

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

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Shire President

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Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

# MINUTES ORDINARY COUNCIL MEETING

23 July 2019

## **DISCLAIMER**

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

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

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

Signed on behalf of Council



**CARL ASKEW**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING MINUTES  
KUNUNURRA COUNCIL CHAMBERS  
HELD ON 23 JULY 2019 AT 5:00PM**

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

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

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

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

The Shire President declared the Meeting open at 5:00pm.

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

**ATTENDANCE**

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
V Lawrence	Acting Chief Executive Officer / Director Corporate Services
N Kearns	Director Planning and Community Development
S Dyson	Director Infrastructure
C Cane	Minute Taker
Simone Rushby	Resident
Mark Northover	Resident
Allan Wedderburn	Resident
Elise Van Aken	Reporter – Kimberley Echo
Rebecca Nadge	Reporter – ABC Kimberley

**APOLOGIES**

C Askew	Chief Executive Officer
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### 3. DECLARATION OF INTEREST

- Financial Interest

NIL

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Cr Narelle Brook	12.3.4	Annual Grants and Rates Assistance 2019-2020	I am the Chairperson of the Ord Valley Events Inc. Board who has applied for funding for the 2020 Muster.

- Proximity Interest

NIL

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

NIL

### 5. PUBLIC QUESTION TIME

Questions from Allan Wedderburn, Kununurra Resident

- 1) **Can Council please confirm what actions are being taken to ensure the caravan parks adjoining Lilly Creek and the Ord River are complying with the requirements off their leases regarding public access? What are you doing to enforce the lease conditions?**

Shire President D Menzel took the question on notice and a response will be provided to Mr Wedderburn.

- 2) **Will Council accept the donation of several 10 year old boab trees? I live in Lakeside and directly opposite my property there is some unallocated crown land which the Shire occasionally cuts down for fire breaks etc. For the last ten years there has been an area of bush on that land that hasn't been cut down, and these trees have been nurtured and cleared around. However, last week a clearing was carried out and the boab trees were mowed down. They are significant trees, not just little sucklings. The other 1,200 trees you plant around town are of similar size, so I'm just wondering if they will get mowed down as well.**

*The Director Infrastructure provided the following response:*

Due to the bush fires that occurred in Lakeside during last year's dry season, the Shire felt it was necessary to implement additional clearing and fire breaks, to prevent such emergencies occurring in future. I am not certain whether the land you're referring to was included in the cleared area, but I will investigate the situation further.

Shire President D Menzel took the question on notice and a further response will be provided to Mr Wedderburn.

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

## **7. PETITIONS**

NIL

## **8. CONFIRMATION OF MINUTES**

### **OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 25 June 2019.**

Note: The Minutes of the Ordinary Council Meeting held on 25 June 2019 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

**Minute Number: 23/07/2019 - 118053**

**Moved: Cr J Farquhar**

**Seconded: Cr T Chafer**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 25 June 2019.**

**Carried: 9/0**

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

The Shire President acknowledged a series of visits, meetings and briefings that took place over the month;

### **1 July 2019 – Shade Sails at Celebrity Tree Park and Swim Beach**

I wish to acknowledge the works crew and note that finally we have the shade sails up at Celebrity Tree Park and Swim Beach.

### **2 July 2019 – Northern Australia Crop Research Alliance (NACRA) field day**

I had the pleasure of attending another NACRA field day. Cr Pearce had a lot to do with the event so I pass on our regards in so far as the success of the day. It was a fantastic showcase for particularly the Agricultural industry.

### **11-12 July 2019 – Developing Northern Australia Conference (DNA)**

The Deputy Shire President Cr Chafer, Chief Executive Officer and I attended the DNA conference in Karratha. It was a good opportunity for networking and the progression of discussion around developing Northern Australia makes it an absolutely vital focus point for all of us that live in the North.

### **12-13 July 2019 – Kununurra Agricultural Show 2019**

It was a fantastic event and I pass on our thanks to the show committee and all the volunteers.

**18 July 2019 – Department of Social Services, Cashless Debit Card Exit Process**

The Director Planning and Community Development and I had a briefing from the Department of Social Services regarding the Cashless Debit Card Exit Process and how that new legislation is going to be put into practice.

**19 July 2019 – Business After Hours event**

Organised by the East Kimberley Chamber of Commerce and Industry and hosted by East Kimberley Job Pathways at Revive. It was a good opportunity to catch up with people working in industry and services.

**23 July 2019 – Horizon Power, Kalumburu Solar Farm Project briefing**

Prior to this meeting today, Horizon Power presented to Council regarding the Kalumburu Solar Farm Project.

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

- 16.1. DELIVERY OF LAKE ARGYLE ROAD PROJECT - STAGE 4 & 5
- 16.2. REQUEST FOR TENDER T06-18/19: BITUMINOUS SEALING AND LINE MARKING

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

NIL

## **12. REPORTS**

### **12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

NIL

### **12.2. CHIEF EXECUTIVE OFFICER**

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

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

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

#### **Council Decision**

**Minute Number: 23/07/2019 - 118054**

**Moved: Cr M Dear**

**Seconded: Cr T Chafer**

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

**Carried: 9/0**

#### **PURPOSE**

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

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

Leader - plan and provide direction through policy and practices



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

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

## **STATUTORY IMPLICATIONS**

NIL

## **POLICY IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

## **RISK IMPLICATIONS**

NIL

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the June 2019 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 - June 2019

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

### 12.2.2. Standing Item - Use of the Common Seal

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Carl Askew, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **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 20 June 2019 to 19 July 2019.**

#### **Council Decision**

**Minute Number: 23/07/2019 - 118055**

**Moved: Cr N Brook  
Seconded: Cr G Lodge**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 June 2019 to 19 July 2019.**

**Carried: 9/0**

#### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 20 June 2019 to 19 July 2019.

