF COUNCIL’S ROLE IN THE MATTER**

Leader - Plan and provide direction through policy and practices

Regulator - Responsible for the enforcement of statutory requirements

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The background and details supporting the recommendations are contained within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **STATUTORY IMPLICATIONS**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **POLICY IMPLICATIONS**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **FINANCIAL IMPLICATIONS**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **COMMUNITY ENGAGEMENT**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.



## **COMMENTS**

Various - detailed within the Minutes of the 9 August 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

## **ATTACHMENTS**

Nil

## 12.2. CHIEF EXECUTIVE OFFICER

### 12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

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

#### PURPOSE

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

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

#### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

#### STATUTORY IMPLICATIONS

NIL

#### POLICY IMPLICATIONS

NIL

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

## *Strategic Community Plan 2017-2027*

### Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

### **RISK IMPLICATIONS**

Nil

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

An update of actions from the July 2021 Council resolutions are detailed in Attachment 1.

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

### **ATTACHMENTS**

Attachment 1 - Council Action Register - July 2021

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

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Quarterly Progress and Performance Report (Q4)

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/a
<b>FILE NO:</b>	CM.10.13
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for April to June 2021 (Q4) at Attachment 1**

#### **PURPOSE**

For the Council to receive the April to June 2021 Quarterly Progress and Performance Report.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Leader - plan and provide direction through policy and practices

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

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

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

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

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

The quarterly report reflects the progress of individual actions of the CBP which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving those specific directions that the Council has prioritised. The status of actions at the end of each financial year are listed as complete or deferred.

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

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

### **STATUTORY IMPLICATIONS**

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

*This Act is intended to result in:*

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

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

### **POLICY IMPLICATIONS**

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

#### CP/COM-3100 - Community Engagement Policy

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

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

### **FINANCIAL IMPLICATIONS**

The attached quarterly report includes a financial summary.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

**Focus Area 4:** PERFORMANCE - Civic Leadership

**Goal 4.2:** Good decision making through engagement with the community

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

*Corporate Business Plan*

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

CBP Task: Provide quarterly CBP progress reports

## **RISK IMPLICATIONS**

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

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

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

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

## **COMMUNITY ENGAGEMENT**

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

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

## **COMMENTS**

A summary of progress by quarter is provided in the tables below. They show a general upward trend in achievement throughout the reporting period and reflect significant completion of capital works projects in the last quarter. This is markedly different to the previous financial year, which was greatly impacted by the introduction of the State of Emergency (COVID-19 Coronavirus pandemic) which was also reflected in attendance numbers to Shire facilities such as the leisure centres and libraries. Changed work arrangements also impacted upon a number of areas and this is reflective of some of the actions carried over to this financial year. Additionally, staff shortages, in some part related to the pandemic and restricted movement of people, have in some instances reduced capacity to undertake strategic and policy work and a shortage of contractors similarly has impacted the delivery of some parts of the capital works program. Nevertheless, the impacts of the State of Emergency did impact achievement across a number of areas and some of these have been deferred to the 2021/22 financial period and captured in the updated Corporate Business Plan which was adopted by Council at the last Ordinary Meeting.

One pleasing trend has been the number of completed projects and actions, which has risen from 21% for the 2018/19 period, to 58%, with an aspirational goal of between 70% and 75%, as many of the actions cannot strictly be 'completed' within any one reporting period.

Despite the restrictions imposed and the impacts on operations, the Shire had a number of highlights inclusive of:

- The East Kimberley Regional Airport was able to handle much larger aircraft with record passenger numbers, while still improving a number of security measures and preparing plans for upgrades and expansion of the airside and non-airside infrastructure.
- A new Economic Development Strategy and Prospectus was adopted describing a range of achievable strategies and actions to support and attract new investment to the Shire and which will support revitalisation of industry and improve liability.
- A Memorandum of Understanding was entered into with the MG Corporation to promote a collaborative effort in fostering new business opportunities.
- Detailed audits and condition reports were prepared for all of the Shire's road, footpath and building assets for the purpose of better improving overall asset management.
- The Shire was successful in obtaining funding for major improvements to the Kununurra Leisure Centre including for a new water playground and for the replacement of the aquatics area including for a new 50m pool.

