

SHIRE OF WYNDHAM EAST KIMBERLEY

Ordinary Council Meeting: Agenda

Tuesday 26 November 2024



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.**

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	3
3. DECLARATION OF INTEREST	3
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
5. PUBLIC QUESTION TIME	3
6. APPLICATIONS FOR LEAVE OF ABSENCE	3
7. PETITIONS.....	3
8. CONFIRMATION OF MINUTES	3
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	3
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	3
12. REPORTS	3
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	3
12.2. OFFICE OF THE CEO	3
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions	4
12.2.2. Purchase of Property - Staff and Affordable Housing	6
12.2.3. Minutes and Recommendations from the Kimberley Regional Group Meeting of 11 October 2024.....	12
12.2.4. Calendar of Council Meetings, Briefings and Committee Meetings 2025	15
12.3. PLANNING AND COMMUNITY DEVELOPMENT	22
12.3.1. Proposal for Disposal of Land - 29 Boobiulla Way, Kununurra.....	22
12.3.2. Quarterly Progress Report - Q1 (July to September) 2024/25	26
12.3.3. Annual Community Grant Program 2024/25	29
12.3.4. Lease of Reserve 50120 - Ewin Early Learning Centre	38
12.4. CORPORATE SERVICES	42
12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund.....	42
12.4.2. Monthly Financial Report.....	45
12.5. INFRASTRUCTURE	48
12.5.1. Five Rivers Lookout (The Bastion) - Toilets	48
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	51
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	51
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	51
16. MATTERS BEHIND CLOSED DOORS	51
16.1. REQUEST FOR PANEL APPLICATIONS T01-24/25 SERVICING OF LARGE AND MEDIUM PLANT, MECHANICAL REPAIR AND AUTO ELECTRICAL.....	52
17. CLOSURE	52

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 26 NOVEMBER 2024 AT 5:00PM**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**
- 3. DECLARATION OF INTEREST**
- 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 5. PUBLIC QUESTION TIME**
- 6. APPLICATIONS FOR LEAVE OF ABSENCE**
- 7. PETITIONS**
- 8. CONFIRMATION OF MINUTES**
- 9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**
- 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
- 12. REPORTS**
 - 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**
 - 12.2. OFFICE OF THE CEO**

12.2.1.STANDING ITEM - OUTSTANDING ACTIONS FROM PREVIOUS COUNCIL RESOLUTIONS

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

OFFICER'S RECOMMENDATION

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

PURPOSE

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

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR 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.

COMMENTS

Attachment 1 details an update of completed actions relating to Council resolutions.

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

STATUTORY IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

POLICY IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

STRATEGIC IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

RISK IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

FINANCIAL IMPLICATIONS

Various, as referenced in individual reports presented to the Council.

Current and Future Asset Considerations

Various, as referenced in individual reports presented to the Council.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - Council Action Register - In Progress November 2024 [**12.2.1.1** - 3 pages]
2. Attachment 2 - Council Action Register - Completed November 2024 [**12.2.1.2** - 1 page]

12.2.2. PURCHASE OF PROPERTY - STAFF AND AFFORDABLE HOUSING

AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	A1135
FILE NO:	TBA
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Partner - Collaboration with external stakeholders to deliver service and projects. Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Note a contract for the purchase of 1 Weaber Plain Road has been signed and accepted, and that items 1 to 6 below can now be included in the public minutes:
 - a. Authorises the Chief Executive Officer to enter into negotiations to purchase 1 Weaber Plain Road, Kununurra for a sum not exceeding \$790,000 and to execute the purchase documentation with the common seal of the Shire of Wyndham East Kimberley;
 - b. Notes the funding plan for the acquisition of 1 Weaber Plain, Kununurra as set out in the report;
 - c. Authorises the Chief Executive Officer, with reference to the conditions set out in Section 3.58 of the *Local Government Act 1995*, to dispose of 29 Boobiulla Road, Kununurra for a sum of not less than \$325,000 to fund the acquisition of 1 Weaber Plain Road and to execute the sale documentation with the common seal of the Shire of Wyndham East Kimberley;
 - d. Authorises the Chief Executive Officer to secure borrowings in the amount of \$200,000 from Western Australia Treasury should loan funding be required to secure the acquisition of 1 Weaber Plain Road, Kununurra;
 - e. Authorises an amount not exceeding \$300,000 to be utilised from the Property Reserve to fund the acquisition of 1 Weaber Plain Road;
 - f. Agree that the Annual budget be updated for this transaction at the Mid Year Budget Review;
2. Note that the timing of the various cash flows will mean that the transaction will be funded from the Property Reserve until reimbursed from the proceeds of disposal of 29 Boobiulla Road, Kununurra and the proceeds of any grant and/or loan.

PURPOSE

For Council to note that the offer to purchase of a residential property at 1 Weaber Plain Road, Kununurra for staff and affordable housing for childcare has been accepted.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Shire currently provides a remote housing benefit to contract staff to offset the high cost and lack of availability of accommodation in both Kununurra and Wyndham. To this end, the Shire has 23 dwellings. Due to the housing shortage and the lack of affordable housing options for key workers, especially childcare workers, Shire Officers consider that additional accommodation options are required. To this end the Shire has sought funding to construct houses on vacant land it currently owns at Water Lily place. Funds have been sought from both the State and Federal Governments but has been unsuccessful so far.

Childcare is a critical service that is needed in the Shire. The main provider in Kununurra has extreme difficulty in attracting staff due to the high cost of accommodation relative to the remuneration that they can offer. This has a direct bearing on the financial sustainability of childcare in Kununurra. It also has a knock-on effect on other businesses who cannot recruit staff due to the lack of a childcare service.

The property at 1 Weaber Plain Road was listed for sale and provides an opportunity for the Shire to address both staff housing and assist with providing affordable accommodation to the main childcare provider in Kununurra.

A copy of the property sale description is provided at Attachment 1. Copies of the site and building plans are provided at Attachment 2.

Council considered this matter as a confidential item at the Ordinary Council Meeting on 22 October 2024. It proposed that the Chief Executive Officer enter into negotiations to purchase the property subject to certain conditions.

COMMENTS

As previously reported there were 3 dwellings for rent in Kununurra with the rentals being \$500, \$700 and \$1,000 per week. Currently there is one additional dwelling advertised at \$600 per week. There are still approximately 50 houses advertised for sale with very few that meet the Shire requirements. The largest properties, other than the one under consideration, are 4 bedroom, 2 bathroom properties.

The proposed purchase of the property at 1 Weaber Plain Road, Kununurra was brought to Council as a confidential item at the October Ordinary Council Meeting. An offer was made in accordance with the parameters laid out in the confidential report and this offer was accepted. The Shire has paid a deposit of \$20,000 and full settlement was effected on the 15th November 2024. The financial implications are detailed below in this report.

The provision of housing for childcare workers has been a major motivation behind this transaction. Accommodation is a major barrier to recruiting people from outside of the Shire to come and work in childcare. This has a direct impact on the operating capacity of the Ewin Early Learning Centre and consequently on the financial viability of the facility as a whole. The Shire is the owner of the Ewin Centre building and in the event of the current operation becoming not financially viable then there would be pressure on the Administration to take over the operations as a Shire-run facility. A childcare operation is a specialised, highly regulated and difficult operation to manage. From an Administration point of view, acquiring accommodation to assist in helping them to recruit and retain staff will improve their operating capacity. This is a cost effective long term strategy to assist with the provision of childcare in our Shire.

The property is a 2-story dual-key residence with a separate standalone 1 bedroom, 1 bathroom guest house. The main dwelling is designed so that it can convert into dual occupancy units. The property can therefore provide three distinct living spaces that have a total of 8 bedrooms, 4

bathrooms, and 3 kitchens. The property can therefore be used for Shire staff accommodation as well.

Officers have carried out a preliminary inspection of the property and are satisfied that it would meet the organisations needs and provide a much needed option for affordable accommodation for childcare workers. They have further indicated that the dwelling has a high standard of construction but there is a need for some work to be undertaken in the one bedroom cottage.

STATUTORY IMPLICATIONS

Local Government Act 1995

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *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.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

(d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

3.59. Commercial enterprises by local governments

(1) *In this section —*

acquire has a meaning that accords with the meaning of **dispose**;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) *acquire or dispose of an interest in land; or*

(b) *develop land;*

major land transaction means a land transaction other than an exempt land transaction if the total value of —

(a) *the consideration under the transaction; and*

(b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*

major trading undertaking means a trading undertaking that —

(a) *in the last completed financial year, involved; or*

(b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) Before it —

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government; and

(b) its expected effect on other persons providing facilities and services in the district; and

(c) its expected financial effect on the local government; and

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and

(e) the ability of the local government to manage the undertaking or the performance of the transaction; and

(f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

(b) make a copy of the business plan available for public inspection in accordance with the notice; and

(c) publish a copy of the business plan on the local government's official website.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

* Absolute majority required.

[(5a) deleted]

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

(7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.

(8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.

