

SHIRE OF WYNDHAM EAST KIMBERLEY

Special Council Meeting: Confirmed Minutes

18 DECEMBER 2024

I hereby certify that these Minutes are a true and accurate record of the proceedings contained therein.



Shire President

25/02/2025

Date



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

ACTING 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
SPECIAL COUNCIL MEETING
CONFIRMED MINUTES
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON 18 DECEMBER 2024 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 5.00pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr M Dear	Councillor
Cr J Gooding	Councillor (Via videoconferencing)
Cr D Hearty	Councillor
Cr B Kyne	Councillor
Cr S Timms	Councillor (Via videoconferencing)
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
A Bell	Director Corporate Services
N Allen	Director Planning & Community Development (Via videoconferencing)
N Bray	Minute Taker

Apology

Cr B Robinson	Councillor
P Webb	Director Infrastructure

Leave of Absence

Nil

3. DECLARATION OF INTEREST

- Financial Interest - Nil
- Impartiality Interest – Nil
- Proximity Interest – Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

9. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. REPORTS

11.1. ANNUAL REPORT 2023/24

AUTHOR:	Senior Projects Officer
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
FILE NO:	CM.13.9
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119130

Moved: Cr T Chafer

Seconded: Cr D Hearty

That Council:

1. Accepts the 2023/2024 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.
2. Approves the Annual General Meeting of Electors to be held at 5.00pm on Monday 10th February 2025 at the Kununurra Council Chambers.
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 2023/2024 Annual Report and the place, time and date of the Annual General Meeting of Electors.
4. Requests that the Chief Executive Officer invite electors to submit questions and motions in advance of the meeting (via attachment 2) and to include those questions in the meeting agenda.
5. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days of it being accepted.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

PURPOSE

For Council to accept the Annual Report for 2023/24 and to set the date for the Annual General Meeting of Electors.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Annual Report for the period 1 July 2023 to the 30 June 2024 has been prepared in line with the *Local Government Act 1995* and summarises that year's achievements and challenges, as well as addressing stipulated statutory requirements. The Annual Report also demonstrates performance against the Shire's Strategic Community Plan 2023-33. The Annual Report includes the Audited Annual Financial Report for the year ended 30 June 2023, which has been certified by the Office of the Auditor General. The Annual Report also includes the Auditor's Report stating that the financial statements contained in the report are in accordance with the *Local Government Act 1995* and the Australian Accounting Standards.

COMMENTS

The Annual Report provides a summary of achievement against stated Council actions as well as comprehensive review of its financial performance and is recommended to be accepted by Council. It has also been prepared in line with relevant legislative requirements and the report of the auditor meets the requirements of the *Local Government (Audit) Regulations*.

Council is required to convene the Annual General Meeting of Electors no later than 56 days after the report's acceptance, being no later than 12th February 2025. To allow for statutory notice periods the meeting must be held after 24th December 2024. It is recommended that Council convene the Annual General Meeting of Electors on Monday 10th February 2025 to allow Council and community time to return to the East Kimberley following the Christmas break.

STATUTORY IMPLICATIONS

The *Local Government Act 1995 section 5.54(1)* requires the Shire to accept the Annual Report for a financial year no later than 31 December after the end of that financial year. The Shire is required to then hold a meeting of electors (Annual General Meeting of Electors) no later than 56 days after acceptance of the Annual Report (*section 5.27(2)*). If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The *Local Government (Audit) Regulations* are relevant to the report of the auditor which is included in the Annual Report at page 113 of the Annual Report.

The *Local Government Amendment (Auditing) Act 2017* gives the Auditor General the mandate to audit the Shire's Annual Financial Statements and Associated Notes. The Annual Financial Statements and associated notes contained within the Annual Report has been audited by the Auditor General. This can be found from page 86 of the report.

The *State Records Act 2000* requires that the Shire include a statement on the compliance with the Shire's Record Keeping Plan. This can be found on page 35 of the report.

The *Disability Services Act 1993* requires the Shire to include a statement on the compliance with the Shire's Disability Access and Inclusion Plan. This can be found on page 53 of the report.

The *Freedom of Information Act 1992* requires the Shire to include a statement on the process for applying for information under the Act. This can be found on page 35 of the report.

POLICY IMPLICATIONS

POL-2002 Strategic Rating
POL-2017 Significant Accounting
POL-3000 Community Engagement

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.1: Community engagement - Community is engaged in decision making with opportunities to share their views on things that affect them

Strategy 10.1: The Shire will regularly inform the community about Shire projects, programs and services, and seek community input into decision making

RISK IMPLICATIONS

Risk: Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Report annually to Council and community on the activities undertaken.

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

Control: Report annually to Council and community on the activities undertaken.