- Funded shared pathways and trails were constructed in Kununurra connecting Lakeside to the main town centre and to schools and these works were complemented by efforts by the operations team to construct other connecting pathways.
- Major funding was achieved for the redevelopment of Wyndham (Clarrie Cassidy) Oval.
- A new electronic card system was introduced at the Kununurra Leisure Centre gymnasium to provide extended after hours access.
- The biennial Community Scorecard Survey was undertaken which showed pleasing improvements in levels of community satisfaction with organisational performance and service delivery.
- Stage 1 of streetscape improvements were undertaken in Wyndham which was supported by community and organisations.
- The operations team self-performed renewal of the main section of the Celebrity Tree Park to Swim Beach pedestrian trail with Stage 2 proposed for this new year. This represented a substantial saving and signals capability to renew other (similar) trails in Kununurra and Wyndham.
- Approvals were issued for a number of major developments including for the: redevelopment of Lakeside Resort and Caravan Park in Kununurra; upgrade of Horizon Power's main office in Kununurra, as well as for a new solar farm at Kalumburu.
- Officers working from home at the height of the pandemic in part of 2020 continued to implement measures to use paperless systems and for the better use of video conferencing, which continues to improve efficiency and approval turnaround times.

Action status by Quarter	Q1	Q2	Q3	Q4
Percentage on time (as reported)	97%	90%	75%	40%
Percentage on budget (as reported)	98%	100%	95%	93%
Complete	3%	3%	5%	58%
Not started	9%	5%	2%	N/A
In progress	88%	92%	93%	N/A
On hold	0%	0%	0%	N/A
Deferred	0%	0%	0%	42%

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

Strategic Community Plan 2017-2027 Focus Areas	Actions completed	Actions deferred
<b>1 Healthy vibrant active communities (People)</b>	67%	33%



<i>Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity.</i>		
<b>2 Enhancing the environment (Place)</b> <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>	46%	54%
<b>3 Economic prosperity (prosperity)</b> <i>For the Shire to be open for business with a growing and successful economy and jobs for all.</i>	67%	33%
<b>4 Civic leadership (Governance)</b> <i>We will deliver services to the community efficiently, provide leadership and governance that is future thinking, transparent and accountable.</i>	50%	50%

## **ATTACHMENTS**

Attachment 1 - Quarterly Progress and Performance Report - April - June 2021 (Q4)

### 12.3.2. Community Grant Program - Rates Assistance 21/22

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Community Grants and Events Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	GS.05.66
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Approves the allocation of funding from the 2021/22 Community Grant Program – Rates Assistance (in line with Council Policy PC/COM-3582 Community Grant Program and Guidelines), inclusive of the 2021/22 and 2022/23 financial periods - to:**
  - Wyndham Community Club \$7,718.50**
  - Kununurra Dragon Boat Club \$3,870.00**
- 2. Approves the change of percentage for funding from the 2020/21 Community Grant Program – Rates Assistance – for the Kununurra Visitor Centre Assessment number A8164, from 51% to 100%.**

#### **PURPOSE**

To allocate funding under the Shire's Community Grant Program - Rates Assistance.

#### **BACKGROUND**

Rates Assistance Grants provide the opportunity for not for profit community groups and associations occupying rateable land to apply for funding for the payment of their rates. The amount of assistance is paid up to the amount of rates levied with eligible organisations being not for profit incorporated associations. The assistance grant is only applicable to rates, and not to service charges, the Waste Receptacle Service, and/or the Emergency Services Levy.