(9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) For the purposes of this section, regulations may —

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

[Section 3.59 amended: No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2); No. 16 of 2019 s. 11.]

Local Government (Functions and General) Regulations 1996.

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —

(a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

(i) \$10 000 000; or

(ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

or

(b) if the land transaction is entered into by any other local government, the amount that is the lesser of —

- (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
 - (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
 - (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —
 - (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.
- [Regulation 8A inserted: Gazette 27 Sep 2011 p. 3844.]

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

This transaction is not a major trading undertaking nor is it a major land transaction as defined, but merely a land transaction. The land transaction is not a transaction that is preparatory to entering into a major land transaction either. The requirements for business plans and Statewide public notice are therefore not required. The amount of the transaction falls within the provisions of section 8A(1)(b).

POLICY IMPLICATIONS

The policy implications relate to asset management.

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Focus Area: SUSTAINABILITY

Goal 3: Access to housing - There are housing opportunities for everyone

Goal 4: Access to education - Education and training opportunities for everyone

Goal Outcome 3.3: Access and housing affordability - The local community has the knowledge and skills to access affordable housing

Goal Outcome 4.1: Childcare and preschool programs - Increase participation in early childhood educational development including quality childcare

Strategy 3.3: Support and promote understanding of the housing market by the community, such how to access the rental market and the steps to buying a house

Strategy 4.1: The Shire will work with key partners to ensure adequate childhood educational development places for all children in the Shire

RISK IMPLICATIONS

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

Control: Invest in infrastructure that enables the Shire to provide services that the community requires.

FINANCIAL IMPLICATIONS

The financial aspects of the transaction put to Council in the confidential report were as follows:

Purchase Price:	\$782,500 (Offers between \$775,000 and \$790,000.)
Stamp Duty:	\$32,000
Legal Fees:	\$2,500
Other Costs:	\$2,500
Total Costs:	\$819,500

There were several funding options for this transaction. The preferred one from the Shire was as follows:

Proceeds from the disposal of 29 Boobiella -	\$325,000
Grant Funding / WA Treasury Loan -	\$200,000
Proceeds from Property Reserve -	\$294,500 (Reserve currently \$863k)

Council has a decision before it relating to the disposal of 29 Boobiella Drive. As reported this house is the most difficult to get staff to occupy. It has been offered for childcare but was rejected as not being suitable for young females due to issues with the neighbouring properties. The 29 Boobiella Drive property provides the Shire with a rental income of \$14,560 per annum. This rental income would be lost.

The funds in the Property Reserve of \$294,500 to be used in this transaction provided a 4.68% return on investment for an income of \$13,783. The total income lost to the Shire once the transaction is fully implemented will be approximately \$28,343. However 1 Weaber Plain Road will generate income of its own.

1 Weaber Plain Road has three dwellings that can be rented out with a total estimated rental income of \$900 per week which will yield \$46,800 per annum. If the grant funding is provided, then acquiring the property will yield an additional \$18,457 per annum to the Shire. Shire Officers are reasonably confident that this grant funding will be successful.

Should a Treasury Loan be taken out then a loan at 4.5% would require repayments of \$24,873 per annum. The net cash flow position on this item would be \$21,927. The cash flow for the Shire would be less by \$6,416 per annum. Shire Officers consider that this is a reasonable cost to switch out the property at 29 Boobiella for the property at 1 Weaber Plain Road.

Current and Future Asset Considerations

The acquisition of the property will come with asset management obligations to maintain and renew the property as and when required. The Shire has successfully maintained its housing stock to date and this property will be included as part of that process. Given the scenario that the net cash flow position of the property is \$21,927 per annum, then these funds will be placed in the reserve to fund the ongoing maintenance and operational costs.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

Nil

12.2.3.MINUTES AND RECOMMENDATIONS FROM THE KIMBERLEY REGIONAL GROUP MEETING OF 11 OCTOBER 2024

AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	TBA
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community Leader - plan and provide direction through policy and practices Partner - Collaboration with external stakeholders to deliver service and projects. Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Receives and endorses the resolutions of the Kimberley Regional Group as attached in the meeting minutes of 11 October 2024 for the Kimberley Regional Group as provided in Attachments 1 to this report.**

PURPOSE

This report presents for Council's endorsement, the Minutes from the last meeting of the Kimberley Regional Group (KRG). Councillors to note that no Kimberley Zone meeting took place.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The KRG is a group defined through a Memorandum of Understanding between the four Kimberley Shires and a Governance agreement, which has recently been updated. The Shire of Wyndham East Kimberley is the Secretariat for the Kimberley Regional Group.

The Minutes of the KRG are in Attachment 1.

COMMENTS

There were several matters discussed in the KRG meeting. These include the Regional Freight Strategy, the Aviation White Paper, the Local Government Amendment Bill 2024, the Election Strategy Update and the Kimberley Housing Roundtable. An update was provided on the project work being the Financial Assistance Grants Review and the Community Safety and Crime Prevention Investment Project. A financial report was not prepared for this meeting as the report is done quarterly. The financial report for the September Quarter will be tabled at the next KRG meeting.

The housing roundtable report provided an update on the actions arising from the Roundtable event held in Broome on 29th July 2024. An update on the outcomes and the progress on the actions was

discussed. The executive team are to seek a meeting with the CEO of Housing Australia as part of the KRG's next trip to Canberra.

As stated in previous reports both State and Federal Governments are due to have elections in the next 5 to 7 months. The KRG has developed an election strategy and an election advocacy, communication and engagement plan. The Kimberley Prospectus is being finalised to make our case to both levels of government. The actions for this project are on track. The KRG endorsed an additional 50 election packs to be printed for distribution.

James McGovern from WALGA presented the most important aspects of the Local Government Amendment Bill, 2024 to the KRG. He provided answers to questions the KRG delegates had relating to the provisions contained in the Bill. A watching brief on this Tranche 2 of the reforms has been added to the watching brief. Councillors to note that this Bill has now passed parliament.

Project work is being progressed and includes papers on Financial Assistance Grants, Benchmarking and Community Safety and Crime Prevention. The Financial Assistance Grants Review is substantially complete. Subsequent to the meeting the Shire CEO received a draft for proof reading. This document will form the basis of a position paper for the KRG to advocate at both State and Federal levels for reform in the Financial Assistance Grants process

The next meeting of the KRG, which will be held jointly with the WALGA Zone, is planned for 15 November 2024.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area: CONNECTION

Focus Area: LIVEABILITY

Focus Area: SUSTAINABILITY

No goals, outcomes or strategies have been included as the vast majority of them could be inserted in this section. The work of the Kimberley Regional Group advocates and facilitates in all of our Focus Areas.

RISK IMPLICATIONS

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

Control: Meeting regularly as a collective, agreeing on common courses of action for the benefit of the region and advocating for solutions with key decision makers at both State and Federal levels of Government.

FINANCIAL IMPLICATIONS

There is no further update on the financial situation. The information below was provided in the last report to Council and has some relevance for this report.

The Financial Report tabled at the meeting stated that expenditure to 30 June 2024 was \$161,556 against a budget of \$230,000, Actual income was \$229,069 against a budget of \$230,000. This has resulted in a cash surplus for the year of \$67,513. This is mainly due to the timing of expenditure as it relates to Projects undertaken by the Secretariat. Cash resources available to meet future expenditure was \$329,989 at 30 June 2024.

The Budget for the 2024-25 financial year was also presented to the meeting. The salient points of the budget are that:

- The budget is a balance one with income of \$228,500 matched by expenditure of \$228,500.
- the members contribution remains at \$45,000 for each of the Shires;
- \$43,500 is drawn from reserves to fund Project expenditure;
- Secretariat expenses are \$139,500; and
- Project expenses are \$50,000.

Current and Future Asset Considerations

Not applicable

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - KRG October Minutes [**12.2.3.1** - 80 pages]

12.2.4. CALENDAR OF COUNCIL MEETINGS, BRIEFINGS AND COMMITTEE MEETINGS 2025

AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	N/a
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the Ordinary Council Meeting, Council Briefing and Audit (Finance and Risk) Committee meeting dates for 2025 as detailed in the below table:

MONTH	AUDIT (FINANCE & RISK) COMMITTEE	COUNCIL BRIEFING SESSIONS	ORDINARY COUNCIL MEETINGS	WYNDHAM MEET & GREET
January	-	Recess	Recess	
February	-	11th	25th	
March	10th	11th	25th	18th
April	-	8th	15th	
May	-	13th	27th	
June	9th	10th	24th	17th
July	-	8th	22nd	
August	-	12th	26th	
September	8th	9th	23rd	16th
October	-	14th	28th	
November	-	11th	25th	
December	8th	No Briefing	9th	

2. Notes that meetings Audit Committee, Council Briefing Sessions and Ordinary Council Meetings are held at the Kununurra Council Chamber commencing at 5pm.
3. Wyndham Meet & Greets are held at 5pm at the Wyndham Council Chambers
4. Notes that due to a change in Local Government Regulations to live stream Ordinary Council Meetings, all Council Meetings will be held in the Kununurra Council Chambers until live stream infrastructure can be installed in Wyndham.
5. Authorises the Chief Executive Officer to give public notice, by way of advertising the accepted Ordinary Council Meeting dates, times and place of meeting.

