



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES**  
**ORDINARY COUNCIL**  
**MEETING**

29 June 2021

## **DISCLAIMER**

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

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

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

Signed on behalf of Council



**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
ORDINARY COUNCIL MEETING AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
HELD ON TUESDAY 29 JUNE 2021 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 not be made of these proceedings in this instance due to an IT issue.

The Shire President declared the Meeting open at 5:13pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr M Dear	Councillor
Cr D Pearce	Councillor
Cr A Petherick	Councillor
Cr G Lodge	Councillor
Cr J Farquhar	Councillor
Cr N Brook	Councillor – attending remotely

V Lawrence	Chief Executive Officer
N Kearns	Director Planning and Community Development
F Heading	Director Corporate Services
G Wright	Acting Director Infrastructure
S Maitland	Minute Taker

Stephanie Sinclair	Kimberley Echo
Eddie Gaskill	Wunan

**APOLOGY**

Cr McKittrick

### **3. DECLARATION OF INTEREST**

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

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

Nil

### **5. PUBLIC QUESTION TIME**

Nil

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

Cr McKittrick has provided a written request for a leave of absence for the 29 June 2021 Ordinary Council Meeting.

#### **OFFICER RECOMMENDATION**

**That Council approve a leave of absence for Cr McKittrick for the 29 June 2021 Ordinary Council Meeting.**

#### **Council Decision:**

**Minute Number: 29/06/2021 – 118454**

**That Council approve a leave of absence for Cr McKittrick for the 29 June 2021 Ordinary Council Meeting.**

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision: 8/0**

Cr Pearce has provided a written request to attend the 24 August 2021 Ordinary Council Meeting via videoconference at the nominated address Unit 3, 206 Melville Parade Como 6152.

**OFFICER RECOMMENDATION**

**Council Decision:**

**Minute Number: 29/06/2021 – 118455**

**That Council approve attendance via videoconference for Cr Pearce for the 24 August 2021 Ordinary Council Meeting, nominated address Unit 3, 206 Melville Parade Como 6152.**

**Moved: Cr J Farquhar  
Seconded: Cr G Lodge**

**Decision: 8/0**

**7. PETITIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 25 May 2021 and the Minutes of the Special Council Meeting held on 1 June 2021.**

**Council Decision**

**Minute Number: 29/06/2021 – 118456**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 25 May and the Minutes of the Special Council Meeting held on 1 June 2021.**

**Moved: Cr T Chafer  
Seconded: Cr J Farquhar**

**Decision: 8/0**

Note: The Minutes of the Ordinary Council Meeting held on 25 May 2021 and the Minutes of the Special Council Meeting held on 1 June 2021 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

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

- **26 May 2021- ANW / SWEK tourism**, Shire President and the CEO met with Natasha Maher (CEO ANW) .
- **1 June 2021 – Special Council Meeting** to consider rating for 2021.
- **4 June 2021 – AHL Hostel Tour** attended by the Shire President and the CEO with Jacinta Mack and John Saville.
- **4 June 2021 – EKCCI Meeting** regarding progressing DAMA attended by the Shire President and Senior Economic Development Officer.
- **8 June 2021 – Infrastructure Australia Regional Strengths and Infrastructure Gaps Workshop**, attended by the CEO and Senior Economic Development Officer via video conference.
- **9 June 2021 – PCYC Meeting** with David van Ooran (CEO) attended by the CEO introducing the new manager for Kununurra.
- **9 June 2021 – Tourism WA** discussion attended by CEO relating to catering for the overflow of caravans.
- **10 June 2021 – Hydrogen** discussion between a proponent and the CEO.
- **11 June 2021 – AusIndustry Regional Manager, Madi Signa** meeting attended by the CEO.
- **15 June 2021 – Dept of Water & Environmental Regulation new Director General Michelle Andrews** introductory lunch with MG Corporation.
- **15 June 2021 – Citizenship Ceremony**, Shire President presided over the Citizenship Ceremony, welcoming 13 new citizens.

- **18 June 2021 – Canberra Advocacy**, discussion between Cara Dale, the Shire President, the CEO, and Senior Economic Development Officer.
- **23 June 2021 – KDC** Acting CEO Tim Bray meeting with Shire President to discuss KDC / SWEK matters.
- **28 June 2021 – Kimberley Zone Meeting**, attended by the Shire President and CEO via video conference, included permission to write to the Premier and Prime Minister to request a Covid Plan.

