



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL MEETING

26 July 2022

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

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

Signed on behalf of Council



VERNON LAWRENCE
CHIEF EXECUTIVE OFFICER

NOTES

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

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3. DECLARATION OF INTEREST	4
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
5. PUBLIC QUESTION TIME	4
6. APPLICATIONS FOR LEAVE OF ABSENCE	4
7. PETITIONS	4
8. CONFIRMATION OF MINUTES	4
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	4
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	5
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	5
12. REPORTS	5
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	5
12.2. CHIEF EXECUTIVE OFFICER	5
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions .	5
12.2.2. Standing Item - Use of the Common Seal	7
12.3. PLANNING AND COMMUNITY DEVELOPMENT	9
12.3.1. Planning Policy Review 2022	9
12.3.2. Rates Assistance Grants	13
12.4. CORPORATE SERVICES	17
12.4.1. Monthly Financial Report June 2022	17
12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund	21
12.5. INFRASTRUCTURE	24
12.5.1. Funeral Directors Licence - Osiris Funerals	24
12.5.2. Playground Strategy	27
12.5.3. Ewin Centre Flooring	31
12.5.4. Wyndham Townsite – Disposal of Effluent	34
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	37
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	37
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	37
16. MATTERS BEHIND CLOSED DOORS	37
17. CLOSURE	37

**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 26 JULY 2022 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

3. DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. PETITIONS

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

<p>That Council confirms the Minutes of the Ordinary Council Meeting held on 28 June 2022.</p>

Note: The Minutes of the Ordinary Council Meeting held on 28 June 2022 are provided under separate cover via www.swek.wa.gov.au

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. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	26 July 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

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

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the June 2022 Council resolutions are detailed in Attachment 1.

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

ATTACHMENTS

Attachment 1 - Council Action Register - July 2022

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	26 July 2022
AUTHOR:	Executive Officer to the CEO
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
DISCLOSURE OF INTERESTS:	NIL
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 June 2022 to 17 July 2022.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 18 June 2022 to 17 July 2022.

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local*

government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

POLICY IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

RISK IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was 1 document for the time period of 18 June 2022 to 17 July 2022 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
18/07/2022	Grant Agreement - FAA Election Commitments Kununurra Aquatic and Leisure Centre Redevelopment

ATTACHMENTS

NIL

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Planning Policy Review 2022

DATE:	26 July 2022
AUTHOR:	Senior Planning Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
FILE NO:	LP.01.13
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws Leader - plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to advertise the proposed amendment to:

- 1. Local Planning Policy 11 (LPP 11) - Workforce Accommodation; and**
- 2. Local Planning Policy 12 (LPP 12) - Temporary Workforce Accommodation Camp**

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

PURPOSE

For Council to consider the updates to Local Planning Policies relevant to workforce accommodation.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The primary role of a Local Planning Policy (LPP) is to guide development and to provide additional information concerning the position a local government will likely take on particular planning matters. In making a determination under a Local Planning Scheme, the local government and Development Assessment Panels (DAP) should have 'due regard' for any Local Planning Policy.

Amongst other things, in developing, implementing and reviewing Local Planning Policies, local governments need to ensure policies are based on sound town planning principles, are clear and concise, do not contradict or unnecessarily repeat a Local Planning Scheme, assist in making decisions and have clear objectives.

WALGA has created a template to assist and ensure uniformity across all local governments for Local Planning Policies and existing Shire Local Planning Policies will continue to be reviewed to ensure consistency with these recommendations and current planning and development priorities within the Shire.

The majority of the Shire's Local Planning Policies were adopted by Council between 2009 and 2016 and due to the length of time in operation and changes to development and approval requirements, it is likely that while the majority of policies will require some form of amendment, some will also be recommended for revocation. The review of Local Planning Policies will be an ongoing process.

Local Planning Policy 11 (LPP 11) previously known as 'Transient Accommodation' is proposed to be amended and renamed Local Planning Policy 11 (LPP 11) - Workforce Accommodation. The proposed name change reflects the current definitions of Local Planning Scheme No. 9 (LPS 9) and the proposed formatting changes are a result of using the WALGA local planning policy template. A copy of amended Local Planning Policy 11 (LPP 11) is at Attachment 1.