PURPOSE

For Council to consider adopting the proposed 2025 Ordinary Council Meeting dates, times and locations. It is also for Council to consider fixed meeting dates for “Meet and Greet’s” for the Wyndham community.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

At the 24 October 2023 Ordinary Council Meeting, Council made the following resolution:

COUNCIL DECISION

Minute Number: 24/10/2023 - 118920

Moved: Cr C McNeil

Seconded: Cr T Chafer

That Council:

1. Approves the change of dates for the below Council Meetings:
 - a. Council Briefing Session from 7th November to the 14th November 2023
 - b. Ordinary Council Meeting from 21st November to the 28th November 2023
2. Adopts the Ordinary Council Meeting, Council Briefing and Audit (Finance and Risk) Committee meeting dates, times and locations for 2024 as detailed in the below table:

MONTH	Audit (Finance and Risk) Committee	Location and time	Council Briefing Sessions	Location and time	Ordinary Council Meetings	Location and time
JANUARY	-		Recess		Recess	
FEBRUARY	-		13th	Kununurra 17:00	27th	Wyndham 17:00
MARCH	11th	Kununurra 17:00	12th	Kununurra 17:00	26th	Kununurra 17:00
APRIL	-		9th	Kununurra 17:00	23rd	Kununurra 17:00
MAY	-		14th	Kununurra 17:00	28th	Wyndham 17:00
JUNE	10th	Kununurra 17:00	11th	Kununurra 17:00	25th	Kununurra 17:00
JULY	-		9th	Kununurra 17:00	23rd	Kununurra 17:00
AUGUST	-		13th	Wyndham 17:00	27th	Kununurra 17:00
SEPTEMBER	9th	Kununurra 17:00	10th	Kununurra 17:00	24th	Kununurra 17:00
OCTOBER	-		8th	Kununurra 17:00	22nd	Kununurra 17:00
NOVEMBER	-		12th	Wyndham 17:00	26th	Kununurra 17:00
DECEMBER	2nd	Kununurra 17:00	No Briefing		10th	Kununurra 17:00

3. Notes that meetings are held at the Kununurra Council Chambers or the Wyndham Council chambers as indicated in the table above.
4. Notes that due to a change in Local Government Regulations to live stream Ordinary Council Meetings, all Council Meetings will be held in the Kununurra Council Chambers from June 2024 until Wyndham Council Chambers are fitted out with the necessary equipment to live stream.

Authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted Ordinary Council Meeting dates, times and place of meeting.

Carried: 5 / 0

For: Cr D Menzel, Cr T Chafer, Cr D Hearty, Cr B Kyne, Cr C McNeil

Against: Nil

COMMENTS

The proposed meeting dates have considered the following events:

- Easter
- ANZAC Day Public Holiday
- Ord Valley Muster
- Local Government Week
- WA Public Holidays
- The timing of briefings.

It is common practice in many Councils to take a recess in January due to the Christmas/New Year period, when many businesses close down and individuals take holidays (including Shire Councillors and Staff), this is the case in the East Kimberley due to both the Christmas period and the impact of the wet season.

Having a recess in January has not significantly impacted Shire business in previous years and it is not foreseen to not pose a risk if repeated again in January 2025. Should any issues be raised during the proposed recess, it can be addressed through either a delegation or the convening of a Special Council Meeting for a specific purpose.

In previous years, no Council Briefing Session has been held in December to allow the Ordinary Council Meeting to occur earlier in the month, this is due to school holidays commencing, the Christmas public holidays and many businesses closing with individuals commencing their holiday breaks (many residents leave the region during this period), the agenda for this meeting is generally smaller due to the natural wind down in the community leading up to the Christmas holiday period.

The meeting dates/times and locations for the 2025 Audit (Finance & Risk) Committee will be endorsed at their next meeting on 2 December 2024, if there are any changes recommended by the committee, those changes will be advertised on the Shire's website, through social media and on public notice boards to ensure the public are informed.

Equipment to enable the changes made as part of the Local Government reforms which made live streaming of Ordinary Council Meetings mandatory for Local Governments in Band 1 and 2, our Shire band 2 and is required to live stream meetings at of January 2025. As the required IT infrastructure has now been installed in Kununurra Council Chambers, all meetings will be held from this location.

Regular Council Briefing Sessions occur two weeks prior to each Ordinary Council Meeting with the exception of December as outlined above.

Due the requirement that Council will have to broadcast its Council Meetings, Ordinary Council Meetings were stopped in Wyndham due to the cost of duplicate infrastructure that would need to be installed in Wyndham. This has had the result that the Meet and Greet opportunities for the Wyndham community temporarily ceased, with the intention to have them before briefing sessions instead of the Ordinary Council Meetings in Wyndham but due to the late finishing times of briefings and other logistical constraints this did not happen. The Officer Recommendation sets out 3 meet and greet dates for Councillors to travel to Wyndham to meet with the community.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5 Administration

DIVISION 2 — COUNCIL MEETINGS, COMMITTEES AND THEIR MEETINGS AND ELECTORS' MEETINGS

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

Local Government (Administration) Regulations 1996

12. Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.
[Regulation 12 inserted: SL 2020/213 r. 18.]

Part 2A

Electronic broadcasting and video or audio recording of council meetings (Act s. 5.23A)

14H. Class 1 local governments and class 2 local governments to broadcast council meetings publicly

- (1) This regulation applies to a local government only if the local government is a class 1 local government or a class 2 local government.
- (2) A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —
 - (a) is held at the council's usual meeting place; or
 - (b) is an electronic meeting.
- (3) For the purposes of subregulation (2) —
 - (a) the broadcast must be live (with only so much of a delay as is inherent in live broadcasting by means of the local government's broadcast technology); and
 - (b) the broadcast must be on —
 - (i) the local government's official website; or
 - (ii) another website a link to which is publicly provided on the local government's official website;and
 - (c) the broadcast must be both visual and audio; and
 - (d) the quality of the broadcast must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings.
- (4) Despite subregulation (2), a council's meeting, or a part of a council's meeting, may be held without being publicly broadcast if, because of a technological failure beyond the control of the local government, it is not possible for the meeting or part (as the case requires) to be publicly broadcast by means of the local government's broadcast technology.
- (5) Despite subregulation (2), a local government must not publicly broadcast any closed proceedings of its council.
[Regulation 14H inserted: SL 2023/158 r. 5.]

14I. Local governments to make recordings of council meetings

- (1) A local government must —
 - (a) make a recording of every meeting of its council in accordance with subregulation (2); and
 - (b) make the recording publicly available —
 - (i) within 14 days after the meeting day; and
 - (ii) until, at least, the end of the period of 5 years after the meeting day;and
 - (c) retain the recording until, at least, the end of the period of 5 years after the meeting day; and
 - (d) provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —
 - (i) the period of 5 years after the meeting day; or
 - (ii) any longer period during which the local government retains the recording or any copy of it.
- (2) For the purposes of subregulation (1)(a) —
 - (a) if the meeting is a meeting of the council of a class 1 local government or class 2 local government — the recording must be a video recording (with audio), except that the recording may be an audio only recording —
 - (i) if the meeting is not held at the council's usual meeting place and is not an electronic meeting; or
 - (ii) to the extent that the recording is of closed proceedings of the council;and
 - (b) if, or to the extent that, the recording is a video recording (with audio) — the quality of the recording must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings; and
 - (c) if, or to the extent that, the recording is an audio only recording — the quality of the recording must be sufficient to allow persons effectively to listen to the deliberations and communications that are part of the meeting's proceedings.
- (3) Subregulation (4) applies to a council's meeting, or a part of a council's meeting, if, because of a technological failure beyond the control of the local government, it is not possible for a recording of the meeting or part (as the case requires) to be made by means of the local government's recording technology.
- (4) Despite subregulation (1)(a), the meeting or part may be held so long as the local government does everything that is reasonably practicable to make a recording (an **improvised recording**) of the meeting or part by means other than the local government's recording technology.
- (5) An improvised recording must —
 - (a) cover as much of the meeting or part as it is reasonably practicable to cover; and
 - (b) meet the requirement of subregulation (2)(b) or (c) (as applicable) to the extent reasonably practicable.
- (6) If a meeting or part is held under subregulation (4) and an improvised recording is made —
 - (a) subregulation (1)(b) to (d) apply to the improvised recording; and
 - (b) the local government must publish on its official website, for the period during which it makes the improvised recording publicly available under subregulation (1)(b), a notice that does the following in effect —
 - (i) states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;
 - (ii) states that the improvised recording was made by means other than the local government's recording technology;
 - (iii) states the means by which the improvised recording was made;
 - (iv) states any deficiencies in the improvised recording and explains the reasons for them.