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

Regulator - enforce state legislation and local laws

#### **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

### **FINANCIAL 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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

There was one document for the time period of 20 June 2019 to 19 July 2019 with the Shire Common Seal applied as per the table below:

Date of Use	Document
25/06/2019	Section 70A Notification – Lots 15 & 16 Moonamang Road, Goomig Farmlands

## **ATTACHMENTS**

NIL

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Corporate Business Plan 2019-2022

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	CM.10.11
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Absolute Majority

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

**That Council:**

- 1) Adopts the Corporate Business Plan (2019/20 - 2022/23) as contained in Attachment 1.**
- 2) Directs the Chief Executive Officer to give local public notice that the Corporate Business Plan (2019/20 - 2022/23) has been adopted.**

#### **Council Decision**

**Minute Number: 23/07/2019 - 118056**

**Moved: Cr M McKittrick**

**Seconded: Cr J Farquhar**

**That Council:**

- 1) Adopts the Corporate Business Plan (2019/20 - 2022/23) as contained in Attachment 1.**
- 2) Directs the Chief Executive Officer to give local public notice that the Corporate Business Plan (2019/20 - 2022/23) has been adopted.**

**Carried: 9/0**

## **PURPOSE**

This report presents to Council the Corporate Business Plan 2019/20 - 2022/23 for adoption.

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

Advocator - advocate and support initiatives on behalf of the community

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

Provider - provide physical infrastructure and essential services

Regulator - enforce state legislation and local laws

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

All Local Governments are required to produce a plan for the future under s5.56(1) of the Local Government Act 1995. The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

The CBP is an integrated business plan that summarises all of the services and projects included in business unit plans for the delivery of outcomes and objectives in the SCP. It is developed within the Shire's financial, workforce and asset management capability, and in turn informs resourcing across these areas.

The previous CBP 2018/19 - 2021/22 was adopted by Council at the June 2018 Ordinary Council Meeting. This latest version, which is largely based on the previously adopted document, now includes a more comprehensive Shire Services section and has enabled Officers to remove a number of actions from the Plan that would have otherwise been considered to be 'core' business. In addition, a number of actions have been updated to better reflect the key priorities identified by the community in the recent Community Scorecard (Satisfaction Survey), particularly around:

1. Safety and security, focusing primarily on anti-social behaviour, particularly around main commercial areas.
2. Services and facilities for youth to help alleviate concerns with boredom and antisocial behaviour.
3. Economic development, including attracting investment, supporting local business, improving airport services, growing tourism and improving the overall appearance of Kununurra and Wyndham town centres.
4. Improved infrastructure, including fixing damaged road surfaces, better drainage, improved lighting and streetscapes, and more footpaths, cycleways and trails for better connectivity.
5. Value for money from Shire rates. Ratepayers request rate reductions or limits to rate increases.

A copy of the updated 2019-2022 Corporate Business Plan is provided as Attachment 1.

## **STATUTORY IMPLICATIONS**

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of its district. One of these components is through the development of the CBP. Regulation 19DA of *Local Government (Administration) Regulations 1996* determines the standards with which a CBP must comply, including that the Chief Executive Officer gives local notice of its approval.

### **Local Government Act 1995**

#### ***5.56 . Planning for the future***

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

*[Section 5.56 inserted: No. 49 of 2004 s. 42(6).]*

*[5.57, 5.58. Deleted: No. 49 of 2004 s. 42(6).]*

### **19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
  - (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
  - (3) A corporate business plan for a district is to —*
    - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
    - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
    - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.*
  - (4) A local government is to review the current corporate business plan for its district every year.*
  - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
  - (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

*[Regulation 19DA inserted: Gazette 26 Aug 2011 p. 3484-5.]*

## **POLICY IMPLICATIONS**

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

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

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

## **FINANCIAL IMPLICATIONS**

The CBP is set within the financial constraints of the Long Term Financial Plan and is integrated with the Annual Budget 2019/20.

## **STRATEGIC IMPLICATIONS**

### *Strategic Community Plan 2017-2027*

#### Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

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

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

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

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

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.3: Adequately plan for and fund asset maintenance and renewal to deliver planned services

## **RISK IMPLICATIONS**

**Risk:** Non-compliance with the *Local Government (Administration) Regulations 1996* for Integrated Planning and Reporting.

**Control:** Complete annual review and engagement and develop an appropriately costed Corporate Business Plan.



## **COMMUNITY ENGAGEMENT**

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

- Advertising - Local public notice
  - Advertisements paid for in print, broadcast and online mediums. Used to promote engagement activities and to meet legal obligations.
- Website
  - Dedicated central hub for all of an organisation's engagement activities, with a specific page on the organisation's website for the specific project.
- Social Media and other online mediums
  - Posts on Facebook, an article in the Shire's E-Newsletter and emails sent to Shire's Community Contact list.
- Survey
  - A series of questions provided to the community to gain a broad understanding. Captured using the 2019 Community Perceptions Scorecard Survey
- Open Houses - Kununurra Library, Wyndham Chambers
  - Public information sessions incorporating a series of displays staffed by technical, engagement and project officers. Open house venues allow the public to drop in at any time during the day to view and provide input providing a less formal venue than public meetings.
- Public Displays – Kununurra Saturday Markets, Shire Offices and libraries.

The community provided comment on 70 of the 85 existing actions contained in the Draft CBP. A total of 212 responses to actions were received. 124 of these were positive and in favour of existing actions. 69 responses highlighted a need to refine an action and 19 responses indicated a dislike for an action. These comments, along with those provided by Councillors and Shire Officers have assisted in drafting a more focussed document that better translates those actions required to be achieved in order to meet our long term financial and strategic goals.

The community engagement and comments received during the refinement of the CBP are documented in a Community Engagement Report, which is available on request.

## **COMMENTS**

The Corporate Business Plan has been prepared to achieve compliance with relevant legislative requirements. It is informed by a range of strategic documents including the Long Term Financial Plan, Asset Management Strategy and Workforce Management Strategy, and more particularly captures the key actions and initiatives to meet with the community's goals as articulated in the Shire's Strategic Community Plan.