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

- 16.1. Request to Waive Fees and Charges

## **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>	29 June 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

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

#### Council Decision

**Minute Number: 29/06/2021 – 118457**

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

**Moved: Cr M Dear**

**Seconded: Cr G Lodge**

**Decision: 8/0**

#### 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 May 2021 Council resolutions are detailed in Attachment 1.

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

## **ATTACHMENTS**

Attachment 1 - Council Action Register - May 2021

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

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

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 May 2021 to 23 June 2021.**

#### **Council Decision**

**Minute Number: 29/06/2021 – 118458**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 20 May 2021 to 23 June 2021.**

**Moved: Cr J Farquhar  
Seconded: Cr T Chafer**

**Decision: 8/0**

#### PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 20 May 2021 to 23 June 2021.

#### 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 were 4 documents for the time period of 20 May 2021 to 23 June 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

<b>Date of Use</b>	<b>Document</b>
10/06/2021	Variation of Agreement No. DOT963017 re Provision of Licensing Services and non-Road Law Functions
10/06/2021	KDC Grant Agreement, Melbourne Kununurra Direct Air Services - Marketing KDC & SWEK
18/06/2021	Transfer of Land - Notification under Section 70A, Lots 400 & 401 Plan 421976 (Weaber Plains Road) re reticulated sewerage service not being available
18/06/2021	Transfer of Land - Notification under Section 70A, Lots 400 & 401 Plan 421976 (Weaber Plains Road) re not being connected to a potable water supply

## **ATTACHMENTS**

NIL

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Temporary Caravan Park and Camping Ground Application - Kununurra Agricultural Society

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Senior Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A7620
<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 Agricultural Society at Reserve 29799, 199 (Lot 504) Coolibah Drive, Kununurra.**
- 2. Grants a temporary caravan park licence to Kununurra Agricultural Society for 50 short stay sites at the Kununurra Agricultural Grounds from 3 to 11 July 2021 subject to the following conditions:**
  - a. The existing licence for a Caravan park and Camping Ground located at the site will be suspended for the duration of the Kununurra Agricultural Show.**
  - b. Only event staff/vendors associated with the Kununurra Agricultural Show are to be accommodated in the park.**
  - c. The following minimum ablution facilities are to be available for the duration of the licence: 6 toilets, 3 hand basins, and 3 showers.**
  - d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from the site.**
  - f. Fire extinguishers are to be located within 90 metres of every site.**



## **Council Decision**

**Minute Number: 29/06/2021 – 118459**

### **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 Agricultural Society at Reserve 29799, 199 (Lot 504) Coolibah Drive, Kununurra.**
  
- 2. Grants a temporary caravan park licence to Kununurra Agricultural Society for 50 short stay sites at the Kununurra Agricultural Grounds from 3 to 11 July 2021 subject to the following conditions:**
  - a. The existing licence for a Caravan park and Camping Ground located at the site will be suspended for the duration of the Kununurra Agricultural Show.**
  - b. Only event staff/vendors associated with the Kununurra Agricultural Show are to be accommodated in the park.**
  - c. The following minimum ablution facilities are to be available for the duration of the licence: 6 toilets, 3 hand basins, and 3 showers.**
  - d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from the site.**
  - f. Fire extinguishers are to be located within 90 metres of every site.**

**Moved: Cr M Dear**

**Seconded: Cr A Petherick**

**Decision: 8/0**

## **PURPOSE**

For Council to consider an application made by the Kununurra Agricultural Society for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Agricultural Grounds for the annual Kununurra Agricultural Show.

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

Regulator - enforce state legislation and local laws

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

The Kununurra Agricultural Society hosts the Kununurra Agricultural Show as an annual event in July. This year, the event will run on 9 and 10 July.

The Kununurra Agricultural Society has applied for a temporary caravan park and camping ground licence from Saturday 3 July 2021 to Sunday 11 July 2021 at the Kununurra Agricultural Grounds in order to meet the accommodation needs of travelling site holders.