Examples for this subparagraph:

1. The improvised recording is deficient if it does not cover the whole of the meeting or part.
 2. The improvised recording is deficient if it does not meet the requirement of subregulation (2)(b) or (c) (as applicable).
- (7) Subregulation (8) applies if —
 - (a) a meeting or part is held under subregulation (4); but
 - (b) no improvised recording is made because it is not reasonably practicable for the local government to make any improvised recording.
 - (8) The local government must publish on its official website, in accordance with the timings in subregulation (1)(b)(i) and (ii), a notice that does the following in effect —
 - (a) states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;
 - (b) states that no improvised recording was made;
 - (c) states that it was not reasonably practicable for the local government to make any improvised recording and explains why that was the case.

- (9) *If a part of a meeting is held under subregulation (4) —*
- (a) *the local government must make a recording of the rest of the meeting under subregulation (1)(a) by means of the local government’s recording technology; and*
 - (b) *subregulation (1)(b) to (d) apply to that recording accordingly.*
- (10) *Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.*
Note for this subregulation:
This subregulation does not affect a local government’s duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).
- (11) *For the purposes of subregulation (1)(d) —*
- (a) *the Departmental CEO may request a copy of the recording for the purpose of obtaining information about a matter concerning the local government or its operations or affairs; and*
 - (b) *the quality of the copy provided to the Departmental CEO —*
 - (i) *must be substantially the same as the quality of the recording; and*
 - (ii) *without limiting subparagraph (i), must meet the requirement of subregulation (2)(b) or (c) (as applicable), subject to subregulation (5)(b) if the recording is an improvised recording.*
- [Regulation 14I inserted: SL 2023/158 r. 5.]*

14J. Informing members of public of broadcasting or recording

A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable —

- (a) *that the meeting will be publicly broadcast;*
- (b) *that a recording of the meeting will be made.*

Example for this regulation:

Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.

[Regulation 14J inserted: SL 2023/158 r. 5.]

POLICY IMPLICATIONS

Council Policy *POL-1000 Council Briefing Sessions* applies to this report

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 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.3: The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

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: Ensure that adequate policies and procedures are in place to monitor and address risk management, internal control and legislative compliance requirements.

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate statutory advertising occurs, this is provided for in the 2023/2024 Annual Budget.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

In accordance with the *Local Government (Administration) Regulations 1996, Part 2 r.12*, details regarding the adopted 2025 Council Meeting dates will be duly advertised on the Shire's website, on social media and via public notice boards.

ATTACHMENTS

1. Attachment 1 - 2025 Council Meeting, Briefing and Committee Meeting Dates - Proposed Dates [**12.2.4.1** - 1 page]

12.3.PLANNING AND COMMUNITY DEVELOPMENT

12.3.1.PROPOSAL FOR DISPOSAL OF LAND - 29 BOOBIALLA WAY, KUNUNURRA

AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
ASSESSMENT NO:	A2104P
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Authorises the Chief Executive Officer or their delegate to advertise for Expressions of Interest to purchase Lot 1381 on Deposited Plan 214792 (29) Boobialla Way, Kununurra.**
- 2. Should one or more submissions not be acceptable to Council, direct the Chief Executive Officer or their delegate to engage one or more real estate agents to market Lot 1381 on Deposited Plan 214792 (29) Boobialla Way, Kununurra and bring forward an offer to Council to dispose of the property by private treaty.**

PURPOSE

For Council to consider the disposal of a residential property at Lot 1381 on Deposited Plan 214792 (29) Boobialla Street, Kununurra.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

In March 2012, the then Council considered a proposal to dispose of Lot 1381 on Deposited Plan 214792 (29) Boobialla Way, Kununurra in March 2012, which was considered as part of a proposal to fund and build the two Shire staff houses at Lot 191 Quongdong Street and Lot 174 Banyan Street, Kununurra. When the property went to open market there was limited interest, and offers were below valuation amount, hence the property was removed from the market and staff continued to rent the property.

The Shire has recently purchased a residential property at 1 Weaber Plain Road, Kununurra, which by nature of design lends itself to consideration for the provision staff and key worker accommodation. The disposal of the 29 Boobialla Way property will assist funding that land purchase.

A pre-sale land valuation was undertaken in September 2024 for the property, which notes a market value of \$350,000. There are currently 5 comparable 3-bedroom dwellings on the open market in Kununurra, which range between \$299,000 and \$400,000. The current land valuation is considered consistent with those comparable properties currently for sale and enables an informed reserve price to be set for consideration of offers on the property.

The Shire is bound by the legislative requirements of the *Local Government Act 1995* with respect to the disposal of property, which allows the Shire to consider the following methods:

- Auction
Local real estate agents can be invited to submit proposals to hold an Auction, these proposals need to include quotes outlining the cost involved through the appointment and availability of an auctioneer, the process involved and the marketing and advertising strategy to be employed.
- Expressions of Interest to Purchase
The property may be disposed of by public Expressions of Interest (Eoi) to purchase. The Shire could invite proposal from local real estate agents for assistance with marketing, or staff could undertake the Eoi process without assistance. Eoi documents will need to be formulated, finalised, advertised and assessed. The Expressions of Interest would then be referred to the Council for consideration.
- Private Treaty
In the instance of selling the property by private treaty, the Shire would engage one or more local real estate agents to market the property, no different to other sellers. Once a price was agreed to, the sale would need to be referred to Council to provide statutory notice of the sale.

Noting of the above, the Eoi process, will likely be the quickest method of disposal but obviously still subject to the submission of acceptable offers and ultimately the final decision is at Council's discretion.

COMMENTS

The land valuation sought in September 2024 is consistent with similar properties currently listed for sale and Officers consider that \$350,000 is an acceptable reserve price for the property.

It is recommended that the property be sold by Expression of Interest (Eoi), which is likely to be the quickest method of disposal. A suitable marketing plan will need to be prepared, including open house inspections and advertisements in the local newspapers. Any submission of Eoi received during the advertising period will be assessed and presented to Council to determine how next to proceed.

If Council decides not to accept an Eoi submission, which is Council's right under the relevant legislation, it is recommended that Council delegate to the Chief Executive Officer, authority to engage one or more local real estate agents to market the property so that it may be sold by private treaty.

STATUTORY IMPLICATIONS

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995 (LGA)*, the 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.

If the local government decides to dispose of property by giving public notice, it must consider any submissions made to it before the date specified in the public notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the

meeting at which the decision was made. Further advertising on the decision is required to be undertaken in accordance with the requirements of the *LGA*.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Goal 3: Access to housing - There are housing opportunities for everyone

Goal Outcome 3.1: Housing Supply - The supply of housing meets current and future demand

Strategy 3.1: The Shire will work with key partners to advocate for the construction of housing the meets current and future demand

RISK IMPLICATIONS

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

Control: To ensure compliance, all requirements identified in relevant legislation will be followed.

FINANCIAL IMPLICATIONS

Some costs will be applicable to the disposal of property, including advertising/marketing fees, Land Transfer Fees and Conveyancing Fees.

A valuation for pre-sale purposes was undertaken for the property in September 2024, which noted the market value range for the property was between \$335,000 and \$365,000, which enables an informed reserve price to be set.

Funds raised from the sale of the property will be attributed to the Shire's planned purchase of 1 Weaber Plain Road, Kununurra, a residential property, which if successful is proposed to be utilised by the Shire for staff and key worker housing.

There will be a rental loss of \$280 per week from the disposal of property, but this income is expected to be replaced by rental income generated from 1 Weaber Plain Road, once occupied.

Current and Future Asset Considerations

The disposal of 29 Boobiulla Way, Kununurra will result in the removal of one Shire housing asset. The property is part of the Shire's older housing stock and has proved difficult over time to rent due to location.

The sale and disposal will allow the Shire to partially fund the purchase of the property at 1 Weaber Plain Road, Kununurra.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines, and in accordance with legislative requirements.

ATTACHMENTS

1. Attachment 1 - Pre- Sale Land Valuation [12.3.1.1 - 24 pages]

12.3.2. QUARTERLY PROGRESS REPORT - Q1 (JULY TO SEPTEMBER) 2024/25

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

OFFICER'S RECOMMENDATION

That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for July to September 2024 (Q1) at Attachment 1.

PURPOSE

For the Council to receive the July to September 2023 Quarterly Progress and Performance Report.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

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 (CBP) and the achievement of the strategic goals set out in the Strategic Community Plan (SCP). Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

COMMENTS

The attached progress report provides commentary on the Shire's services, actions and projects for the first quarter of this financial year. It is important to note that this is "as of 30 September" i.e. a snapshot in time of the status at the end of the first quarter and that at the time of reporting the status of a project may have since changed.

There are 30 planned activities for year one (2024/25) of the Shire's Corporate Business plan. These activities have been broken down into 45 tasks. The attached report summarises tasks by activity and provides a progress update for the end of the quarter.

Shire officers recommend that Council receive the attached report to support Council to oversee the Shire's performance and allocation of the Shire resources. It will also help to inform the community about the Shire's progress in relation to the plans and strategies documented in the Shire's Corporate Business Plan and will be made available on the Shire website.