Local Planning Policy 12 (LPP 12) previously known as 'Temporary Workers Accommodation (Camp)' is proposed to be amended and renamed Local Planning Policy 12 (LPP 12) 'Temporary Workforce Accommodation Camp'. The proposed name change and textual changes are to ensure consistency with LPS 9 and the proposed formatting changes are a result of using the WALGA local planning policy template. A copy of amended Local Planning Policy 12 (LPP 12) is at Attachment 2.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

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

STRATEGIC IMPLICATIONS

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

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the requirements of Schedule 2, Part 2, Clause 4 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A new or amended policy requires:

- A notice to be published of the proposed amendment in a newspaper circulating in the Scheme area, giving details of:
 - The subject and nature of the policy; and
 - The objectives of the policy; and
 - Where the policy may be inspected; and
 - To whom, in what form and during what period submissions in relation to the policy may be made.
- The local government may also give notice of the policy in any other way and carry out any other consultation the local government considers appropriate.

The period for making submissions in relation to a local planning policy must be for a period of no less than 21 days commencing from the day the notice is published.

COMMENTS

The proposed amendments will be in line with the applicable legislative requirements and subject to appropriate notice, and the content and format of the local planning policy will be

modified to be clearer and to conform to more up-to-date standards as provided by WALGA. The proposed changes to both LPP 11 and LPP 12 are considered to be minor changes in line with current standards, and the provisions and definitions of Local Planning Scheme No. 9 (LPS No. 9).

The proposed amended policies will be advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and any submissions received will be reviewed prior to presenting the amended policy to Council for adoption.

ATTACHMENTS

Attachment 1 - Draft Local Planning Policy 11

Attachment 2 - Draft Local Planning Policy 12

12.3.2. Rates Assistance Grants

DATE:	26 July 2022
AUTHOR:	Community Grants and Events Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A8094
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 approves the allocation of funding from the 2022/23 Community Grant Program – Rates Assistance (in line with Council Policy PC/COM-3582 Community Grant Program and Guidelines), to the Ord River Magpies.

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Rates Assistance Grants provide the opportunity for not-for-profit community groups and associations occupying rateable land to apply for funding for the payment of their rates. The amount of assistance is paid up to the amount of rates levied with eligible organisations being not-for-profit incorporated associations. The assistance grant is only applicable to rates, and not to service charges, the Waste Receptacle Service, and/or the Emergency Services Levy. Rates Assistance Grants were first introduced in 2017 as a means of 'capturing' expenditure in the recreation and culture expenditure account as a factor in determining the quantum of Commonwealth Financial Assistance Grants. It also addressed anomalies in the Shire's consideration for rate exemptions.

Last year, the Shire allocated \$67,325.35 to 17 organisations, the second year of approved funding with the final year to be 2022/23. The Ord River Magpies Football Club had not yet applied for funding and so were not included last year. The Ord River Magpies Football Club has now applied, with the Rates Assistance Grant Application Form provided at Attachment 1, however approval for the Rates Assistance Grant will only be considered for the 2022/23 financial year in order to line up with the grant period for the other organisations.

The Ord River Magpies Football Club was formed in the 1970's to provide Kununurra residents with a chance to play football. Today, they have over 150 members, both male and female. They align with the Shire's Strategic Community Plan by encouraging sport and recreation within our community. The Ord River Magpies signed their current lease agreement in February 2022. The lease states that:

4.2(c) Rates Exemption

- (1) *The Lessor must each year, in accordance with its obligations pursuant to the Local Government Act 1994 and the Shire policy, issue the Lessee with a rates' notice.*
- (2) *The Lessee must pay the rates pursuant to the rates notice each year during the Term.*
- (3) *During the Term the Lessor will reimburse the Lessee the amount paid pursuant to the rates notice.*

This reimbursement is referring to the Rates Assistance Grant Program.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter.

POLICY IMPLICATIONS

PC/COM-3582 Community Grant Program and guidelines apply with respect to the eligibility criteria and for the allocation of funding for this financial year.

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

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

FINANCIAL IMPLICATIONS

There are no financial implications as the amount of the rates assistance is fully provided for in the 2022/23 budget.