The updated Corporate Business Plan is more focussed and more accurately describes those actions required to be undertaken in order to meet the community's goals in the adopted Strategic Community Plan and to better address the highest priorities identified in the more recent Community Scorecard (Community Satisfaction) Survey. Additional input by

community members, Councillors and Officers has also resulted in a more succinct list of actions that can better be achieved and reported against.

It is recommended that Council adopts, pursuant to the provisions of section 5.56 of the Local Government Act 1995 and Regulation 19DA of the Local Government (Administration) Regulations 1996, the 2019-2022 Corporate Business Plan as contained in Attachment 1, which:

1. Reflects the 2019/20 Annual Budget funding allocation in the key programs and projects to be undertaken in the 2019/20 financial year; and
2. Incorporates Council's consideration of the community comments received.

## **ATTACHMENTS**

Attachment 1 - 2019 Corporate Business Plan (2019-2022)

### 12.3.2. Kununurra Race Club Temporary Caravan Park Licence

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A2859
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Race Club at R30290, Lot 707 Drovers Road, Kununurra.**
- 2. Grants a temporary caravan park licence to the Kununurra Race Club for 20 short stay sites and 20 campsites at the Kununurra Race Grounds from 15 August 2019 to 10 September 2019 subject to the following conditions:**
  - a. Only event staff associated with the Kununurra Race Club are to be accommodated in the park.**
  - b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
  - c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
  - e. Fire extinguisher/s are to be located within 90 metres of every site.**

### **Council Decision**

**Minute Number: 23/07/2019 - 118057**

**Moved: Cr A Petherick**

**Seconded: Cr T Chafer**

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Race Club at R30290, Lot 707 Drovers Road, Kununurra.**
- 2. Grants a temporary caravan park licence to the Kununurra Race Club for 20 short stay sites and 20 campsites at the Kununurra Race Grounds from 15 August 2019 to 10 September 2019 subject to the following conditions:**
  - a. Only event staff associated with the Kununurra Race Club are to be accommodated in the park.**
  - b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
  - c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
  - e. Fire extinguisher/s are to be located within 90 metres of every site.**

**Carried: 9/0**

### **PURPOSE**

For Council to consider an application made by the Kununurra Race Club for a Temporary Caravan Park and Camping Ground Licence at Lot 707 Drovers Road, Kununurra.

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

Regulator - enforce state legislation and local laws

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

The Kununurra Race Club has applied for a temporary caravan park and camping ground licence at the Kununurra Race Club to support the Wyndham Cup and Kununurra Races, an annual event held at the Kununurra Race Club.

The Kununurra Race Club initially applied for a temporary caravan and camping ground licence from 1 August to 30 September 2019, however have since amended the application to be licenced from 15 August 2019 to 10 September 2019.

The dates proposed are to accommodate the Wyndham Cup on the 24 August 2019, the Kununurra Ladies Day on 31 August 2019 and the Kununurra Cup on 7 September 2019, in order to meet the accommodation needs of trainers, jockeys, stable hands and industry personnel that travel to Kununurra with their horses and equipment to participate in these events.

All camping will be confined within the lease boundary of the club.

## **STATUTORY IMPLICATIONS**

### **Caravan Parks and Camping Grounds Act 1995 (the Act)**

*s. 7(5) Before granting a licence a local government must ensure that —*

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

### **Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)**

*r. 47. Applications not dealt with within time are taken to be refused*

*(1) If within —*

- (a) 63 days of receiving an application for a licence; or*
- (b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.*

*(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.*

*r. 54 Temporary licence*

*(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.*

*(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —*

- (a) the maximum number of sites that may be used at the facility;*
- (b) the maximum number of sites of particular types that may be used at the facility and*
- (c) the services and facilities that are to be provided.*

## **POLICY IMPLICATIONS**

Council Policy *CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds* provides guidelines for the approval of temporary licences. The Policy provides for a reduction in amenity and requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

## **FINANCIAL IMPLICATIONS**

If the Kununurra Race Club is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the relevant Regulations.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

*Corporate Business Plan*

CBP Action: #340 Manage and provide environmental health services

## **RISK IMPLICATIONS**

**Risk:** Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.

**Control:** Inspection by Shire officer and compliance with minimum requirements based on legislative requirements for Nature Based Parks.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The proposed licence meets the requirements and intentions of Council Policy *CP/HTH- 3762 Licensing of Temporary Caravan Parks and Camping Grounds* and is recommended for approval. The licensed area will be occupied only by event staff and participants who stay on site with their equipment.

Ablution facilities that are to be provided for the temporary camping onsite are in accordance with the Nature Based Parks minimum requirements detailed in the regulations for the

proposed number of sites (40). Other conditions are also recommended with regard to waste water disposal, rubbish bins and fire extinguishers, in accordance with the regulations.

## **ATTACHMENTS**

Attachment 1 - Kununurra Race Club - Temporary Caravan Park Application 2019

### 12.3.3. Kununurra Rodeo Association Temporary Caravan Park Licence

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A8072
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Campdraft and Rodeo Association at R30290, Lot 707 Drovers Road, Kununurra.**
- 2. Grants a temporary caravan park licence to the Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Rodeo Grounds from 28 July 2019 to 5 August 2019 for the Kununurra Rodeo Event subject to the following conditions:**
  - a. Only event staff and participants associated with the Kununurra Rodeo are to be accommodated in the park.**
  - b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
  - c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
  - e. Fire extinguisher/s are to be located within 90 metres of every site.**
- 3. Grants a temporary caravan park licence to the Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Campdraft and Rodeo**



**Grounds from 12 to 17 August 2019 for the Kununurra Horsemanship Clinic subject to the following conditions:**

- a. Only event staff and participants associated with the Horsemanship Clinic are to be accommodated in the park.**
- b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
- c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- e. Fire extinguisher/s are to be located within 90 metres of every site.**