Council may also wish to note that the second quarter progress report will offer the Shire an opportunity to undertake a mid-year review of actions/projects within the Corporate Business Plan. A mid-year review will ensure that the planned activities and reporting remain strategically aligned.

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:

POL-3000 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.

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

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

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

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

RISK IMPLICATIONS

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

Control: 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.

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 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: The Corporate Business Plan Progress and Performance Report provides a mechanism for Council to track progress of disbursement of funds to projects that meet the needs of the Shire's forward planning requirements.

FINANCIAL IMPLICATIONS

The attached quarterly report includes a financial summary.

Current and Future Asset Considerations

Not applicable

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 are made available on the Shire's website.
- Ongoing Council reports.
- Newsletters.
- Website updates.
- Media releases.

ATTACHMENTS

1. Attachment 1 - First Quarter (Q1) Progress and Performance Report [12.3.2.1 - 21 pages]

12.3.3.ANNUAL COMMUNITY GRANT PROGRAM 2024/25

AUTHOR:	Community Development Officer
RESPONSIBLE OFFICER:	Director Planning Community Development
FILE NO:	GS.05
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Approves the allocation of funding under the Community Grant Program 2024/25 for the following:
 - a) Pilbara Kimberley University Centres (PKUC) for the establishment of an East Kimberley Regional University Study Hub (EKRUSH) - \$12,500
 - b) Wunan Foundation for the East Kimberley Aboriginal Achievement Awards - \$15,000
 - c) Kununurra Picture Gardens to contract a grant writer to secure external funding for a new projector and to assist with the purchase of a new projector - \$15,000
 - d) Wyndham Historical Society for the restoration and installation of Wyndham's Big Wheel - \$14,900
- 2) Approves all funding subject to grant recipients meeting the following conditions:
 - Entering into a Funding Agreement with the Shire of Wyndham East Kimberley;
 - Providing an acquittal at the completion of each year's project;
 - Suitable (agreed) acknowledgement of the support from the Shire of Wyndham East Kimberley;
 - All necessary approvals and insurances being obtained prior to the project.
- 3) Request the Chief Executive Officer to give notification to the following community organisations of their unsuccessful applications:
 - a) Ewin Early Learning Centre
 - b) Jalangurra Aboriginal Corporation
 - c) Ord River Paddlers
 - d) Kangaroo Haven
 - e) Crazy Crocs Playgroup
 - f) East Kimberley Chamber of Commerce
 - g) Kununurra Visitor Centre
 - h) Kununurra Race Club
- 4) Requests the Chief Executive Officer to give public notice to advise of successful applicants
- 5) Approves the change of purpose and extension to the Ord River Sports Club 2023/24 Building and Facilities grant

PURPOSE

The purpose of this report is for Council to consider applications for funding lodged under the Community Grant Program.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Previous Considerations

OCM 21/11/2023 12.3.2 118930

OCM 28/07/2020 12.3.2 118280

The Shire's Community Grant Program supports not for profit community organisations and groups that provide sporting, cultural, environmental, and community services within the Shire. This support is to foster high-quality programs, community events, facilities and services that provide benefit to the community in alignment with the Council's Strategic Community Plan.

The current round of the Community Grant Program has three funding streams: Events; Community Programs, and Buildings and Facilities. The Shire also provides Quick Grants (up to \$500), the Future Leaders Award and Community Support Grants – the latter being directly related to the financial impacts of a State of Emergency and are currently not open for application.

In July 2020, Council adopted an amendment to the 'Community Grant Program Policy and Guidelines' which enabled approval for up to three years of funding for the Events and Community Program streams. A new three-year funding term began last financial year. Therefore, all community groups approved for multiyear funding at this time have agreements in place for funding for 2024/25 and 2025/26.

This year, the Shire received twelve applications for funding under the Community Grant Program which included three for events, three for community programs and six for buildings and facilities. The Shire also received a request for change of purpose and extension of a 2023/24 Buildings and Property grant (**Attachment 2**).

A request from the Ord Valley Muster Committee (OVMC) for additional funding of \$50,000 for the Ord Valley Muster was received in September 2024. This request falls outside of the Community Grant Guidelines and is therefore considered in a separate Council report. However, an amount of \$50,000 has been quarantined from the Community Grant budget while the request is under consideration.

COMMENTS

Assessment Process

The applications were assessed individually by the Assessment Panel comprised of three officers. The Panel then met as a group to discuss and prioritise the applications.

The Assessment Matrix can be found at **Attachment 1**.

Facilities Grant - Building and Property Applications

Six applications were received under the Facilities Grant - Building and Property. They were from;

- Wyndham Historical Society
- Kununurra Picture Gardens
- Kununurra Visitor Centre
- Ewin Early Learning Centre
- Ord River Paddlers
- Jalangura Aboriginal Corporation (deemed ineligible)

Wyndham Historical Society

The Wyndham Historical Society project is the restoration and installation of Wyndham's 'Big Wheel' at the Wyndham Museum. The installation is a historic 1914 Werner Ammonia Refrigeration Compressor and 6m flywheel (locally known as "The Big Wheel"). The project includes informational signage and is designed to provide a landmark for visitors to the Wyndham Port precinct. The total project cost has been quoted at \$70,000, of which they have secured funding from Lotterywest, Horizon Power, and the Foundation for Rural and Regional Renewal. The club has allocated their own funds and significant volunteer labour. They have requested \$14,900 from the Shire to complete the project. The Historical Society have also gained the support of local organisations such as East Kimberley Job Pathways, the Wyndham Work Camp and WYAC to assist with implementing the project.

Ranked equal first from eleven.
Recommended funding \$14,900.

Kununurra Picture Gardens

The Kununurra Picture Gardens (KPG) requested funding to replace the current cinema projector with a new laser projector, as recommended by a technician. The current projector is old and has failed numerous times, requiring continued repair, resulting in high ongoing costs to the organisation. The total cost for a new projector and installation is \$250,000 of which the KPG requested \$20,000 from the Shire. The committee's funding strategy includes an application to Lotterywest, whom they have been in contact with, and other relevant funding agencies. The community has also been active in supporting the project through donations and fundraising. The Kununurra Picture Gardens outdoor cinema meets key social, cultural, and recreational needs for community members by providing a unique venue for family-friendly entertainment, cultural events, and educational programs, encouraging social interaction and community engagement. Additionally, as the only cinema in the region, KPG plays a crucial role in enhancing the town's overall well-being and cultural identity.

Given the large cost of the projector, the assessment panel recommends that the Shire supports the KPG to the value of \$15,000 to engage a professional grant writer to develop a competitive funding application to Lotterywest and other funding agencies, with any remaining funds to be allocated to the purchase of the projector.

Ranked third from eleven.
Recommended funding \$15,000.

Kununurra Visitor Centre

The Kununurra Visitor Centre (KVC) has requested funding to contract a professional website designer to upgrade their website ahead of the 2028 Solar Eclipse. The KVC sourced two quotes at \$25,000 each and have requested the Shire provide \$10,000. The KVC serves as a marketing body representing the region around Australia, and they absorb the costs associated with this advertising. The focus on the new website will be to keep visitors in the town and region longer following and proceeding the Eclipse, and to ensure communications are current and relevant, and the website can manage the increased traffic.

The application meets the funding criteria; however, the Shire currently fund the Visitor Centre \$35,000 annually in untied funding. Given the financial contribution the Shire already pays and the competitive nature of this year's funding applications Shire Officers recommend revisiting the application as part of the mid-year budget review process.

Ranked fourth from eleven.
Not Recommended

Ewin Early Learning Centre

The Ewin Early Learning Centre requested funding for design and implementation of an outdoor landscaping project to create a culturally safe, sensory stimulating nature-based play area. The total project cost in the application is estimated at \$8,112, of which \$4,000 was requested from the Shire. The benefits of nature play in early childhood development include increased physical activity, improved social and emotional skills, building cognitive skills through sensory rich experiences, creativity and problem solving, improved risk perception, and a deeper connection to nature. The Early Years Framework outlines a focus that, "Children are connected with and contribute to their world" (EYLF).

This was a well written application, and the assessment panel acknowledged the benefits of nature play spaces. However, the round was very competitive, and the EELC will be encouraged to apply next round.

Council should note that Shire Officers are working closely with the Ewin Centre Board and Management to explore additional avenues for Shire support, including subsidised housing options for staff and untied funding opportunities.

Ranked sixth from eleven.
Not recommended.

Ord River Paddlers

The Ord River Paddlers (ORP) have 10 aluminium dragon boats, which are used for regular weekly training, social paddles and the annual Ord River Marathon event held in June each year. They received \$8,000 from the 2023/24 community grant budget to undertake major maintenance on three boats. This year they have requested \$7,000 (50% of the total cost) to complete works on another five boats. The works to be completed this year includes sandblasting, welds and painting. The club has 25 members with 40 repeat paddlers logged during July 2023 – June 2024. In 2022 the club installed a large storage shed to the value of \$65,000 comprising \$50,000 of club contributions through fundraising and \$15,000 from the Shire. The club stated that this project will ensure they are able to continue to offer and grow memberships, providing benefits to the community including social wellbeing and recreational water sport activity.