FINANCIAL IMPLICATIONS

A full financial report for the 2023/24 financial year incorporating the Annual Financial Statements and associated notes, and the Auditor General Independent Auditor's Report is included as a component of the Annual Report.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Community Engagement Guidelines and will include:

- Statutory local public notices in the local paper and notice boards
- A copy of the Report will be made available at Shire facilities and electronically on the Shire website
- Public meeting (General Meeting of Electors) where community can ask questions and propose motions

ATTACHMENTS

Attachment 1 - Annual Report 2023/24 (2r4)

Attachment 2 - AGME Questions and Motions Form

11.2. CONSIDERATION OF RECOMMENDATIONS CONTAINED WITHIN THE MINUTES OF THE AUDIT (FINANCE AND RISK) COMMITTEE OF 9 DECEMBER 2024

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Alexandra Bell, Director Corporate Services
ASSESSMENT NO:	Various - As Detailed in the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

Cr D Menzel moved that Committee Recommendations 1-7 be considered en-bloc.

Seconded: Cr D Hearty

Decision: 8/0

COMMITTEE RECOMMENDATIONS

COMMITTEE RECOMMENDATION 1

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119131

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee recommends to the Council that it adopt the revised Audit (Finance and Risk) Committee Terms of Reference.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 2

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119132

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Committee recommends to Council that it:

1. Notes the Confidential Lease Schedule and the New and Renewal Lease Schedule attached.
2. Endorses a review of all Shire leased properties to provide suitable metrics for process management.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 3

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119133

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee reports to Council that:

1. The actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are consistent with prior processes.
2. A review process is underway to provide suitable metrics for process management.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 4

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119134

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee recommends that Council:

1. Note the progress of the Capital Works program.
2. Endorse a review process to provide suitable metrics for process management.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 5

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119135

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee recommends to Council that it notes the Insurance Claims Report in Attachments 1, 2, 3 & 3a.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 6

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119136

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee recommend that Council:

1. Commence a process to review the Strategic Risk Register;
 - a. Include in that process an evaluation of the risks and any mitigation implemented relating to the capital works program, life cycle costs, renewal gaps and related funding implications.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

COMMITTEE RECOMMENDATION 7

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119137

Moved: Cr D Menzel

Seconded: Cr D Hearty

That the Audit (Finance and Risk) Committee recommends to Council that it endorses:

1. That the Audit (Finance and Risk) Committee meetings for 2025 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 4 March 2024	5:00 pm	Council Chambers, Kununurra
Monday, 2 June 2024	5:00 pm	Council Chambers, Kununurra
Monday, 1 September 2024	5:00 pm	Council Chambers, Kununurra
Monday, 1 December 2024	5:00 pm	Council Chambers, Kununurra

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 9 December 2024.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.4: Innovation - Embrace technology, creativity and innovation to solve complex problems

Strategy 10.4: Integrate all planning and resource management to drive continuous improvement and innovation

RISK IMPLICATIONS

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

Current and Future Asset Considerations

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 9 December 2024 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

11.3. REQUEST FOR NAMING

AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
FILE NO:	RC.09.05
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

COMMITTEE RECOMMENDATION / COUNCIL DECISION

Minute Number: 18/12/2024 - 119138

Moved: Cr T Chafer

Seconded: Cr D Menzel

That Council endorses:

1. The official naming of a portion of Reserve 29799, known as the Kununurra Agricultural Oval, to the *Ingrid Harvey Oval* in recognition of her exceptional service to volunteering and community sport in the region as per Landgate Commemorative Naming Policy.
2. A budget allocation of \$5,000 from the Kununurra Pool Maintenance budget is proposed for the design and installation of signage to be placed in a prominent location near the oval. The signage will commemorate Ingrid Harvey's achievements in community sport and recreation while also acknowledging the historical significance of the Kununurra Agricultural Society's role in establishing the oval for community use.

Carried / Lost: 8/0

For: Cr D Menzel, Cr M Dear, Cr D Hearty, Cr J Gooding, Cr C McNeil, Cr S Timms

Against: Nil

PURPOSE

For Council to consider endorsing the naming of the Kununurra Agricultural Oval the "Ingrid Harvey Oval" in honour of Ingrid Harvey, a long-standing and highly respected resident who recently passed away. Noting that to officially recognise the naming of the Oval through Landgate, Shire Officers will first need to apply and meet the policy requirements outlined within the Commemorative Naming Policy.

And for Council to endorse a budget allocation of \$5000 so Shire Officers can install suitable signage at the Oval which highlights Ingrid's commitment to volunteering and community sport but also acknowledges the Kununurra Agricultural Society contribution to establishing the oval in the late 1990's.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Ingrid Harvey was a well-known and deeply respected member of the East Kimberley community, whose contributions to sport, youth development, and community volunteering have left an enduring legacy. Sadly, Ingrid passed away on October 20, 2024.

Ingrid moved to the region from Darwin when she was just two years old. As a young girl and woman, she was a superb athlete and sportswoman. Many who knew her believe that if she were young today, she would likely have represented Australia in one sport or another.