STRATEGIC IMPLICATIONS

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

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.2.1: Collaborate with a wide range of stakeholders to advocate and provide accessible facilities that supports a range of sporting and recreational activities

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

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

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

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

Shire Project: 107 - Deliver a community grant program

Service Area: Community Development

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Ord River Magpies Football Club is a community based group that contributes to a healthy, active and connected community. The organisation meets relevant eligibility criteria

and the allocation of funding for this year will bring them into line with other Shire supported community organisations. Council's budget allocation for this purpose, in any case, will cover this expense. The proposed assistance, furthermore, meets the intent of Council's policy and guidelines and is also in line with the recently signed lease as that relates to *Rates Exemption*.

ATTACHMENTS

Attachment 1 - Ord River Magpies Football Club Rates Assistance Grant Application Form

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report June 2022

DATE:	26 July 2022
AUTHOR:	Coordinator Finance
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the interim Monthly Financial Report for the period ended 30 June 2022.

PURPOSE

For Council to receive the Interim Monthly Financial Reports for the period ended 30 June 2022.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

At the 27 July 2021 Ordinary Council Meeting, the Council resolved the following:

Council Decision

Minute Number: 27/07/2021 - 11496

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

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

6.4. Financial report

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

(2) The financial report is to —

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

(b) contain the prescribed information.

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

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

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

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

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

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

(a) according to nature and type classification; or

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

The Monthly Financial Report for the period ended 30 June 2022 includes the adjusted opening surplus as at 30 June 2021 and adjustments to carry forward figures at 30 June 2021 for the capital works program. The budget figures include amendments to the 2021/22 budget approved by Council following the mid-year budget review. Comments in relation to budget versus actual variances are included at note 16 in the Financial Statements.

Council should note that the report is an interim report as year end procedures need to be processed before a final position for 30 June 2022 is arrived at. These year end processes

include adjustments to provisions, transfers to and from reserves and assessments for fair value of assets.

ATTACHMENTS

Attachment 1 - Monthly Financial Report June 2022

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

DATE:	26 July 2022
AUTHOR:	Finance Creditors Officer
RESPONSIBLE OFFICER:	Meredith Blair, Acting Director Corporate Services
FILE NO:	FM.09.29
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - Responsible for the enforcement of statutory requirements
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for June 2022, being:		
Municipal EFT 143316 - 143595 (03/06/2022 - 30/06/2022)	\$	1,867,914.35
Municipal Cheques 52025-52025 (30/06/2022)	\$	43.70
Trust EFT 52026 - 52033 (02/06/2022 - 30/06/2022)	\$	11,827.25
Payroll (01/06/2022 - 29/06/2022)	\$	729,613.24
Direct Bank Debits (01/06/2022 - 30/06/2022)	\$	351,114.80
Total	\$	2,960,513.34

PURPOSE

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

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996 -

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

Regulation 11. Payments, procedures for making etc.

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid June 2022

12.5. INFRASTRUCTURE

12.5.1. Funeral Directors Licence - Osiris Funerals

DATE:	26 July 2022
AUTHOR:	Infrastructure Support Officer
RESPONSIBLE OFFICER:	Paul Webb, Director Infrastructure
FILE NO:	PH.12.11
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2022 to 30 June 2023 in accordance with the Cemeteries Act 1986.

PURPOSE

To consider Osiris Funerals' application for renewal of their annual funeral director's licence.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Jayden Cornish, the Director/Manager of Osiris Funerals, has held a Funeral Director's licence to conduct funerals within the Shire of Wyndham East Kimberley since December 2019. He has a long established reputation for providing excellent service and has extensive experience in the funeral industry.

Council decided at the Ordinary Council Meeting on 27 July 2021 the following:

Council Decision

Minute: 27/07/2021 – 118499

That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2021 to 30 June 2022 in accordance with the Cemeteries Act 1986.

Moved: Cr T Chafer
Seconded: Cr G Lodge

Decision: 9/0

STATUTORY IMPLICATIONS

Cemeteries Act 1986.

Division 3 - Licensing of funeral directors.