Rates Assistance Grants were first introduced in 2017 as a means of 'capturing' expenditure in the recreation and culture expenditure account as a factor in determining the quantum of Commonwealth Financial Assistance Grants. It also addressed anomalies in the Shire's consideration for rate exemptions.

Last year, the Shire allocated \$66,270 to 15 organisations, extending that support until the end of the 2022/23 financial year. The Wyndham Community Club and Kununurra Dragon Boat Club had not applied for funding and therefore were not included in that allocation, but have provided information with respect to this which is at Attachment 1. Both organisations have also requested rates assistance for the previous financial period and for the current financial year (extending to 2022/23) and those applications are at Attachment 2.

The rates assistance sought for the previous financial year is \$3,840.44 for the Wyndham Community Club and \$2,598.29 for the Kununurra Dragon Boat Club. For the 2021/22 financial year, the rates assistance is \$3,878.06 for the Wyndham Community Club and \$1,560.00 for the Kununurra Dragon Boat Club. In total this is an allocation of \$11,876.79. Approval of the request will bring both organisations up to date and in line with the timeframes and allocations for the other 15 community organisations, to 2022/23, and they will all be required to be again considered by Council for the 2023/2024 financial year.

When the rates assistance funding was approved last financial year for the Kununurra Visitor Centre, the whole floor space was on a single assessment number including the portion sublet to Penny's Prints and for this reason the Council reduced the percentage of rates assistance to 51% to reflect the floor area of the lease and sublease. Since then, however, the part of the building occupied by Penny's Prints has been given a separate property assessment number and therefore, as a commercial tenancy, it is now separately rated. It is therefore suggested to remove the reduction of percentage rates assistance for the balance of the property (Assessment number A8164) which is leased as a community lease to the Kununurra Visitor Centre.

### **STATUTORY IMPLICATIONS**

There will be no specific statutory implications related to Council's consideration of this matter.

### **POLICY IMPLICATIONS**

PC/COM-3582 Community Grant Program and guidelines apply with respect to the eligibility criteria and for the allocation of funding for this financial year as well as with respect to changing the percentage of rates assistance. In most cases, the policy and guidelines apply to the current financial year, however Council is able to decide to provide additional funding in light of there being a 'retrospective payment', noting that it will be paid from this year's budget.

Eligibility criteria under this element of the Community Grant Program Policy and Guidelines, which were adopted by Council at the July 2020 Ordinary Meeting include:

- The organisation must be a registered charity and/or not-for-profit sporting, social or cultural organisation providing community services or benefits
- The organisation must be based within the Shire and registered to an address within this local government area.
- There must not be any arrears to the Shire.
- Residential properties not used in the primary service delivery of the community group or association's activities or services are not eligible.
- The provision of commercial services where any revenue and surplus received is for the benefit of the group or organisation, such as a bar does not disqualify eligibility.
- The percentage of rates assistance will be less than 100% if part of the rateable property is used for a commercial purpose with the revenue and surplus being retained by a third party, and/or residential purpose.
  - This has been included to ensure that where a commercial activity is undertaken by a third party business they don't have an unfair advantage over other businesses paying rates.

The Wyndham Community Club is paying arrears to the Shire under an arrangement previously approved by Council. In a strict sense, therefore, the Club is ineligible for funding under the Community Grant Program except by a decision of Council.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as the amounts inclusive of the rates assistance and change to the percentage rates assistance applicable to the Kununurra Visitor Centre is fully provided for in the 2021/22 budget.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

Strategy 1.1.3: Promote and share our unique culture and history and protect the community's heritage assets

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

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

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

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

*Corporate Business Plan*

CBP Action: #372 Deliver a Community Grant Program

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

Shire Officers have only engaged with the three organisations that will be referred to in the Officer's recommendation to Council.