### **Council Decision**

**Minute Number: 23/07/2019 - 118058**

**Moved: Cr G Lodge**

**Seconded: Cr T Chafer**

**That Council:**

- 1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Campdraft and Rodeo Association at R30290, Lot 707 Drovers Road, Kununurra.**
- 2. Grants a temporary caravan park licence to the Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Rodeo Grounds from 28 July 2019 to 5 August 2019 for the Kununurra Rodeo Event subject to the following conditions:**
  - a. Only event staff and participants associated with the Kununurra Rodeo are to be accommodated in the park.**
  - b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
  - c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
  - e. Fire extinguisher/s are to be located within 90 metres of every site.**
- 3. Grants a temporary caravan park licence to the Kununurra Campdraft and Rodeo Association for 30 camp sites at the Kununurra Campdraft and Rodeo Grounds**

**from 12 to 17 August 2019 for the Kununurra Horsemanship Clinic subject to the following conditions:**

- a. Only event staff and participants associated with the Horsemanship Clinic are to be accommodated in the park.**
- b. The following minimum ablution facilities are to be available for the duration of the licence: 4 toilets, 2 hand basins, and 2 showers**
- c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- e. Fire extinguisher/s are to be located within 90 metres of every site.**

**Carried: 9/0**

## **PURPOSE**

For Council to consider an application made by Kununurra Campdraft and Rodeo Association for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Rodeo Grounds for two separate events, one being for the Kununurra Rodeo, the other being for a Horsemanship Clinic.

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

Regulator - enforce state legislation and local laws

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

The Kununurra Campdraft and Rodeo Association initially applied for a temporary caravan park and camping ground licence from 1 July 2019 to 30 September 2019 at the Kununurra Rodeo Grounds in order to meet the accommodation needs of:

1. Campdraft competitors for the 2019 Kununurra Campdraft and Rodeo; and
2. Attendees of a Horsemanship Clinic.

The Kununurra Campdraft and Rodeo is an annual event held at the Kununurra Rodeo Grounds normally in August, however in 2019, the event will run on 31 July 2019. The Kununurra Campdraft and Rodeo Association has amended the application to apply for a temporary caravan park and camping ground licence from Saturday 28 July to Monday 5 August 2019 at the Kununurra Rodeo Grounds in support of this event.

Additionally, the Kununurra Campdraft and Rodeo Association will also be holding a Horsemanship Clinic from 13 to 17 August 2019, and have applied for a temporary caravan park and camping ground licence from 12 to 17 August 2019 at the Kununurra Rodeo Grounds to accommodate Clinic attendees.

A copy of the application and confirmation of both the event dates and proposed number of sites required is provided as Attachment 1.

## **STATUTORY IMPLICATIONS**

### *Caravan Parks and Camping Grounds Act 1995 (the Act)*

*s. 7(5) Before granting a licence a local government must ensure that —*

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

### *Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)*

*r. 47. Applications not dealt with within time are taken to be refused*

*(1) If within —*

- (a) 63 days of receiving an application for a licence; or*
- (b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.*

*(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.*

*r. 54 Temporary licence*

*(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.*

*(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —*

- (a) the maximum number of sites that may be used at the facility;*
- (b) the maximum number of sites of particular types that may be used at the facility and*
- (c) the services and facilities that are to be provided.*

## **POLICY IMPLICATIONS**

Council Policy CP/HTH-3762 *Licensing of Temporary Caravan Parks and Camping Grounds* provides guidelines for the approval of temporary licences. The Policy provides for a reduction in amenity and requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

## **FINANCIAL IMPLICATIONS**

If the Kununurra Campdraft and Rodeo Association is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the relevant Regulations.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 2: Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

*Corporate Business Plan*

CBP Action: #340 Manage and provide environmental health services

## **RISK IMPLICATIONS**

**Risk:** Failure to comply with minimum health and safety standards resulting in illness or injury to members of the public.

**Control:** Inspection by Shire officer and compliance with minimum requirements based on legislative requirements for Nature Based Parks.

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

The site plan provided by the Kununurra Campdraft and Rodeo Association to support the application shows that some of the proposed camping sites (site 1-7) are within the Kununurra Race Club lease area and not in the campgrounds licence area. Written approval has been obtained from the Kununurra Race Club to allow these camping sites. A copy of this written approval from the Kununurra Race Club is provided as Attachment 2. Otherwise, the proposed licences meets the requirements and intentions of *Council Policy CP/HTH- 3762 Licensing of Temporary Caravan Parks and Camping Grounds* and are recommended for approval. The licenced area will be occupied only by event staff and participants who stay on site with their equipment.

Ablution facilities that are to be provided for the temporary camping onsite are in accordance with the Nature Based Parks minimum requirements detailed in the regulations for the proposed number of sites in each instance being for 30 sites. Other conditions are also

recommended with regard to waste water disposal, rubbish bins and fire extinguishers, in accordance with the regulations.

### **ATTACHMENTS**

Attachment 1 - Kununurra Campdraft and Rodeo - Temporary Caravan Park Application

Attachment 2 - Written approval for use of Kununurra Race Club Leased land

#### 12.3.4. Annual Grants and Rates Assistance 2019-2020

*Cr N Brook declared an impartiality interest as the Chairperson of the Ord Valley Events Inc. Board.*

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Coordinator Recreation and Leisure
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning Community Development
<b>ASSESSMENT NO:</b>	N/A
<b>FILE NO:</b>	GS.05.44
<b>DISCLOSURE OF INTERESTS:</b>	Cr N Brook declared an impartiality interest as the Chairperson of the Ord Valley Events Inc. Board.

#### VOTING REQUIREMENT

Simple Majority

Prior to the meeting the Acting Chief Executive Officer circulated an amendment to the officer report and officer recommendation including the addition of new Part 4.