16. *Licences*

A funeral director's licence:

- (a) is valid for the conduct of funerals at the cemetery or cemeteries specified in the licence;*
- (b) is valid for such period not exceeding one year from the day on which the licence is issued as the Board determines, unless the licence is sooner suspended or cancelled; and*
- (c) is not transferable.*

17. *Applications for licences*

- (1) An application for a funeral director's licence in respect of a cemetery shall be made to the Board responsible for the care, control and management of the cemetery in the manner required by the Board and shall be lodged with the Board together with the appropriate fee.*
- (2) An applicant who satisfies the Board that the applicant:*
 - (a) is of good repute and is fit to hold a funeral director's licence; and*
 - (b) has suitable facilities and equipment for handling and storing dead bodies and conducting funerals, shall be entitled to be issued with a funeral director's licence.*

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

Funeral Directors Licences are issued on an annual (financial year) basis.

The annual fee is \$366.00.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Jayden Cornish as the Director/Manager of Osiris Funerals is the only funeral director servicing the East Kimberley region. Osiris Funerals have established working relationships with all relevant departments, services and facilities to provide a complete service for the Shire. Jayden has met all requirements to hold a Funeral Directors Licence with the Shire of Wyndham East Kimberley.

ATTACHMENTS

Attachment 1 - Funeral Director's Licence Application

12.5.2. Playground Strategy

DATE:	15 July 2022
AUTHOR:	Director Infrastructure and Strategic Services
RESPONSIBLE OFFICER:	Director Infrastructure and Strategic Services
FILE NO:	
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 supports that the 'Draft Playground Strategy' in Attachment 1 be advertised for community consultation.

PURPOSE

For Council to approve the Draft Playground Strategy 2022-2027 for community consultation, results of which are to be compiled for discussion with briefing, and possible changes to the 'Playground Strategy 2022-2027' before finalising as a formal Council document.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

This item was tabled for feedback at the July Briefing of Council. Requested changes have been made to the document, being the location of Neighbourhood Playgrounds in Wyndham and Kununurra, and also a softening of language around the placement of shade structures.

STATUTORY IMPLICATIONS

AS 4685.0:2017 – Playground equipment and surfacing – Development, installation, inspection, maintenance and operation

AS 4685.1-6: 2021 (6 parts) – Playground equipment – General safety requirements and test methods + Additional specific requirements for swings; slides; runways; carousels; rocking equipment

AS 4685.11:2012 – Playground equipment – Additional specific safety requirements and test methods for spatial networks

AS 4422:2016 – Playground surfacing – Specifications, requirements and test method

POLICY IMPLICATIONS

CP/OPS-3659 Asset Management

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

Goal 2.1: Conserve the Shire's unique natural environment for the enjoyment of current and future generations

Goal 2.2: Provide sustainable public infrastructure that serves the current and future needs of the community

Strategy 2.2.1: Provide and maintain infrastructure that promotes sustainable growth and positively impacts the well-being and lifestyle of residents and users

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

Shire Project: 414 - Review and implement Strategic Resource Plans

Service Area: Asset Management and Capital Works - Asset Management
Operations Team - Shire Maintenance

RISK IMPLICATIONS

Risk: Failure to undertake effective community engagement strategies which develop the Shire's understanding of the needs and aspirations of the community, grow community capacity and ensure supportable outcomes are reached with stakeholders.

Control: Progress community consultation to receive feedback on the proposed strategy.

FINANCIAL IMPLICATIONS

Minor budgetary costs associated with community consultation may be incurred.

COMMUNITY ENGAGEMENT

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

Internal and External notification of proposal - website and social media
Information displays at events

Notices placed on notice boards at Shire Offices, Kununurra Library, Coles notice board and Wyndham, Supermarket notice board.

Survey and comment forms

Advisory/Workshop events

COMMENTS

As previously identified in the Playground asset management document, the Council owns more playground asset than it can currently maintain. Additionally, playgrounds have been created in a 'cookie cutter' manner, duplicating assets without consideration to catchment zone or age differentiation to support from toddler to teenage years. Additionally, Council does not have the manpower resources to facilitate the most basic maintenance required on these assets. As a result, much of the asset is high risk, and due to its condition, low use. There is no current long term plan on playground asset, the result being that the Shire owns a significant scattering of deteriorating asset that has, or is moving to end of life with no developed plan for replacement or removal.