The main aim of the Facilities Grant is to assist community groups to upgrade and extend community facilities. While maintenance can be considered, given the competitive nature of the round, this year's application did not rank highly.

Ranked ninth from eleven.
Not recommended.

Jalangura Aboriginal Corporation

Jalangura Aboriginal Corporation (JAC) applied for funds to renovate the premises of the Wyndham Collective Arts Hub, a project that aims to create a professional, multi-functional space that promotes local art, fashion, and cultural tourism. The proposed works will transform the premises into a vibrant gallery, retail space, and workshop area, with a focus on supporting Aboriginal and Non-Aboriginal artists. The project has commenced and JAC requested \$12,740 out of a \$76,520 project budget.

The application from JAC was deemed ineligible by the assessment panel, as the building works were for a residence in private ownership. The grant guidelines state that the projects must be undertaken on Shire owned or managed land. Consideration will be given to projects on land in community ownership, long-term lease or management order. The applicant did not demonstrate that the tenancy and ownership arrangement met these requirements.

Not ranked – ineligible
Not recommended.

Community Programs Grant Applications

Three applications were lodged under the Community Programs funding stream. These were from;

- Pilbara Kimberley University Centres
- Kununurra Crazy Crocs Playgroup
- Kangaroo Haven

Pilbara Kimberley University Centres

Pilbara Kimberley University Centres (PKUC) applied for a \$15,000 grant per year for two financial years to assist with the establishment of an East Kimberley Regional University Study Hub (EKRUSH) to provide student support and campus-style facilities for students who study online. The program seeks to address the lack of access to higher education in the East Kimberley and help students in regional and remote areas access higher education without having to leave their community. The total cost of the program is estimated at over \$1million. They have applied for grants through the Regional University Study Hubs - 2024 Application Round (\$1,379,032) and PKUC, Local Government, Aboriginal Community Controlled Organisations, industry and university partners (\$341,000).

The project has strong alignment with the the Shire's 2024-2028 Corporate Business Plan including an action of; *investigation of the establishment of a Regional University Study Hub as a strategic priority to support workforce development and education access.*

Community feedback undertaken through the 2024 Community Survey and development of the Strategic Community Plan 2023-2033 has highlighted the need for tertiary education options, youth engagement, and adult learning pathways to address social and economic challenges in the region.

PKUC has not yet secured a site but has identified 3 possible locations for the Hub and they are confident that one of these sites will be adequate and available for their needs. The assessment panel ranked the program as an equal top priority and Shire Officers recommend financial support in the amount of \$12,500 for the 2024/25 financial. Any further ongoing support would be subject to a separate application in the 2025/26 Community Grants Round. This year's funding would also be subject to the Federal funding application currently pending.

Ranked Equal first from eleven.
Recommend Funding \$12,500

Kununurra Crazy Crocs Playgroup

The Kununurra Crazy Crocs have requested \$5,000 per year for two financial years to go towards their community program. The program is a weekly playgroup providing the community with a safe and welcoming environment for kids aged 5 years and under to play and learn and for parents to create connections. The total project cost in the application is \$5,000 to cover hall hire fees, equipment upgrades and advertising. The Playgroup has experienced a drop in numbers over the last year and reduced the number of sessions per week from two to one. The two year business plan states that the group relies on external funding for ongoing viability.

The assessment panel noted that the funds were for operational costs including hire of Kununurra Leisure Centre (\$4,600). The panel recommends that the Shire work with the Playgroup on strategies to become more financially sustainable.

Ranked equal seventh from eleven.
Not recommended.

Kangaroo Haven

The Kangaroo Haven have requested \$5,000 per year for two financial years to go towards their Wildlife Rehabilitation general operational costs. In addition to kangaroos and wallabies, the Haven also rescues and rehabilitates a variety of Australian native birds, including Tawny Frogmouths, Kookaburras, and Emus, a bilby, reptiles, and sugar gliders. The total project cost in the application is estimated at \$72,000 per annum and the Shire funding would cover costs associated with the program. Essential operations of the Haven are the rehabilitation education and daily tours run to educate locals and visitors and raise funds. Rehabilitation efforts can provide valuable educational experiences for residents and schools, learning about local wildlife promotes environmental awareness and stewardship, which can lead to more sustainable behaviours and attract more visitors within the community.

The assessment panel placed high value on the services that the Haven provides and recommends that officers assist the organisation with marketing and governance.

Ranked tenth from eleven.
Not recommended.

Event Applications

Three applications were lodged under the community programs event funding stream and one request for additional funding was received. These were from:

- Wunan Foundation
- East Kimberley Chamber of Commerce and Industry
- Kununurra Race Club

Wunan Foundation – East Kimberley Aboriginal Achievement Awards (EKAAA)

Wunan Foundation have requested \$20,000 to go towards the East Kimberley Aboriginal Achievement Awards (EKAA). The EKAAA focuses on rewarding individuals and organisations whose contributions have enhanced the cultural, social, and economic development of Aboriginal people in the East Kimberley. It was indicated that the total cost of the event is at \$145,000 and they would also be seeking funds from Lotterywest, Horizon Power and other sponsors, and that Shire funds would go towards catering, audio and visual setup, security, event equipment, marketing, and entertainment. The event recognises and provides an opportunity for indigenous community members to showcase their culture, achievements, business successes and partnerships with agencies and stakeholders, bringing the whole community together.

Ranked fifth from eleven.
Recommended for \$15,00

East Kimberley Chamber of Commerce and Industry – Marketplace Sundowner

The East Kimberley Chamber of Commerce and Industry (EKCCI) has requested \$4,500 for the Kununurra Marketplace Sundowner. This event will provide multiple local organisations an opportunity to come together and showcase the business and industry sector to the wider community. The total cost for the event was estimated at \$10,000 and the Shire funds requested would be used to fund welcome to country, equipment hire, traffic management, venue hire, and marketing and promotion. The business focussed community event will increase the community's awareness of services available and help businesses to grow, creating a more liveable town. Businesses will have the opportunity to become more socially involved within the community, and local art and culture will be showcased. The event aims to bring people together to connect in our town centre and to encourage involvement in the revitalisation of the town.

The application does meet the funding eligibility, however, like the Kununurra Visitor Centre the Shire financially support the East Kimberley Chamber of Commerce \$25,000 annually to support core

business deliverables. Additionally, the Shire hosts a business afterhours event once a year, at the cost of the Shire. Shire Officers recommend that SWEK investigate options to host a second event annually rather than allocate Community Grant funds to this event.

Ranked equal seventh from eleven.
Not Recommended

Kununurra Race Club – 2025 Racing Carnival

The Kununurra Race Club requested \$5,000 for the 2025 Kununurra Racing Carnival for advertising on the Win Network Television. The TV advert would promote the East Kimberley as a destination, attracting tourists and providing economic benefit to the community. The event aims to create an environment where everyone feels welcome, respected, and valued and is open to the whole community.

The application did not provide enough detail to be adequately assessed.

Ranked eleventh from eleven.
Not recommended.

Request for Extension and Change of Purpose

Ord River Sports Club

The Ord River Sports Club (Sporties) received \$20,00 from the 2023/24 Community Grant Program to construct a unisex accessible toilet within the existing sports club building to increase accessibility for members of the club and community. The club remains committed to providing disability compliant ablutions, however upon further investigation it has been deemed premature without an overall facility plan to guide the renewal of the ageing building and ensure the upgraded ablutions are part of a functional floorplan.

Therefore, the club has requested a change of purpose of the original funding from the design and construction of a unisex disabled ablutions, to engaging a consultant to prepare a new Strategic Business Plan and Development Strategy to ensure club viability. This would include a plan for the upgrade of the facility.

An extension of time has also been requested to 30 June 2025.

Officers support this request for change of purpose and extension of time and will work closely with the club on the development of a strategic plan.

Council is requested to consider the request.

Summary

The total funding requested under all funding streams, across all eligible projects was \$110,400. Funds available are \$57,400 (noting that \$50,000 has been quarantined for Council to consider the additional funding request from OVMC for the Ord Valley Muster). Therefore, the Community Grants Program for this round was over-subscribed by \$53,000. Table 1 below summarises the funding requested.

Table 1: Funding Summary

Grant Program	Value of Projects (\$)	Funding Requested (eligible)	Funding Recommended
Building & Facilities	446,983	55,900	29,900

Community Programs	77,000 (PKUC) 1,735,032	25,000	12,500
Events	165,110	29,500	15,000
TOTAL	2,424,125	110,400	57,400

Recommendations

Officers recommend funding the following applications:

Wyndham Historical Society	Wyndham Big Wheel Restoration	\$ 14,900
Kununurra Picture Gardens	New Projector – Grant Writer	\$ 15,000
Pilbara Kimberley University Centres (PKUC)	Regional Study Hub	\$12,500
Wunan Foundation	East Kimberley Aboriginal Achievement Awards	\$ 15,000

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter, however other approvals such as planning, building or event approvals may be required.