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Approves the allocation of funding for the 2019/20 Annual Community Grants and Annual Rates Assistance as provided at Confidential Attachment 2.**
- 2. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that commence a lease with the Shire during the 2019/20 financial year subject to a formal application for Annual Rates Assistance being submitted within 30 days from the operation of the lease.**
- 3. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that have not yet submitted an application for Annual Rates Assistance subject to a formal application being submitted within 30 days of the giving of public notice.**
- 4. Gives public notice to advise of successful and unsuccessful or ineligible applicants as follows:**

#### **Annual Community Grants**

<b>Applicant</b>	<b>Requested</b>	<b>Recommended</b>
Ord Valley Events Incorporated - 2020 Ord Valley Muster	\$100,000	\$55,000

Kununurra Agricultural Society - 2020 Agricultural Show	\$10,000	\$10,000
Lake Argyle Swim - 2020 Lake Argyle Swim	\$35,000	\$20,000
Kununurra Neighbourhood House - KNH Events Program	\$2,400	\$2,400
Lake Kununurra Barramundi Restocking Group – Economic Benefits Study	\$12,000	\$11,000
Kununurra Water Ski Club - 2020 Dam to Dam	\$10,000	\$8,000
Wyndham Blue Light Association – Community Events and Trailer Repair	\$5,000	\$5,000
Tura New Music - East Kimberley Community Music Program	\$5,000	\$0
Kununurra Campdraft and Rodeo Association - Cover/Roof the Ablution Building	\$25,000	\$17,000
Kimberley Action Sports - 2020 Lake Argyle Adventure Race	\$20,000	\$12,000
Wyndham Historical Society - Extension of museum area	\$12,000	\$12,000
Kununurra Race Club Inc. – Stable Extension	\$25,000	\$17,000
Kununurra Netball Association - Talent Development Camp	\$4,000	\$0
Crazy Crocs Play Group - Purchase of Storage Trolleys	\$3,130	\$3,130
Ord River Sports Club - Lawn Bowls Green Upgrade	\$26,796	\$22,470
Kununurra Visitor Centre - The Big Float Event	\$10,000	\$5,000
Wyndham Turf Club – Kitchen Facility Upgrade	\$29,500	\$15,000
St Joseph's Primary School – School Playground Upgrade	\$5,500	\$0
MG Dawang Land Pty Ltd - Installation of Gate and Fencing at Lot 5012	\$6,500	\$0
<b>Total Recommended</b>	<b>\$346,826</b>	<b>\$215,000</b>

### Annual Rates Assistance Grants

Applicant	2019 / 2020 Estimated Rates	Recommended
Ord River Pistol Club	\$1,963.50	\$1,963.50
Ord River Sailing Club	\$2,502.50	\$2,502.50
Wyndham Picture Gardens	\$1,783.39	\$1,783.39
Kununurra Water Ski Club	\$1,794.10	\$1,794.10
Kununurra Speedway	\$1,570.80	\$1,570.80
Kununurra Race Club	\$3,080.00	\$3,080.00
Kununurra Motocross Club	\$1,601.60	\$1,601.60

Kununurra Bushmen's Rodeo Assoc.	\$2,063.60	\$2,063.60
Kununurra Picture Gardens	\$10,717.50	\$10,717.50
Wyndham Community Club	\$3,840.44	\$3,840.44
Ord River Sports Club	\$10,215.35	\$10,215.35
Kununurra Agricultural Society	\$3,060.19	\$3,060.19
<b>Total Recommended</b>	<b>\$44,192.97</b>	<b>\$44,192.97</b>

Cr D Pearce moved an amendment as circulated to Councillors by email prior to the meeting to 1) decrease the Lake Kununurra Barramundi Restocking Group Inc. recommended grant to \$0; 2) decrease the Kununurra Water Ski Club recommended grant to \$5,000; 3) decrease the Kununurra Campdraft and Rodeo Association recommended grant to \$10,000; 4) decrease the Kununurra Race Club Inc. recommended grant to \$0; 5) increase the Ord River Sports Club recommended grant to \$26,796 and; 6) increase the Wyndham Turf Club recommended grant to \$20,000; and provided unsuccessful applicants will be considered in the Mid-year Budget Review.

### **Council Decision**

**Minute Number: 23/07/2019 - 118059**

**Moved: Cr D Pearce**

**Seconded: Cr A Petherick**

**That Council:**

- 1. Approves the allocation of funding for the 2019/20 Annual Community Grants and Annual Rates Assistance as provided at Confidential Attachment 2.**
- 2. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that commence a lease with the Shire during the 2019/20 financial year subject to a formal application for Annual Rates Assistance being submitted within 30 days from the operation of the lease.**
- 3. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that have not yet submitted an application for Annual Rates Assistance subject to a formal application being submitted within 30 days of the giving of public notice.**
- 4. Gives public notice to advise of successful and unsuccessful or ineligible applicants as follows and provided unsuccessful applicants will be considered in the Mid-year Budget Review.**



Applicant	Requested	Recommended
Ord Valley Events Incorporated - 2020 Ord Valley Muster	\$100,000	\$55,000
Kununurra Agricultural Society - 2020 Agricultural Show	\$10,000	\$10,000
Lake Argyle Swim - 2020 Lake Argyle Swim	\$35,000	\$20,000
Kununurra Neighbourhood House - KNH Events Program	\$2,400	\$2,400
Lake Kununurra Barramundi Restocking Group – Economic Benefits Study	\$12,000	\$0
Kununurra Water Ski Club - 2020 Dam to Dam	\$10,000	\$5,000
Wyndham Blue Light Association – Community Events and Trailer Repair	\$5,000	\$5,000
Tura New Music - East Kimberley Community Music Program	\$5,000	\$0
Kununurra Campdraft and Rodeo Association - Cover/Roof the Ablution Building	\$25,000	\$10,000
Kimberley Action Sports - 2020 Lake Argyle Adventure Race	\$20,000	\$12,000
Wyndham Historical Society - Extension of museum area	\$12,000	\$12,000
Kununurra Race Club Inc. – Stable Extension	\$25,000	\$0
Kununurra Netball Association - Talent Development Camp	\$4,000	\$0
Crazy Crocs Play Group - Purchase of Storage Trolleys	\$3,130	\$3,130
Ord River Sports Club - Lawn Bowls Green Upgrade	\$26,796	\$26,796
Kununurra Visitor Centre - The Big Float Event	\$10,000	\$5,000
Wyndham Turf Club – Kitchen Facility Upgrade	\$29,500	\$20,000
St Joseph's Primary School – School Playground Upgrade	\$5,500	\$0
MG Dawang Land Pty Ltd - Installation of Gate and Fencing at Lot 5012	\$6,500	\$0
<b>Total Recommended</b>	<b>\$346,826</b>	<b>\$186,326</b>