This extended period around the event dates is to allow amusement vendors and staff to arrive in Kununurra from other venues, as well as the set up and dismantling of their amusement rides and stalls after the event. The need for the temporary camping onsite is to allow amusement vendors to stay in proximity to their equipment for security reasons.

The Kununurra Agricultural Society already holds a caravan and camping ground licence for the site which will be temporarily suspended for the duration of the event as the site plan will be significantly altered for this purpose and only staff associated with the event will be permitted to be accommodated on site.

A copy of the Temporary Caravan Park and Camping Ground application and confirmation of site numbers is provided as Attachment 1. Confirmation of proposed dates is provided as Attachment 2.

## **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 taken are 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 for a short time.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

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

### **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 Officers 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 Licencing of Temporary Caravan Parks and Camping Grounds. The area will be occupied only by event staff/amusement vendors who will stay onsite with their equipment and is recommended for approval.

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, being for 50 sites. Other conditions are also proposed in regards to waste water disposal, rubbish bins and fire extinguishers in accordance with the regulations.

## **ATTACHMENTS**

1. 2021 Caravan or Camping Ground\_\_ Temporary Licence SIGNE D\_-\_  
Kununurra Ag Show [12.3.1.1 - 3 pages]
2. Ag Show 2021 Confirmation of dates [12.3.1.2 - 1 page]  
Attachment 1 - Temporary Caravan Park and Camping Ground Application -  
Kununurra Agricultural Society  
Attachment 2 - Confirmation of proposed camping dates

### 12.3.2. Caravan Park and Camping Ground Licence - Reach Beyond

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Senior Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A585
<b>FILE NO:</b>	PH.12.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council approves the Caravan Park and Camping Ground Licence for Reach Beyond, located at Lot 579 Packsaddle Road Kununurra, for a total of 10 sites consisting of 7 short stay sites and 3 camping sites, subject to the accommodation being used only for staff and volunteers working at the facility.**

#### **Council Decision**

**Minute Number: 29/06/2021 – 118460**

**That Council approves the Caravan Park and Camping Ground Licence for Reach Beyond, located at Lot 579 Packsaddle Road Kununurra, for a total of 10 sites consisting of 7 short stay sites and 3 camping sites, subject to the accommodation being used only for staff and volunteers working at the facility.**

**Moved: Cr A Petherick**

**Seconded: Cr M Dear**

**Decision: 8/0**



## **PURPOSE**

For Council to consider an application made by Reach Beyond, of Lot 579 Packsaddle Road Kununurra, and to issue a Caravan Park and Camping Ground Licence under the *Caravan Parks and Camping Grounds Act 1995*.

The application for the Grant or Renewal of a Caravan Park and Camping Ground Licence for Reach Beyond is at Attachment 1. The proposed licence is at Attachment 2.

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

Regulator - enforce state legislation and local laws

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

In 2018, a temporary caravan park licence for 7 short stay sites was issued by Council for a three month period to accommodate the staff and volunteers invited to work on the Reach Beyond property to undertake building work, vehicle maintenance and radio transmission works and the operators are applying again for an additional 7 short-term sites and 3 caravan (camping) sites for the same purpose but on a permanent basis. A site map of the property and caravan park layout is provided at Attachment 1.

Below is a partial locality plan of the property, indicating the location of the area proposed to be licensed for a Caravan Park and Camping Ground relative to other structures on the land.



An inspection was undertaken and completed on 2 June 2021 by the Shire's Environmental Health Officer to determine compliance of the proposed caravan park and camping ground with the *Caravan Park and Camping Ground Regulations 1997*. It was found that the premises were fully compliant with these regulations.



The caravan park and camping ground licence, if issued, would expire on 28 February 2022, to line up with the other caravan park and camping ground licences within the Shire and may then be renewed annually.

## **STATUTORY IMPLICATIONS**

### *Caravan Parks and Camping Grounds Act 1995*

#### 6. Caravan park or camping ground not to be operated without a licence

- (1) On an after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to the facility.

Penalty: \$5 000

- (2) In subsection (1) -

Appointed day means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purpose of that subsection <sup>2</sup>.

#### 7. Application for the grant or renewal of a licence

- (1) An application for the grant or renewal of a licence for a facility is to be -

- (a) Made to the local government in the appropriate prescribed form;
- (b) Accompanied by the appropriate fee prescribed; and
- (c) Accompanied by any information that the local government reasonably requires for a proper consideration of the application

- (2) An applicant is to provide the local government with any further information that the local government by notice in writing requires that applicant to provide in respect of an application.