## **COMMENTS**

The Shire has provided assistance to the Wyndham Community Club for the purpose of improving their finances and to address any (historical) arrears and this is still being finalised in conjunction with assisting with a range of building related matters. This is to ensure that the Club is in a sustainable financial position moving forward as well as to have a facility that is fit for purpose and which is valued by the community. It is considered that approval of the retrospective rates assistance and payment for this financial year, in line with other community organisations, will reinforce this.

All three of these organisations are community based and contribute to a healthy, active and connected community as well as support for economic development and the Shire has previously shown them support through funding and assistance with their facilities.

Each organisation generally meets relevant eligibility criteria and the allocation of funding for this year will bring them into line with other Council supported community organisations. Council's budget allocation for this purpose, in any case, will cover this expense, inclusive of the funding for the previous financial year and no extra expense allocation is sought. The proposed assistance, furthermore, meets the intent of Council's policy and guidelines.

The reduced percentage rate assistance relevant to the Kununurra Visitor Centre is no longer relevant to that organisation since the area occupied by Penny's Prints is separately rated.

It is recommended that Council fund the requests for rates assistance for the Wyndham Community Club and for the Kununurra Dragon Boat Club for this financial year as well as for last financial year and also remove the reduction of the percentage rate assistance for the property occupied by the Kununurra Visitor Centre from 51% to 100%.

## **ATTACHMENTS**

Attachment 1 - Emails from Wyndham Community Club and Kununurra Dragon Boat Club re previous year rates assistance

Confidential Attachment 2 - Applications for Rates Assistance from the Wyndham Community Club and Kununurra Dragon Boat Club

## 12.4. CORPORATE SERVICES

### 12.4.1. Interim Monthly Financial Report June 2021

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

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

#### **PURPOSE**

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

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - Responsible for the enforcement of statutory requirements.

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 23 June 2020 Ordinary Council Meeting, the Council resolved the following:

#### **Council Decision**

**Minute Number: 23/06/2020-118260**

**Moved: Cr D Menzel  
Seconded: Cr M Dear**

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

**Carried 9/0**

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

At the 15 December 2020 Ordinary Council Meeting Council resolved to accept the 2019/2020 Annual Report including the Annual Financial Statements as follows:

**Council Decision**

**Minute No: 118361**

**That Council:**

- 1. Accepts the 2019/2020 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.**
- 2. Convenes the Annual General Meeting of Electors to be held on 2 February 2021 at the Kununurra Council Chambers (commencing at 5pm).**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2019/2020 Annual Report and the time and date of the Annual General Meeting of Electors.**
- 4. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days after it has been accepted.**

**Moved: Cr J Farquhar**

**Seconded: Cr N Brook**

**Decision: 6/0**

At the 23 February 2021 Ordinary Council Meeting Council resolved to adopt changes to the Municipal Fund Budget for 2020/21 arising from changes to the cash position estimated at the time of the preparation of the budget and the actual cash position achieved following the finalisation of the Annual Financial Statements for the year ended 30 June 2020 as follows:

**Council Decision:**

**Minute Number: 23/02/2021 - 118388**

**That Council:**

- 1. Adopts the changes to the Municipal Fund Budget 2020/21 and Reserves as detailed in Attachment 1 and Attachment 2; and**
- 2. Approves the transfer of an additional amount of \$277,077 to the Drainage Reserve.**

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision:9 /0**



## **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

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

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

## **ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report June 2021

## 12.4.2. Amendments to Council Policies CP/FIN-3213 Corporate Credit Cards and CP/FIN-3204 Purchasing

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	CM.11.2
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council adopt the amended policies CP/FIN-3213 Corporate Credit Cards, and CP/FIN-3204 Purchasing.**

### **PURPOSE**

For Council to consider adopting amended policies CP/FIN-3213 Corporate Credit Cards and CP/FIN-3204 Purchasing.

### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Leader - plan and provide direction through policy and practices

Regulate - Responsible for the enforcement of statutory requirements

### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

#### **COUNCIL DECISION**

***Minute Number: 27/10/2020 - 118323***

***That Council adopts the following amended policies:***

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

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

**Moved: Cr T Chafer**

**Seconded: Cr D Pearce**

**Decision: 9/0**

### **COUNCIL DECISION**

**Minute Number: 23/06/2020 - 118265**

**Moved: Cr D Pearce**

**Seconded: Cr T Chafer**

**That Council adopt the revised Policy CP/FIN-3204 Purchasing.**

**Carried: 9/0**

### **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* does not specifically mention the use of corporate credit cards by officers in a local government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations. In addition, Regulation 11(1)(a) of the *Local Government (Financial Management) Regulations 1996* requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

A local government is to adopt a purchasing policy in accordance with Regulation 11A, *Local Government (Functions and General) Regulations 1996*. Sections 2.7 and 2.8 of the *Local Government Act 1995* are also relevant to the policies being revised.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the review of these policies.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

*Focus Area 4: PERFORMANCE - Civic Leadership*

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

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

### **RISK IMPLICATIONS**

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

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

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

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

Minor amendments have been made to the revised policies as follows:

Section 8 of Policy CP/FIN-3213 Corporate Credit Cards has been amended to ensure regulatory compliance and reflect the Shire's current practice with references to the Shire President removed. Under Section 2.8 of the Local Government Act 1995 the Shire President has no administrative authority and as such no authority to approve the Chief Executive Officer's credit card reconciliation statement. For governance reasons the Shire President currently reviews the credit card expenditure of the CDO and will continue to review credit card expenditure of the CEO.

Council Policy CP/FIN-3207 Purchasing has been amended to add an additional category for utilities under Section 3.7(1) Exemptions relating to Policy Requirements for Purchase Requisitions and Purchase Orders.

### **ATTACHMENTS**

Attachment 1 - CP/FIN-3213 Corporate Credit Cards - Draft with track changes

Attachment 2 - CP/FIN-3204 Purchasing - Draft with track changes

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

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.29
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

<b>That Council receive the lists of accounts paid from the Municipal and Trust funds for July 2021, being:</b>	
<b>Municipal EFT 140941 - 141167 (01/07/2021-30/07/2021)</b>	<b>\$ 1,480,520.42</b>
<b>Municipal Cheques 52013 (29/07/2021)</b>	<b>\$ 42.95</b>
<b>Trust EFT 502205- 502220 (01/07/2021 - 30/07/2021)</b>	<b>\$ 9,906.85</b>
<b>Payroll (14/07/2021 - 28/07/2021)</b>	<b>\$ 475,421.30</b>
<b>Direct Bank Debits (01/06/2021-30/06/2021)</b>	<b>\$ 205,009.42</b>
<b>Total</b>	<b>\$ 2,170,900.94</b>

#### PURPOSE

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

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

#### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995 - Section 5.42 Delegation of some power and duties to CEO*

*Local Government (Financial Management) Regulations 1996 -*

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

Regulation 11. Payments, procedures for making etc.

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

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2021/22 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name; the

amount of the payment; the date of the payment; and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid July 2021

## 12.5. INFRASTRUCTURE

### 12.5.1. Dogs in Public Places - Off lead area proposal

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Senior Ranger and Emergency Services Coordinator
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	LE.10.3
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Absolute Majority

### OFFICER'S RECOMMENDATION

**That Council:**

**Endorses the following new proposed Dog Exercise Areas:**

**1. The following are existing Dog Exercise Areas:**

**i. Lot 381 Lakeside, Casuarina Way, East of Lakeside Resort;**

**ii. Lots 1321 and 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and Lot 241 extending 150 metres from the southern boundary;**

**iii. Lots 500 and 501 at Swim Beach extending from the West boundary of the Sailing Club for 150 metres west bounded by Millington Road on the Northern side and Lake Kununurra on the Southern side;**