**Carried: 5/4**  
**Against: Cr T Chafer, Cr J Farquhar, Cr G Lodge, Cr D Menzel**

Cr D Pearce moved the amended substantive motion.

## **Council Decision**

**Minute Number: 23/07/2019 - 118060**

**Moved: Cr D Pearce**

**Seconded: Cr A Petherick**

**That Council:**

- 1. Approves the allocation of funding for the 2019/20 Annual Community Grants and Annual Rates Assistance as provided at Confidential Attachment 2.**
- 2. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that commence a lease with the Shire during the 2019/20 financial year subject to a formal application for Annual Rates Assistance being submitted within 30 days from the operation of the lease.**
- 3. Approves the allocation of funding for Annual Rates Assistance to those clubs and organisations that have not yet submitted an application for Annual Rates Assistance subject to a formal application being submitted within 30 days of the giving of public notice.**
- 4. Gives public notice to advise of successful and unsuccessful or ineligible applicants as follows and provided unsuccessful applicants will be considered in the Mid-year Budget Review.**

<b>Applicant</b>	<b>Requested</b>	<b>Recommended</b>
Ord Valley Events Incorporated - 2020 Ord Valley Muster	\$100,000	\$55,000
Kununurra Agricultural Society - 2020 Agricultural Show	\$10,000	\$10,000
Lake Argyle Swim - 2020 Lake Argyle Swim	\$35,000	\$20,000
Kununurra Neighbourhood House - KNH Events Program	\$2,400	\$2,400
Lake Kununurra Barramundi Restocking Group – Economic Benefits Study	\$12,000	\$0
Kununurra Water Ski Club - 2020 Dam to Dam	\$10,000	\$5,000
Wyndham Blue Light Association – Community Events and Trailer Repair	\$5,000	\$5,000
Tura New Music - East Kimberley Community Music Program	\$5,000	\$0
Kununurra Campdraft and Rodeo Association - Cover/Roof the Ablution Building	\$25,000	\$10,000
Kimberley Action Sports - 2020 Lake Argyle Adventure Race	\$20,000	\$12,000
Wyndham Historical Society - Extension of museum area	\$12,000	\$12,000

Kununurra Race Club Inc. – Stable Extension	\$25,000	\$0
Kununurra Netball Association - Talent Development Camp	\$4,000	\$0
Crazy Crocs Play Group - Purchase of Storage Trolleys	\$3,130	\$3,130
Ord River Sports Club - Lawn Bowls Green Upgrade	\$26,796	\$26,796
Kununurra Visitor Centre - The Big Float Event	\$10,000	\$5,000
Wyndham Turf Club – Kitchen Facility Upgrade	\$29,500	\$20,000
St Joseph's Primary School – School Playground Upgrade	\$5,500	\$0
MG Dawang Land Pty Ltd - Installation of Gate and Fencing at Lot 5012	\$6,500	\$0
<b>Total Recommended</b>	<b>\$346,826</b>	<b>\$186,326</b>

**Carried: 5/4**

**Against: Cr T Chafer, Cr J Farquhar, Cr G Lodge, Cr D Menzel**

## **PURPOSE**

For Council to review the recommendations for funding under the 2019/20 Annual Community Grant Scheme funding inclusive of applications for Annual Community Grants and Annual Rates Assistance Grants.

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

Facilitator - bring stakeholders together  
Funder - provide funds or other resources

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

Services, activities, and the opportunities provided by community organisations are highly valuable to any community. Strong community organisations build resilience within the community and their presence means that during times when government spending is challenged, services within the community are less likely to be impacted. For these reasons it is in the interest of the Shire to support these organisations through the provision of the funding to be as strong, resilient and effective as possible.

Council Policy CP/COM 3582 - *Community Grant Scheme*, at Attachment 1, requires clubs and community groups wishing to seek assistance with Shire rates to apply through the Community Grants Scheme. The policy provides information for community groups requesting financial assistance from the Shire for events, infrastructure, etc. and also for rates assistance. It outlines the objectives, eligibility, timelines and the acquittal process. The provision of Shire rates assistance to community groups also allows for this expenditure to be captured into the Recreation and Culture Expenditure account which is a factor in

determining the quantum of Commonwealth Financial Assistance Grants and is what the Western Australian Local Government Grants Commission takes into account.

The Shire has received 19 Annual Community Grant applications requesting a total of \$346,826 and 12 applications for Annual Rates Assistance totalling \$44,192,97.

### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with the grant of community funding. Section 6.26 of the *Local Government Act 1995* is relevant to Rateable Land and to the provision of Rates Assistance.

### **POLICY IMPLICATIONS**

Council Policy *CP/COM 3582 Community Grant Scheme* outlines the objectives of the scheme, Policy Statements and eligibility requirements. The Policy Statements are drafted for the purpose of ensuring that the scheme directs funds to those proposals which best align with Council's core strategy, being the Strategic Community Plan as well as to outline limitations of that funding and some of the key administrative responsibilities so that the process is clear to applicants.