- (3) An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with the application.

- (4) Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.

- (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.

- (6) A local government may refuse to renew a licence if -

- (a) The licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;
  - (b) A condition imposed on the licence has been contravened; or
  - (c) The licence was obtained by fraud or misrepresentation.
- (7) Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant
- (8) Notice of a decision under this section is to state that the applicant or licence holder is entitled to apply to the State Administrative Tribunal for a review of the decision.

#### 8. Duration of a licence

A licence remains in force for the prescribed period unless -

- (a) it is provided otherwise in the licence; or
- (b) It is cancelled

#### *Caravan Parks and Camping Grounds Regulations 1997*

#### 52. Duration of a licence

The prescribed period for the purposes of section 8 of the Act is one year from the day on which the licence was granted or renewed.

#### *Local Planning Scheme No. 9*

Lot 579 Packsaddle Road, Kununurra is zoned Agriculture - State or Regional Significance under Town Planning Scheme No. 9, however a small portion of the site is approved for additional uses (Additional Use No. A2 in Schedule 1 of the scheme) which allows for caravan park use, limited to a maximum of twelve sites, to be approved at the discretion of the local government.

It is acknowledged that the use has previously been approved, however the landowners have not made use of the caravan park for a number of years. As no additional works are proposed the licence can be approved without any additional (planning) approval under the Scheme.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

There are no financial implications.

#### **STRATEGIC IMPLICATIONS**

#### *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

*Corporate Business Plan*

CBP Action: #340 Manage and provide environmental health

### **RISK IMPLICATIONS**

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

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

This park will be solely for Reach Beyond staff and volunteers who visit Kununurra to assist with the day to day running activities associated with the property; the park/premises has not been previously, nor will be, open to the general public for use as a traditional caravan park.

It is recommended that Council approve the application subject to conditions related to the provision of camping solely for staff and workers and the facility to comply with all aspects of the regulations.

### **ATTACHMENTS**

Attachment 1 - Application for Grant or Renewal of Caravan Park and Camping Ground

Attachment 2 - Proposed Caravan Park and Camping Ground Licence - Reach Beyond

**12.3.3. Development Application - Tourist Development Lots 506 and 2263, (50)  
Casuarina Way, Kununurra**

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Senior Planning Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A1736P
<b>DISCLOSURE OF INTERESTS:</b>	Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council grants development approval to develop land for tourist development at Reserve 51637, Lot 506 and Lot 2262 (50) Casuarina Way, Kununurra, subject to the following conditions:**

- a. Development must be in line with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The approved plans must not be modified or altered without the prior written approval of the local government.**
- b. Prior to the commencement of construction:**
  - i. A stormwater management plan must be submitted and approved by the local government. In addition to the local governments requirements the stormwater management plan must include measures to ensure the development does not pose contamination risks to surface or groundwater resources. The approved stormwater management plan is to be implemented during construction, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.**
- c. Prior to the occupation of the redeveloped portions of the site:**
  - (a) A Parking Management Plan must be prepared and submitted to the local government for approval. Once approved the Parking Management Plan must be**

**implemented and adhered to. The Parking Management Plan must detail:**

- (i) Car parking arrangements within the site;**
- (ii) Management arrangements for the parking of caravans or long vehicles off-site in a suitable location;**
- (iii) Management arrangements for parking associated with different expected types and scales of events on site, including but limited to: overflow parking arrangements, transfers to and from the site; and**
- (iv) Any expected visitor utilisation of the existing public car park to the south of the site.**

**(b) The areas set aside on the approved plan(s) for vehicle parking and access (including driveways and vehicle crossings) must be constructed, sealed, kerbed, drained and maintained to the satisfaction of the local government;**

**(c) The parking areas and/or parking spaces must be delineated and marked to the satisfaction of the local government and signage installed to mark parking for:**

- (i) General store customers;**
- (ii) Bus pickup/drop off arrangements; and**
- (iii) Employees.**

**d. The approved Parking Management Plan must be reviewed:**

- i. After twelve (12) months of initial operation; and**
- ii. After twelve (12) months of operation following each stage of development (if applicable); and**
- iii. After twelve (12) months of operation following final completion of all development hereby approved.**