POLICY IMPLICATIONS

POL-3002 Community Grant Program is applicable to the consideration of this matter.

STRATEGIC IMPLICATIONS

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

Focus Area: CONNECTION

Focus Area: LIVEABILITY

Focus Area: SUSTAINABILITY

Goal 4: Access to education - Education and training opportunities for everyone

Goal 8: Connecting our cultures - Celebrating our rich culture and heritage

Strategy 2.2: The Shire will collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities

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

Strategy 4.2: The Shire will work with key partners to advocate for a broader range of inclusive educational opportunities

Strategy 8.1: Support an increase in community participation in community groups and volunteering

Strategy 8.2: Strengthen relationships with Aboriginal people which foster mutual respect and support, and cultural awareness

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 led initiatives through financial assistance.

FINANCIAL IMPLICATIONS

The budget allocation for all funding streams within the Community Grant Program for 2024/25 is \$415,000, of which \$50,000 has been quarantined for Council to consider the additional funding request from OVMC for the Ord Valley Muster. A summary is provided below.

<u>Grant</u>	<u>Approved/Committed</u>
Quick Grants	\$ 2,750
Rates Assistance Grant	\$ 97,838 (year 2 of 3-year commitment)
Events Grants	\$ 187,000 (year 2 of 3-year commitment)
Community Programs Grant	\$ 16,000 (year 2 of 3-year commitment)
Future Leader Award	\$ 1,000
<u>TOTAL</u>	<u>\$ 304,588</u>
BUDGET 2024/25	\$ 415,000
QUARANTINED	\$ 50,000
BALANCE (after committed)	\$ 60,412

Shire officers recommend withholding \$3,000 for Quick Grants and Future Leader Award Grants for the remainder of the financial year. This leaves \$57,412 for Council to distribute, of which officers have recommended funding of \$57,400 as outlined in this report.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

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

- Sharing a Community Grants flyer on Facebook, the Coles and Neighbourhood House notice boards and on the Shires website
- Directly contacting 42 local not-for-profit groups by email to ensure they were aware the Shires Annual Grants round was open

ATTACHMENTS

1. Attachment 1 - Annual Grants Assessment Matrix 2024-25 [12.3.3.1 - 1 page]
2. Attachment 2 - Ord River Sports Club - Request letter [12.3.3.2 - 2 pages]

12.3.4.LEASE OF RESERVE 50120 - EWIN EARLY LEARNING CENTRE

AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Allen, Director Planning and Community Development
ASSESSMENT NO:	A2529P
FILE NO:	CP.16.48
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Offers the Ewin Early Learning Centre a five year lease, with a further five year option, on a commercial lease basis, over Reserve 50120, Lot 506 on Deposited Plan 61898, Chestnut Avenue, Kununurra, effective from 1 July 2024, subject to the consent of the Minister for Lands, and
- 2) Delegates to the Chief Executive Officer the responsibility for finalising lease arrangements directly with the Ewin Early Learning Centre.

PURPOSE

For Council to consider renewing the lease over Reserve 50120 with the Ewin Early Learning Centre for a new term of five years, with a further five-year option.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Ewin Early Learning Centre (Ewin ELC) is located on Lot 506 (1) Chestnut Avenue, Kununurra, being Reserve 20120 for the purpose of 'Child Care Centre'. Prior to this reserve being created, the centre was established on a portion of former Lot 77, being Reserve 29799.

The organisation had an original 10 (5 plus 5) year lease, which expired 17 July 2017. The Ewin ELC requested an extension to the lease to provide surety while they undertook further investigation and planning for proposed extension(s) to the centre to increase the capacity of the service, as well as to provide time to develop a new lease or ownership structure with the Shire – should the expansion eventuate. In June 2017 the Commissioner considered and approved the Ewin ELC's request to defer the existing lease expiry date by granting an extension for 12 months plus a further 12 month option to the existing lease (Minute Number: 13/06/2017-11700). The Ewin ELC wrote to the Shire in September 2018, confirming they wished to activate the further optional 1 year extension until 30 June 2019.

In July 2019, the Ewin ELC advised they wished to request a new lease for a term of 2 years, with the option to extend for a future term, however length to be determined at that time. Council determined at the August Ordinary Council Meeting 2019 to approve a three year lease with a two year option to the Ewin ELC (Minute Number: 27/08/2019 - 118076).

The initial rent when the lease commenced in 2007 was \$10,500 (ex GST) per annum, which has been subject to annual rent review and currently the annual rent is \$15,115.10 (inc GST) per annum.

The Ewin ELC contacted the Shire early in 2024 expressing interest in a new lease over the premises for a period of 5 years, with a 5 year extension option. Part of these discussions also included whether the Shire would consider some form of assistance to the Ewin ELC to enable continued operation, with a rental reduction being one suggestion. It was determined that a rental reduction may impact budgetary allocation particularly with respect to the Shire's repair and maintenance obligations for the building, and as such it is recommended Council consider alternative assistance options to facilitate continued service delivery for the community.

Officers have prepared a draft lease document and have updated the Premises Maintenance and Repairs Schedule to reflect requirements for Council endorsement. Noting that following a Council resolution to proceed, the Shire must seek Ministerial consent to the proposed lease, prior to execution.

A copy of the draft lease, which is consistent with the Shire's commercial leasing policy, is provided at Attachment 1.

COMMENTS

A new lease of 10 years (5 plus 5) is consistent with the Shire's '*Leasing of Council managed/owned land – Commercial Policy (POL-3009)*, the purpose of Reserve 50120 and the Shire's management order which affords the Shire power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands.

It is recommended that Council offers the Ewin ELC a five year lease with further 5 year option, subject to first obtaining the consent of the Minister for Lands.

STATUTORY IMPLICATIONS

Land Administration Act 1997

The land is reserved for the purpose of "Child Care Centre" and the Shire holds the Management Order for the land which includes the power to lease up to a maximum term of 21 years, subject to the consent of the Minister for Lands.

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 LGA.

However, there are exemptions from the requirements outlined in regulation 30 of the *Local Government (Functions & General) Regulations 1996*, which cites that a disposition of land is an exempt disposition if –

- (a) the land is disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (b) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

As such, the proposed new lease to the Ewin ELC would be considered an exempt disposition and the Shire can directly enter a lease negotiation.

POLICY IMPLICATIONS

POL-3009 Leasing of Council Managed/Owned Land – Commercial

Although the Ewin Early Learning Centre is a non-profit organisation, the current lease is more in line with the Shire's Commercial leasing policy on the basis that:

1. The building belongs to the Shire and the Shire is therefore responsible for major structural maintenance or replacement of buildings, and the repairs, maintenance or replacements are not required as a result of any inappropriate actions, or inactions, of the Lessee.
2. The Shire is responsible for major structural maintenance or replacement of buildings belonging to the Shire on the proviso that the repairs, maintenance or replacements are not required as a result of any inappropriate actions, or inactions, of the Lessee.

The commercial leasing policy outlines that a minimum lease term should be 5 years in accordance with the *Commercial Tenancy (Retail Shops) Agreement Act 1985*, and that the initial lease rent will be based on a valuation of fair market rent with a CPI rent review conducted annually.

STRATEGIC IMPLICATIONS

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

Focus Area: LIVEABILITY

Goal 1: Safe communities - A community where we all feel safe

Goal 4: Access to education - Education and training opportunities for everyone

Goal Outcome 1.3: Families, Children, Young People - Families are supported and children and young people make better choices

Goal Outcome 4.1: Childcare and preschool programs - Increase participation in early childhood educational development including quality childcare

Strategy 1.3: The Shire will advocate for greater support for families, children and young people

Strategy 4.1: The Shire will work with key partners to ensure adequate childhood educational development places for all children in the Shire

RISK IMPLICATIONS

Risk: Failure to manage a governance framework which transparently embraces good governance practices.

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

FINANCIAL IMPLICATIONS

The Ewin ELC currently pays \$15,115.10 (inc GST) per annum in monthly instalments of \$1259.59 (inc GST). The original lease was also subject to a 'viability payment' to come into effect after the first two years of the lease (in 2009), which was proposed to be an annual payment of 20% (ex GST) of the Lessees net profit. The lease was amended by a resolution of Council (Minute No. 10634) at the OCM held 21 October 2014 which removed the viability payment from the lease and it is believed that no viability payment was paid prior to this.

Officers have sought a current market valuation in accordance with the commercial leasing policy, which was quoted at \$3,300. The valuation methodology was undertaken on a market approach whereby the premises was compared with rents of other comparable properties. Based on market

rental evidence, comparisons and conclusions, the market rent was valued at \$140,000 per annum excluding GST and outgoings.

As Council is not required to advertise the proposed disposal of land (due to an exemption under the *Local Government Act 1995*), in this instance it is an option for Council to set the commencing rent in accordance with the amount currently paid, with annual rent reviews to be undertaken.

Current and Future Asset Considerations

The existing child care facility at 1 Chestnut Drive, Kununurra was constructed by the Shire with a combination of grant funding and Shire funds, including the sale of the previous child care site in Konkerberry Drive.