To be eligible to apply for a grant - either for an Annual Community Grant, Quick Grant or Rates Assistance Grant, applicants must meet the following criteria:

- Must be, or be under the auspice of, a community organisation as defined in the Policy;
- Must not have any outstanding debts to the Shire;
- Must have no outstanding previously received Grant acquittals to the Shire;
- May not be an organisation where the primary purpose is to promote political beliefs, and
- May not be an organisation where the primary purpose is to promote religious beliefs, where people are excluded on religious grounds.

Applications for Annual Community Grants (which must exceed \$500 - being over the Quick Grant limit) can be either for:

- Capital Works
- Purchase of equipment
- General project expenses (including events)

All applications for Annual Community Grants are evaluated by an internal Community Grants Assessment Panel made up of three Shire Officers and facilitated by the Director Planning and Community Development.

Council Policy *CP/COM 3582 Community Grant Scheme* will be reviewed this financial year to include sponsorship and a review of the eligibility criteria.

### **FINANCIAL IMPLICATIONS**

The 2019/20 budget for the Community Grant Scheme is \$300,000 and has been allocated to be distributed amongst the three components of the Scheme being:

1. Quick Grants - \$10,000
2. Annual Community Grants and Sponsorships - \$215,000
3. Rates Assistance Grants - \$65,000
4. Future Leaders Award - \$10,000

In the event that a proposal/project does not proceed or is unable to proceed as it is intended, grant funding may be reallocated to either one of the project applications submitted or put to some other purpose. Additional funding for Community Grants may also be considered at the mid-year financial review.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: Healthy vibrant active communities

Focus Area 4: Civic Leadership

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

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

Goal 4.2: Good decision making through engagement with the community

Goal 4.4: Sustainably maintain the Shire's financial viability

## **RISK IMPLICATIONS**

Non-compliance with policy and processes resulting in financial or reputation loss.

## **COMMUNITY ENGAGEMENT**

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

- Letters and emails to community groups, organisations and Shire leaseholders to advise of the application period
- Notices in media, SWEK News and the Shire's website.

Public notice is recommended to be provided for successful and unsuccessful or ineligible applicants.

## **COMMENTS**

The Community Grants Assessment Panel has provided a summary of its assessment and recommendations at Confidential Attachment 2, which also includes recommendations for the allocation of Rates Assistance Grant funding.

The funding recommended meets policy requirements with respect to the Annual Community Grants and Sponsorships within the nominated budgetary allocation, noting that additional funding may be available in the future if one or more events or projects doesn't proceed, or if additional funding is allocated to the fund at the mid-year budget review.

There is a current undersubscription with respect to applications for Annual Rates Assistance. This is either as a result of there not being a formal lease in place or that a formal application is yet to be received. In either circumstances, it is recommended that Council approve the allocation of funds subject to a formal application being submitted within either 30 days of a lease being approved or, in that case of an application had not been submitted, within 30 days of public notice of grant recipients.

It is recommended that the Council approves the allocation of funding for Annual Community Grants and Annual Rates Assistance in line with the assessment and recommendations at Confidential Attachment 2 and gives public notice to advise of successful and unsuccessful or ineligible applicants.

Confidential Attachment 2 is to be considered behind closed doors as per the Local Government Act 1995 Section 5.23 (2)(e).

## **ATTACHMENTS**

Attachment 1 - Council Policy CP/COM 3582 - Community Grant Scheme  
Confidential Attachment 2 - 2019/20 Annual Community Grants and Rates Assistance  
Assessment and recommendations

## 12.4. CORPORATE SERVICES

### 12.4.1. Interim Monthly Financial Report June 2019

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Coordinator Financial Operations
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.22
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council receives the Interim Monthly Financial Report for the period ending 30 June 2019.**

#### **Council Decision**

**Minute Number: 23/07/2019 - 118061**

**Moved: Cr M McKittrick**

**Seconded: Cr T Chafer**

**That Council receives the Interim Monthly Financial Report for the period ending 30 June 2019.**

**Carried: 9/0**

#### **PURPOSE**

For Council to receive the Interim Monthly Financial Report for the period ending 30 June 2019.

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

Regulator - enforce state legislation and local laws

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

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

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

### **COUNCIL DECISION**

**Minute Number: 26/06/2018-115800**

**Moved: Cr M McKittrick**

**Seconded: Cr M Dear**

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

**Carried 9/0**

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

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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



## **RISK IMPLICATIONS**

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

**Control:** Annual audit performed.

## **COMMUNITY ENGAGEMENT**

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

No community engagement is required.

## **COMMENTS**

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

## **ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report for the period ending 30 June 2019.

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

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Director Corporate Services
<b>FILE NO:</b>	FM.09.20
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

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

Municipal EFT 135151 - 135407 (06/06/2019 - 27/06/2019)	\$	1,406,877.49
Municipal Cheques 51967 - 51971 (06/06/2019 - 27/06/2019)	\$	12,485.86
Trust Cheque 1214 (19/06/2019)	\$	300.00
Trust EFT 501815 - 501837 (28/5/2019 - 28/06/2019)	\$	11,807.75
Payroll - (05/06/2019 - 19/06/2019)	\$	508,141.83
Direct bank debits (03/06/2019 - 28/06/2019)	\$	114,201.62
<b>Total</b>	<b>\$</b>	<b>2,053,814.55</b>

#### Council Decision

Minute Number: 23/07/2019 - 118062

Moved: Cr D Pearce

Seconded: Cr T Chafer

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

Municipal EFT 135151 - 135407 (06/06/2019 - 27/06/2019)	\$	1,406,877.49
Municipal Cheques 51967 - 51971 (06/06/2019 - 27/06/2019)	\$	12,485.86

Trust Cheque 1214 (19/06/2019)	\$	300.00
Trust EFT 501815 - 501837 (28/5/2019 - 28/06/2019)	\$	11,807.75
Payroll - (05/06/2019 - 19/06/2019)	\$	508,141.83
Direct bank debits (03/06/2019 - 28/06/2019)	\$	114,201.62
<b>Total</b>	<b>\$</b>	<b>2,053,814.55</b>
		<b>Carried: 9/0</b>

## **PURPOSE**

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

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

Regulator - enforce state legislation and local laws.