**Following each review, the Parking Management Plan must be revised to include recommendations to address any car parking deficiencies or other traffic issues which may have arisen during operation of the resort, and submitted to the local government for approval.**

**e. No parking is permitted within the road reserve or on verges, and any vehicles associated with the use must be parked on the subject land, except as otherwise authorised in writing by the local government.**

**f. All vehicles must enter and exit the site in a forward motion.**

- g. The proposed development must be finished in materials and colours to be compatible with existing development on site and all exposed roof areas must be muted colours (highly reflective materials are to be avoided).**
- h. All plumbing pipes must be ducted within the walls of the building.**
- i. During the construction stage adjoining lots must not be disturbed without the consent of the owner(s) in writing.**
- j. Waste collection for the development must be provided by agreement between the owner and/or operator of the site and an external provider. All waste and refuse collection must be conducted within the site. At no time must rubbish bins be placed on the verge/kerb for collection and the site must be managed at all times to ensure amenity is maintained.**
- k. All products, materials and goods must be stored within the approved waste management /storage area and not outside or within public view.**
- l. All unloading and loading must be conducted within the site.**
- m. External lighting must be designed, baffled and located to not have a detrimental effect on adjoining land or road to the satisfaction of the local government.**
- n. All proposed buildings must be connected to the reticulated sewerage system.**
- o. Any works proposed to the existing crossover or any new crossover must require the approval of the local government.**
- p. Any works within the frontage of the property (i.e. footpaths, parking) requires separate approval from the local government's Infrastructure Directorate.**
- q. Signage, unless exempt by the Local Planning Scheme, requires a separate approval from the local government.**
- r. The use must not detrimentally affect the amenity of the surrounding area through the:**

- i. Appearance of any building, works or materials; and**
- ii. Emission of noise, smell, dust, wastewater or light spill.**

### **Council Decision**

**Minute Number: 29/06/2021 – 118461**

**That Council grants development approval to develop land for tourist development at Reserve 51637, Lot 506 and Lot 2262 (50) Casuarina Way, Kununurra, subject to the following conditions:**

- a. Development must be in line with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The approved plans must not be modified or altered without the prior written approval of the local government.**
- b. Prior to the commencement of construction:**
  - iii. A stormwater management plan must be submitted and approved by the local government. In addition to the local governments requirements the stormwater management plan must include measures to ensure the development does not pose contamination risks to surface or groundwater resources. The approved stormwater management plan is to be implemented during construction, in accordance with any conditions imposed, and thereafter maintained to the satisfaction of the local government.**
- c. Prior to the occupation of the redeveloped portions of the site:**
  - (d) A Parking Management Plan must be prepared and submitted to the local government for approval. Once approved the Parking Management Plan must be implemented and adhered to. The Parking Management Plan must detail:**
    - (i) Car parking arrangements within the site;**
    - (ii) Management arrangements for the parking of caravans or long vehicles off-site in a suitable location;**
    - (iii) Management arrangements for parking associated with different expected types and scales of events on site, including but limited to: overflow parking arrangements, transfers to and from the site; and**





- j. Waste collection for the development must be provided by agreement between the owner and/or operator of the site and an external provider. All waste and refuse collection must be conducted within the site. At not time must rubbish bins be placed on the verge/kerb for collection and the site must be managed at all times to ensure amenity is maintained.**
- k. All products, materials and goods must be stored within the approved waste management /storage area and not outside or within public view.**
- l. All unloading and loading must be conducted within the site.**
- m. External lighting must be designed, baffled and located to not have a detrimental effect on adjoining land or road to the satisfaction of the local government.**
- n. All proposed buildings must be connected to the reticulated sewerage system.**
- o. Any works proposed to the existing crossover or any new crossover must require the approval of the local government.**
- p. Any works within the frontage of the property (i.e. footpaths, parking) requires separate approval from the local government's Infrastructure Directorate.**
- q. Signage, unless exempt by the Local Planning Scheme, requires a separate approval from the local government.**
- r. The use must not detrimentally affect the amenity of the surrounding area through the:
  - i. Appearance of any building, works or materials; and**
  - ii. Emission of noise, smell, dust, wastewater or light spill.****

**Moved: Cr A Petherick  
Seconded: Cr T Chafer**

**Decision: 8/0**

## **PURPOSE**

For Council to consider an application for development approval to redevelop an existing tourism development at Lot 506 (Reserve 51637) and Lot 2262 (50) Casuarina Way, Kununurra.