A draft strategy has been developed reflecting contemporary design methods to implement inclusion, accessibility, and type of playgrounds required, as well as considering catchment zones for asset type.

Installation of new playground assets will have a high replacement cost, but implementation of a strategy will increase grant funding opportunity.

The proposed strategic document suggests consolidation of asset, which will also provide age targeted equipment, located in larger population catchment zones. This will also facilitate easier ongoing inspections, which should fit current staff time availability, and isolate ongoing maintenance to this community asset. Future budgets will be constructed in such a way to identify capital works, maintenance to ancillary equipment, soft fall, and playground hardware. This will enable Council to consider levels of funding in conjunction with future Level of Service requirements.

In order to meet Council Vision of ***People, Healthy vibrant active communities, Improving liveability through social and recreational opportunities, a range of inclusive community services and activities, and valuing our diversity***, delivery of this service area in a budgeted, resource considered manner is critical, as well as delivery of asset that considered;

- Cultural environment
- Natural environment
- Age demographic
- Hierarchy and distribution
- Compatible amenities
- Built environment
- Social environment
- Economic environment

If the recommendations of the strategy are adopted, consideration, and information on how the program will be rolled out will be pivotal in public information sessions. Removal of dangerous and/or redundant assets should only be progressed if the equipment is high risk, (Wyndham and Kununurra Swimming Pool equipment), has failed, or removed when new infrastructure is installed.

ATTACHMENTS

Attachment 1 - Draft Playground Strategy

12.5.3. Ewin Centre Flooring

DATE:	20 July 2022
AUTHOR:	Co-Ordinator Assets (Buildings)
REPORTING OFFICER:	Director Infrastructure and Strategic Projects
FILE NO:	CP.08.3
DECLARATION OF INTERESTS:	Nil known

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the transfer of \$42700 from the Childcare Reserve account to fund repair works at the Ewin Centre to the flooring in wet areas as outlined in Attachment 2 to this report.

PURPOSE

To seek Council approval to transfer funds from the Childcare Reserve account to fund and undertake essential repairs at the Ewin Childcare Centre.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND

In April 2021, the Shire undertook a routine inspection of the Ewin Child Care Centre in Kununurra. On inspection there were some items of maintenance identified as needing remedial action, this included lifting or peeling of vinyl flooring to some wet areas in the facility. On 23 June 2022 the Education and Care Regulatory Department WA visited the Ewin Centre and performed an onsite compliance inspection at which time they identified the vinyl flooring to be non-compliant due to Regulation 103 - Premises, furniture and equipment to be safe, clean and in good repair. - Attachment #1 - Ewin Early Learning Centre Visit Letter ECRU (Education and Care Regulatory Unit). The Education and Care Regulatory Unit provided a 2-week period in which to arrange these repairs. Asset Officers have since contacted the department and sought additional time to arrange repairs.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of repairing the damaged sections to all wet areas has been estimated at a value of \$42,700.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.4: Work with partners to inspire young people to become engaged in their families, schools and communities

RISK IMPLICATIONS

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

Control: Ensure that budget and financial management includes asset management planning and renewal factored in.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

It is noted that the deterioration of the flooring in these areas has accelerated in the last 12 months, through which time Asset Officers have been seeking out trades to quote on the repairs as required to the vinyl flooring. Shortage of trades, in this particular case vinyl layers has impacted the time frames involved to arrange these quotes for repairs; however, an inspection was undertaken in June by a flooring contractor who has made recommendations for the full replacement of the vinyl in the affected areas. The expected life expectancy of this type of flooring is typically 10-15 years in normal conditions and shorter within wet and humid areas such as bathrooms and kitchen in which these areas we expect approx. 8-10 years. Being that the centre is now 16 years old and this is the original flooring in the wet areas we can assume it has now reached its usual end of life.

Kununurra Childcare Centre Reserve

The balance held in the Kununurra Childcare Centre Reserve as of 21 July 2022 is \$162,403.60 and these funds are held specifically for the renewal of the asset as and when required. With an anticipated transfer to the reserve at the end of the 2022/23 financial year Officers are confident that there will be sufficient funds in the Reserve to meet future works as and when they are required.