Although her playing days were cut short by injury, Ingrid transitioned her passion for sport into coaching, youth talent development, and active service on several sporting committees. She played a pivotal role in establishing sports such as softball, basketball, and the Ord River Magpies Football Club. Ingrid held life memberships in softball, basketball, the East Kimberley Football League (EKFL), and the Ord River Magpies Football Club.

The Ord River Magpies Football Club honours Ingrid's legacy through an annual Club Person of the Year award named in her recognition, celebrating extraordinary contributions by members. She was also awarded a medal from the Western Australian Football Commission for her service to football and was twice named Kununurra's Citizen of the Year.

Ingrid served as Secretary of the Ord River Magpies Football Club for 25 consecutive years (1995 to 2020) and spent the last four years of her life as Vice President.

There has been strong support from the Kununurra community for Council to consider naming the Kununurra Agricultural Oval after Ingrid. While Shire officers agree that her significant contributions to community sport warrant recognition, Council should also consider the historical connection of the Kununurra Agricultural Society to the site.

The Kununurra Agricultural Society holds a lease over the surrounding area of the oval and has a long-standing connection to it. Members of the society and the broader community were instrumental in helping the Shire establish the oval approximately 23 years ago.

The oval development was a collaborative effort between Kununurra Agricultural Society, the Shire of Wyndham East Kimberley, and the Department of Sport & Recreation. Each party funded approximately \$50,000 to construct the oval. In addition to this, the Kununurra Agricultural Society provided enormous amounts of in-kind support, including laser levelling of the oval, cost price materials and equipment for irrigation and hundreds of hours of volunteer labour.

While the oval was never officially named, it has long been referred to as the "Ag Oval" in recognition of this historical significance.

COMMENTS

Ingrid Harvey is widely recognised for her remarkable contributions to volunteerism, and community sport, particularly through her involvement with the East Kimberley Football League, the Ord River Magpies Football Club, and her efforts in developing basketball and tee-ball/softball in the region. As a dedicated and prolific volunteer across many sports, Ingrid's impact extends far beyond her achievements. She was a unifying figure whose tireless efforts strengthened community bonds and created opportunities for countless individuals.

Ingrid Harvey's involvement in sport has strong ties to the Kununurra Agricultural Oval. As the Ord River Magpies Football Club grew in prominence and established their clubrooms at the oval in the early 2000s, Ingrid played a pivotal role in fostering the development of the club. Her dedication extended to coaching, administration, and youth development, where her influence shaped the lives of many in the community.

Naming the Kununurra Agricultural Oval in her honour would serve as a lasting tribute to her invaluable contributions, ensuring her legacy is permanently recognised. This gesture would also demonstrate the Shire's commitment to valuing decades of volunteering and dedication to the community.

In addition, it is essential to acknowledge the Kununurra Agricultural Society's significant role in the history of the oval. The Society was instrumental in leading the project to establish and formalise the oval in the 1990s, creating an invaluable community asset. Any signage installed as part of this renaming should reflect both Ingrid's contributions to community sport and the Agricultural Society's involvement in the oval's establishment. This approach ensures that the history of the site and its foundational contributions are preserved alongside the recognition of Ingrid Harvey's remarkable legacy.

Should Council endorse the Shire Officers' recommendations, a public function to officially name the oval will be arranged as a priority. The timing of the event will also depend on the availability of Ingrid's family, who reside outside the region.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report. However, Council should note that the process of officially registering a name with Landgate is lengthy and may take considerable time to complete.

POLICY IMPLICATIONS

No policy implications are associated with this report.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: LIVEABILITY

Goal 2: Healthy communities - Encouraging active, healthy lifestyles

Goal Outcome 2.3: Access to community groups and clubs - Access to strong supportive community groups and clubs

Strategy 2.3: Shire will support and build the capacity of community groups and clubs through community grants programs, advice and management of Shire reserves and facilities

RISK IMPLICATIONS

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

Control: Develop and maintain Council policies that uphold transparent and accountable decision-making standards.

FINANCIAL IMPLICATIONS

There will be costs associated with the purchase and installation of appropriate signage at the oval. While the final cost is yet to be determined, based on similar projects, it is estimated that a budget allocation of \$5,000 will be required. Shire Officers recommend reallocating \$5,000 from the unspent

Kununurra Pool Maintenance budget. Currently, \$29,857 remains in this budget, which is unlikely to be utilised due to the Kununurra Leisure Centre Pool being closed for construction.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

Members of Ingrid's family have been contacted regarding the proposal and are extremely supportive of the gesture. Shire Officers have met with the Kununurra Agricultural Society, who have stated that they support Ingrid being recognised for her dedication to community sport, however, naming the Kununurra Agricultural Oval after Ingrid would potentially detract from the significant contributions of the community and the Kununurra Agricultural Society towards the establishment of the oval.

ATTACHMENTS

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

15. MATTERS BEHIND CLOSED DOORS

Nil

16. CLOSURE

Cr D Menzel declared the meeting closed at 5:11pm