**iv. The area from the junction of Messmate Way and the Northern Highway extending south-easterly to the Lilly Lagoon and westerly for 100 metres along the Northern Highway;**

**v. Within the town site of Wyndham the area known as Lot 1236, Wyndham Oval.**

**2. The following areas will become new Dog Exercise Areas:**

**i. Lot 843 Lakeview Drive - Walk Trail / Levee Bank, Kununurra (Channel Road to Millington Drive - 1.9kms);**

**ii. Vacant Section of Lot 501 adjacent to Lot 843 Lakeview Drive and enclosed by Millington Drive.**



## **PURPOSE**

For Council to revise and declare new locations for Dogs in Public Places within the Shire of Wyndham East Kimberley.

## **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

Reference Council decision *13.3.2 Dogs in Public Places – 29 July 2014*

### **COUNCIL DECISION**

Minute No. 10477

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council:

1) Approves the following locations as prohibited areas as Dogs in Public Places:

a. Dogs are prohibited absolutely from entering or being in any of the following places:

i. Where so indicated by a sign, a public building;

ii. All premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;

iii. A public swimming pool.

If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

2) Agrees to the following Places which are Dog Exercise Areas:

b. The following are dog exercise areas:

i. Lot 381 Lakeside, Casuarina Way, East of Lakeside Resort;

ii. Lots 1321 and 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and Lot 241 extending 150 metres from the

southern boundary;

iii. Lots 500 and 501 at Swim Beach extending from the West boundary of the Sailing Club for 150 metres west bounded by Millington Road on the Northern side and Lake Kununurra on the Southern side;

iv. The area from the junction of Messmate Way and the Northern Highway extending south-easterly to the Lilly Lagoon and westerly for 100 metres along the Northern Highway;

v. Within the town site of Wyndham the area known as Lot 1236, Wyndham Oval.

Carried 7/2

For: Cr J Moulden, Cr D Learbuch, Cr K Wright, Cr B Robinson, Cr D Spackman,  
Cr S Cooke, Cr G King  
Against: Cr G Taylor, Cr R Dessert

## **STATUTORY IMPLICATIONS**

Section (3A) Dog Act 1976 states:

A local Government may, by absolute majority as defined in the *Local Government Act 1995 section 1.4*, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Section (3C)(b) Dog Act 1976 states:

At least 28 days before specifying a place to be - A dog exercise area under subsection (3A)

A local government must give public notice as defined in the *Local Government Act 1995 section 1.7* of its intention to so specify.

Current Dogs Local Law 2003

### **5. PART 5 - DOGS IN PUBLIC PLACES**

#### **5.1 Places where dogs are prohibited absolutely**

(1) Dogs are prohibited absolutely from entering or being in any of the following places –

(a) where so indicated by a sign, a public building;

(b) all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;

(c) a public swimming pool.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

## 5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –

(a) Within the townsite of Kununurra the areas known as Lot 2370 Celebrity Tree Park,

(b) Lot 2420 Lakeside of Casuarina Way-East of Lakeside Resort

(c) Lots 1321 & 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and

(d) Lot 972, on the corner of Ivanhoe Road and Coolibah Drive up to the Agricultural Society stables.

(e) Within the townsite of Wyndham the area known as Lot 1236, Wyndham Oval.

(2) Subclause (1) does not apply to –

(a) land which has been set apart as a children's playground;

(b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or

(c) a car park.

### **POLICY IMPLICATIONS**

The Domestic Animal Management Plan supports the proposed Dog Exercise Areas.