The new lease will not change the Shire's current or future asset consideration with respect to the property. The building remains as a Shire asset and the Premises Maintenance and Repairs Schedule sets out the Lessor and Lessee responsibilities with respect to the asset.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - Draft Lease [12.3.4.1 - 46 pages]

12.4. CORPORATE SERVICES

12.4.1. LIST OF ACCOUNTS PAID FROM MUNICIPAL FUND AND TRUST FUND

AUTHOR:	Accountant - Assets, Creditors and Tax
RESPONSIBLE OFFICER:	Meredith Blair, Manager Finance
FILE NO:	FM.09.36
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the lists of accounts paid from the Municipal and Trust funds for October 2024 being:

October 2024	
Municipal (02/10/24 - 31/10/24)	\$ 1,988,969.33
Cash Cheque Payments (28/10/2024)	\$ 142.00
Payroll (02/10/24 - 30/10/24)	\$ 829,403.39
Direct Bank Debits (01/10/24 - 15/10/24)	\$ 3,923.09
Total	\$ 2,822,437.81

PURPOSE

For Council to receive the list of accounts paid from the Municipal Fund and Trust Fund in order to meet the requirements of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

In accordance with Council's Delegations Register, which was adopted by Council on 27 February 2024, 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.

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 Council after the list is prepared and is to be recorded in the minutes of the meeting at which it is presented as required by the applicable regulations.

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached Lists of Accounts Paid include these payments.

STATUTORY IMPLICATIONS

Amendments to the *Local Government (Financial Management) Regulations 1996 (Regulation 13A)* now require the List of Accounts Paid to include payments by employees via purchasing cards. The attached report includes these payments.

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

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government (Financial Management) Regulations 1996 - Regulation 5. CEO's duties as to financial management (in part)

(1) Efficient systems and procedures are to be established by the CEO of a local government —
(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

Regulation 11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
- (b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(3) Payments made by a local government —

(a) subject to subregulation (4), are not to be made in cash;
and

(b) are to be made in a manner which allows identification of —

- (i) the method of payment; and
- (ii) the authority for the payment; and
- (iii) the identity of the person who authorised the payment.

(4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

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

(1) A payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
- (b) otherwise, if the payment is authorised in advance by resolution of the council.

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment;

(d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

[Regulation 13A inserted: SL 2023/106 r. 6.]

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Delegation Register 2023-2024 Sub-delegation 6 "Payments from the Municipal Fund and Trust Fund" applies subject to compliance with Council Policy *POL-2004 Purchasing*.

STRATEGIC IMPLICATIONS

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

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

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

RISK IMPLICATIONS

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

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

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 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, as well as to comply with legislative requirements.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

1. Attachment 1 - List of Accounts Paid October 2024 [**12.4.1.1** – 12 pages]

12.4.2.MONTHLY FINANCIAL REPORT

AUTHOR:	Accountant - Assets, Creditors and Tax
RESPONSIBLE OFFICER:	Meredith Blair - Manager Finance
FILE NO:	FM.09.32
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Reports for the period ended 30 October 2024.

PURPOSE

For Council to receive the Monthly Financial Reports for the period ended 30 October 2024.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council is to prepare monthly financial reports as required by section 34(1) of the *Local Government (Financial Management Regulations) 1996*.

Council is to adopt a percentage or value to be used in the statements of financial activity for reporting material variances in accordance with section 34(5) of the *Local Government (Financial Management Regulations) 1996*. Materiality levels of 10% or \$50,000 were approved at the 22 October 2024 Ordinary Council Meeting.

COMMENTS

The Shire has prepared the Monthly Financial Report. The basis of the report is the same as for previous Monthly Financial Reports. In addition, the Shire has prepared a variance analysis of all items over 10% or \$50,000.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

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

(2) The financial report is to —

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

(b) contain the prescribed information.

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

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

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

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

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

Significant Accounting Policies have been applied in the preparation of the report.

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

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

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

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.

Current and Future Asset Considerations

N/a

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

ATTACHMENTS

1. Attachment 1 - Monthly Financial Report - October 2024 [12.4.2.1 - 6 pages]

12.5. INFRASTRUCTURE

12.5.1. FIVE RIVERS LOOKOUT (THE BASTION) - TOILETS

AUTHOR:	George Jannings, Manager Assets and Infrastructure
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
ASSESSMENT NO:	A5261
FILE NO:	SD.02.1
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Funder - provide funds or other resources Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council note issues regarding the facility at the Bastion in Wyndham and approves usage of funds on upgrading the septic system, being installation of a flushing toilet, leach drain and sceptic tank for a cost of \$20,000, funded from GL 10141416100 Kununurra & Wyndham – Building Renewals.

PURPOSE

This item is for information only to inform Council of options being considered on Public Facilities at the Bastion in Wyndham, and the preferred option the Shire intends on implementing.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

The Five Rivers Lookout (The Bastion) is an icon of the East Kimberley and provides various amenities for both locals and visitors to Wyndham. These facilities include shaded picnic tables, barbeques, and a toilet. The toilet facility has reached the end of its useful life and is in need of replacement for the reasons stated in this report which include complaints from the community.

The construction date of the toilet cannot be confirmed however its estimated it was constructed around the year 2000. During recent inspections, internal discussion and given its age is has become clear that the current disposal method of drying the waste, and disposing on site at Wyndham Depot is not appropriate nor compliant, as well as creating unsafe working conditions.

Through discussions with the Shire's contracted plumber there are three options available –

1. Install large drop tank (long drop) straight under toilet
 - Approximately \$7000 installed
 - \$1000 for pumping and disposal, four times yearly
 - Can use current toilet and basin
 - Unpleasant
2. Install flushing toilet with storage tank septic system
 - Approximately \$8000
 - \$1000 for pumping and disposal, twice yearly
 - Will require new toilet and basin

- Can utilise current tank and stand for flushing water, requires filling weekly
- 3. Install flushing toilet with leach drain septic system
 - Approximately \$20,000
 - Will require new toilet and basin
 - Can utilise current tank and stand for flushing water, requires filling weekly, which operational staff can schedule into their weekly clean and check
 - Minimal pumping or ongoing operation costs other than above
 - Designed for future expansion if required

A summary of costs after 6 years below -

Option	Initial Cost	Yearly Cost	After 6 Years
1	\$ 7,000	\$ 4,000	\$ 31,000
2	\$ 8,000	\$ 2,000	\$ 20,000
3	\$ 20,000	\$ -	\$ 20,000

COMMENTS

The above presents options for consideration regarding upgrading the waste disposal method at the Fiver Rivers Lookout. Asset Management principles suggest evaluating Levels of Service, Whole of Life Costs, and Risk, in this case both environmental and reputational.

Option 1 provides the least immediate cost but the highest whole of life cost. It also provides the lowest level of service and highest environment/reputational risk with open waste access, and handling waste so often.

Option 2 provided an intermediate initial and whole of life cost, whilst improving the level of service. Some risk is still maintained with the system needing to be pumped twice yearly.

Option 3 provides the highest immediate cost and the lowest while of life cost, requiring little to no maintenance plus it is low risk.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

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 9: Conserving Country - Protect and enhance our unique natural environment for generations to come

Goal Outcome 2.2: Access to sport and recreation facilities and services - Sport and recreation facilities and services are accessible and well maintained

Goal Outcome 9.1: Protect and enhance our natural environment - We care for and enjoy our unique natural environment

Strategy 2.2: The Shire will collaborate with a wide range of stakeholders to advocate and provide accessible facilities that support a range of sporting and recreational activities

Strategy 9.1: Work in partnership to implement cooperative programs to manage waste, land, fire, pathogens, introduced animals and weeds

RISK IMPLICATIONS

Risk: Failure to ensure that customer services at the Shire are accessible and effective in resolving issues, providing services and delivering information to the community.

Risk: Failure to plan and resource a suitable waste management program or facility which is sustainable, reduces environmental degradation, improves public safety and complies with regulatory requirements.

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

Control: Design and install Department of Health approved septic system

FINANCIAL IMPLICATIONS

The Shire will need to fund the works through the current building renewals account.

GL 10141416100 Kununurra & Wyndham – Building Renewals.

Current and Future Asset Considerations

Design system to accommodate for minor future expansion.

Cartage costs will be outweighed by the construction of leach drains on the site.

COMMUNITY ENGAGEMENT

No community engagement is required.

ATTACHMENTS

Nil

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. REQUEST FOR PANEL APPLICATIONS T01-24/25 SERVICING OF LARGE AND MEDIUM PLANT, MECHANICAL REPAIR AND AUTO ELECTRICAL

AUTHOR:	{position}
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure and Strategic Projects
FILE NO:	CM.16.485
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Provider - provide physical infrastructure and essential services
VOTING REQUIREMENT:	Simple Majority

PURPOSE

To consider the applications received for T01-24/25 and make recommendations for the appointment of suppliers to the panel.

MATTER IS BEING CONSIDERED BEHIND CLOSED DOORS

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

5.23. *Meetings generally open to public*

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

17. CLOSURE