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

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

## **STATUTORY IMPLICATIONS**

*Local Government Act 1995* – Section 5.42

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2018/19 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

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

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid June 2019

## 12.5. INFRASTRUCTURE

### 12.5.1. Application for Funeral Directors Licence - Katherine Funeral Services

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

That Council approves the issuing of an annual Funeral Director's licence to Katherine Funeral Services from 1 July 2019 to 30 June 2020 in accordance with the Cemeteries Act 1986.

#### **Council Decision**

Minute Number: 23/07/2019 - 118063

Moved: Cr M McKittrick  
Seconded: Cr T Chafer

That Council approves the issuing of an annual Funeral Director's licence to Katherine Funeral Services from 1 July 2019 to 30 June 2020 in accordance with the Cemeteries Act 1986.

Carried: 9/0

#### **PURPOSE**

To consider Katherine Funeral Services 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**

Katherine Funeral Services business partners, Michael Knight, Louise Doyle, Stephen Doyle and Zoe Knight have held a funeral licence with the Shire since December 2018 and have made application for an annual Funeral Director's Licence.

## **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**

The Undertakers (Funeral Directors) Annual Licence Fee is \$355.

## **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**

Katherine Funeral Services have established working relationships with relevant parties such as the Kununurra morgue to provide a complete service. The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1 - Application for Funeral Directors Licence - Katherine Funeral Services

### 12.5.2. Application for Funeral Directors Licence - Derby & Broome Funeral Services

<b>DATE:</b>	23 July 2019
<b>AUTHOR:</b>	Infrastructure Support Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>FILE NO:</b>	PH.12.11
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

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

**That Council approves the issuing of an annual Funeral Director's Licence to Derby and Broome Funeral Services for a period of one year from 1 July 2019 to 30 June 2020 in accordance with the Cemeteries Act 1986.**

#### **Council Decision**

**Minute Number: 23/07/2019 - 118064**

**Moved: Cr N Brook**

**Seconded: Cr J Farquhar**

**That Council approves the issuing of an annual Funeral Director's Licence to Derby and Broome Funeral Services for a period of one year from 1 July 2019 to 30 June 2020 in accordance with the Cemeteries Act 1986.**

**Carried: 9/0**

#### **PURPOSE**

To consider Derby & Broome Funeral Services application for 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**

Each year the Funeral Director of Derby and Broome Funeral Services applies for the annual renewal of his Funeral Director's licence to conduct funerals within the Shire. Accordingly, an application for a Funeral Director's Licence for this service has been submitted to the Shire for approval.

Derby and Broome Funeral Services has been operating in the Kimberley for approximately 26 years.

## **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 \$355.

## **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**

Derby and Broome Funeral Services are one of two listed services for the Kimberley and have established working relationships with relevant parties such as the Kununurra morgue to provide a complete service. The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1 - Application for Funeral Directors Licence - Derby and Broome Funeral Services

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

NIL

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

NIL

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

NIL

### 16. MATTERS BEHIND CLOSED DOORS

#### Council Decision

Minute Number: 23/07/2019 - 118065

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council move in-camera 5:49pm. Shire Officers to remain.

Carried: 9/0

#### 16.1. DELIVERY OF LAKE ARGYLE ROAD PROJECT - STAGE 4 & 5

DATE:	23 July 2019
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTERESTS:	NIL

#### Council Decision

Minute Number: 23/07/2019 - 118065

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council:

1. Notes the terms of the Agreement for the Delivery of Lake Argyle Road Widening Project Stages 4 and 5 by Main Roads Western Australia, and
2. Authorises the Chief Executive Officer to execute the Agreement for the

**Delivery of Lake Argyle Road Widening Project Stages 4 and 5 by Main Roads Western Australia.**

**Carried: 9/0**

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

**5.23. Meetings generally open to public**

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

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

**VOTING REQUIREMENT**

Simple Majority

**PURPOSE**

To consider a Formal Agreement for the delivery of Lake Argyle Road Widening Project Stages 4 and 5.

## 16.2. REQUEST FOR TENDER T06-18/19: BITUMINOUS SEALING AND LINE MARKING

DATE:	23 July 2019
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTERESTS:	NIL

### **Council Decision**

Minute Number: 23/07/2019 - 118066

Moved: Cr M Dear

Seconded: Cr T Chafer

That Council:

1. Accepts the tender submitted by Downer EDI Works Pty Ltd of 5 Marion Road, Maddington WA 6109, for Tender T06-18/19 Bituminous Sealing and Line Marking, in accordance with the Schedule of Rates for the initial contract period of one (1) year, with two (2) possible successions of one (1) year contract extension terms.
2. Enters into a contract with Downer EDI Works Pty Ltd of 5 Marion Road, Maddington WA 6109, for Tender T06-18/19 Bituminous Sealing and Line Marking, in accordance with the Schedule of Rates for the initial contract period of one (1) year.
3. Authorises the Chief Executive Office to approve the two (2) possible successions of one (1) year contract extension terms, following the cessation of the initial contract term, providing Downer EDI Works Pty Ltd has successfully satisfied contract requirements.

Carried: 9/0

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

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

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

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

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

### **VOTING REQUIREMENT**

Simple Majority

### **PURPOSE**

To consider the tenders received for T06-18/19 and make recommendations for award of tender for bituminous sealing and line marking.

**Council Decision**

**Minute Number: 23/07/2019 - 118067**

**Moved: Cr M Dear**

**Seconded: Cr G Lodge**

**That Council move out of camera 5.59pm.**

**Carried: 9/0**

Members of the Gallery were invited back in to Chambers. The Shire President read the Council Resolutions aloud for all members of the public to hear.

**17. CLOSURE**

The Shire President declared the meeting closed at 6:02pm.