ATTACHMENTS

Attachment 1 - Ewin Early Learning Centre Visit Letter ECRU
Attachment 2 - Quote - QU-375 - Ewin Centre Wet areas

12.5.4. Wyndham Townsite – Disposal of Effluent

DATE:	15 July 2022
AUTHOR:	Director Infrastructure and Strategic Services
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Advocator - advocate and support initiatives on behalf of the community
VOTING REQUIREMENT	Simple Majority

OFFICER'S RECOMMENDATION

Council resolve that the Chief Executive Officer contact the relevant responsible authorities with respect to the disposal of effluent into the local Wyndham environment to:

- 1. Formally raise the concern of the possible risks to the Wyndham community;**
- 2. Seek comment on possible solutions to this problem; and**
- 3. What action the responsible authority will take to mitigate these risks.**

PURPOSE

To seek approval from Council to engage with relevant agencies at a State and Ministerial level, in order to discuss and attempt to implement improvements to disposal of effluent water immediately adjacent to the Wyndham townsite.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Councillors were informed of this matter at the Council Briefing session, 12 July 2022.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Focus Area 2: PLACE - Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

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

Shire Project: 201 - Support the management of emerging and ongoing biosecurity issues

Service Area: Asset Management and Capital Works
Property and Facilities Management
Regulatory Services
Environmental Health

RISK IMPLICATIONS

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.

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

Control: Engage with relevant agencies to inform them of community concerns and their obligations to environmental health.

FINANCIAL IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required. This will take the form of negotiating with relevant agencies and ministers in order to raise the profile of this important environmental concern.

COMMENTS

An email was recently (17/06/2022) distributed by Cr Chafer, that raises relevant concerns pertaining to discharge of sullage into the Cambridge Gulf, historic effluent systems that have not been maintained in the Wyndham Port, and the possibility of future application for development being rejected due to the lack of suitable waste water disposal facilities in the Port area.



Image of sullage discharged by Water Corporation in proximity to the Wyndham Townsite

There are two components that are the basis of this concern;

- Old piped effluent systems in the Wyndham Port area, discharging waste directly into the Cambridge Gulf
- Overflow effluent from the Water Corporation treatment area in the Wyndham Townsite, being discharged into the local environment.

WYNDHAM TOWNSITE DISCHARGE

It is noted that Wyndham townsite reuse water scheme fell out of service, as far as the reporting officer can determine, in around 2014. The Shire administration has pursued options to reinstate this system, costs exceeding the hundreds of thousands of dollars mark, with the addition of ongoing costs and maintenance, which would exceed the cost of potable water. It is understood in conversation with the Water Corporation, that there is significant risk in re-use of this water due to the high temperature environment in the Kimberley which results in high treatment cost.

Water Corporation has offered much more cost effective solutions to town irrigation to the Shire, by offering use of backwash water to green the Wyndham Townsite. Shire staff are currently pursuing this alternative. This does not, however, mitigate the risk associated with disposal of apparent non-diluted effluent into adjacent seasonal waterways

WYNDHAM PORT DISCHARGE

Existing piped systems that allegedly feed from old business and properties in the Port area, and that feed out into the ocean. The reporting officer is unsure of the environmental concerns that may be present in feeding black water into the Cambridge Gulf at light industrial or residential levels, however, the lack of maintenance of these systems is of concern. With potential growth in the Port Location with industry and the associative residential requirements, the lack of sewerage facility will negate any potential growth. It is noted that Water Corporation will take a 'user pays' approach to development, but due to the lack of any existing modern system, this would appear to be a long standing legacy issue that spans decades that may be better addressed by relevant state agencies and Ministers, at the request of Council.

It is anecdotally noted in both of these instances, that when local enterprise has requested an application to develop land in the same way as existing systems are operating (discharging waste into the Cambridge Gulf) the Department of Health have declined approval to those submissions. As such, it would appear that Water Corporation has ownership of non-compliant systems discharging waste directly into the Gulf, and cannot supply service to new potential business.

It is therefore requested to escalate this matter to Council, in order to raise the profile of this matter to Ministers or other political agents so as to address the shortfall in existing service both in the needs of growth in the location, and that of public health.

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

17. CLOSURE