### **FINANCIAL IMPLICATIONS**

1. Signage installation costs indicating location of Dog Off Lead Area.
2. Reduce Ranger patrols required ensuring dogs on lead which in turn will save time and budget.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.2.2: Develop partnerships to support and maximise participation in a range of

activities and promote the benefits of healthy lifestyles

Focus Area 2: PLACE - 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: # 234 Foreshore Place Making Plan - Lake Kununurra

CBP Action: # 395 Upgrade and create trails as outlines in Trails Master Plan

CBP Action: # 428 Recreation and Open Space Facilities Renewal Program - Kununurra

## **RISK IMPLICATIONS**

**Risk:** Failure to provide infrastructure and services that meet the needs of the community

**Control:** Communicate with the community and provide areas for community members to enjoy a healthy outdoor lifestyle

## **COMMUNITY ENGAGEMENT**

It is recommended to undertake community awareness for Dog Exercise Areas via:

- Shire Website;
- Issuing of media releases;
- SWEK News; and
- Shire Facebook Page.

## **COMMENTS**

For the establishment of proposed dog exercise areas or to prohibit dogs absolutely from locations, a Council Resolution must be passed. The dog exercise areas as they currently are in the local laws are not appropriate.

Increasing the areas where dogs can be legally exercised off lead in the proposed areas of Lakeview Drive and Millington Drive will give responsible dog owners an opportunity to be able to legally utilise the walk trail whilst exercising their dog/s.

The Shire of Wyndham East Kimberley and Water Corporation WA have dual ownership of Lot 843, Reserve # 46172. The Water Corporation have been consulted regarding this proposal and have provided a letter of support attachment 1).

Dog exercise areas will be appropriately signed and advertised as per *Section (3C)(b) Dog Act 1976 and Section 1.7 Local Government Act 1995*.

## **ATTACHMENTS**

Attachment 1 - Water Corporation - Letter of Support Reserve 46172

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

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

## 16. MATTERS BEHIND CLOSED DOORS

### 16.1. CEO KPIs

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence Chief Executive Officer
<b>FILE NO:</b>	PL.1907
<b>DISCLOSURE OF INTERESTS:</b>	Vernon Lawrence declares a financial interest as the item is regarding his performance, remuneration review and contract of employment.

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

#### 5.23. *Meetings generally open to public*

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

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

## **VOTING REQUIREMENT**

Simple Majority

## **PURPOSE**

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

## 16.2. T12-20/21 ROADWORKS FOR STOCK ROUTE ROAD, RESEARCH STATION ROAD AND DULVERTON STREET

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Lani Levi, Senior Procurement and Contracts Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>ASSESSMENT NO:</b>	T12-20/21
<b>FILE NO:</b>	CM.16.405, CM.02.192
<b>DISCLOSURE OF INTERESTS:</b>	Nil at the time of writing the report.

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

### Local Government Act 1995

#### 5.23. Meetings generally open to public

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

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



*(h) such other matters as may be prescribed.*

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

### **VOTING REQUIREMENT**

Simple Majority

### **PURPOSE**

The Shire sought suitable and qualified Tenderers to provide contractual road works as listed below:

- Stock Route Road – Full reconstruction of pavement, reconstruction of shoulders and reseal.
- Research Station Road - Repair failed pavement, reconstruct shoulders and reseal.
- Dulverton Street – Repair failed pavement and reseal between kerbs.

On the basis that the value of the Contract will exceed \$500,000, the award of the contract cannot be approved by the Chief Executive Officer under Delegation 7. An Evaluation Report is included in the Confidential Agenda for Council consideration.

### 16.3. EXERCISE OF POWER OF SALE FOR RECOVERY OF OUTSTANDING RATES

<b>DATE:</b>	24 August 2021
<b>AUTHOR:</b>	Rates Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.11.168, A411P
<b>DISCLOSURE OF INTERESTS:</b>	Nil

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

#### 5.23. **Meetings generally open to public**

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

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

#### **VOTING REQUIREMENT**

Absolute Majority

**PURPOSE**

For Council to consider exercising a power of sale under Part 6 Subdivision 6 of the *Local Government Act 1995* in relation to Rates Assessment A411 for the recovery of outstanding rates, service charges, interest, and legal costs.

## 17. CLOSURE