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

Regulator - enforce state legislation and local laws

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

Lakeside Resort is located on Casuarina Way, Kununurra and incorporates a freehold lot (Lot 2262) which was purchased by Wunan Foundation in 2019 as well as land leased from the Shire, (Reserve 51637) which is subject to a management order and designated for the purpose of caravan park and camping ground, boat launching, mooring and ancillary uses. The surrounding Foreshore and Recreation Reserve (41812) is under management order of the Shire and extends around the foreshore of Lily Creek and Lake Kununurra.

The resort currently has approval for 60 caravan/camping sites and 50 accommodation rooms. It is proposed to close the caravan park component of the resort and redevelop the existing facilities and construct new buildings. The application includes development on the freehold land and parts of the leased and licenced portions.

The proposal includes the following development:

- Refurbishment of the existing motel style accommodation (Homestead Rooms);
- Redevelopment and extension of the existing Reception building, to include at the ground floor: a reception area, tour desks/art gallery space, general store and external recycling/waste area; and at the first floor: office space and a gymnasium/wellness spa space.
- Redevelopment of the area around the existing swimming pool to include: a children's wading pool, paved community area with seating and ablution facilities.
- 31 Eco Tents, which are located on Reserve 51637. Each eco tent includes a bedroom area, kitchen/robe area, bathroom and outdoor deck. The eco tents will be constructed on a platform and are designed to be non-permanent structures which can be removed.
- Four shared accommodation buildings (each with 6 bedrooms) with bicycle storage facilities, which are proposed to house students and teachers. Students and teachers are expected to stay on short term rotations, generally for around 6 weeks at a time. It is noted from the submitted plan, that there is the potential to construct a further two of these buildings.
- One luxury accommodation lodge, which includes three bedrooms, two bathrooms, laundry, kitchen, dining and living space, with external verandah/deck areas.
- Two storey cultural centre building, which includes on the ground floor: gallery/event space, conference/lecture space and ablutions; and at the first floor: an open plan bar, lounge, restaurant and conference space, and kitchen for food preparation. The building will include a central water feature.
- A new natural rock swimming pool is proposed to the front (west) of the new cultural centre building.

- There are three outdoor event spaces proposed which include: an amphitheatre (located to the south of the existing pool, which is covered and includes a stage and permanent seating), a grassed event area south of the proposed cultural centre building and a covered events area located in the western corner of the leased area. The applicant has indicated an intention to use these event spaces year round.

The proposal also includes an extensive boardwalk system, which provides access to the accommodation rooms and resort facilities, and associated car parking, bus parking and landscaping works.

The boardwalk along the foreshore and extension to the car park to the south of the site do not require development approval and have not been considered as part of this application. Separate approval is required for the boardwalk and car park extension from the Shire's Infrastructure Directorate for works on public land in addition to any other relevant approval of State Departments/Agencies.

A copy of the applicant's submission and plans is at Attachment 1 and 2.



Locality Plan: R51637 Lot 506 and Lot 2263 (50) Casuarina Way, Kununurra

The executed lease requires that all works within Reserve 51637 and the licenced area (part Foreshore Reserve 41812) require approval from the Shire and any other approval required by law. All works (including structures and improvements) are to be low impact and consistent with the maintenance of water quality and bank stabilisation of the land and must not restrict or impede the use, accessibility and enjoyment by patrons and the general public of the land or adversely affect the amenity of the land. All structures must be designed to be removed upon termination of the lease. Additionally the lease requires that public access to the foreshore and lease area is maintained.

Given the proximity to Lily Creek Lagoon, the application was referred for comment to the Department of Water and Environmental Regulation (DWER). DWER provided the following comments:

- *The Department notes that Lot 506 R56137 is classified as an Environmental Conservation Reserve. Any activities proposed for this area must be appropriately managed in line with Local Planning Scheme No. 9.*
- *Lot 2263 (50) Casuarina Way Kununurra is listed under the Local Planning Scheme as Tourism, as such the proposal is not a change of land use and is considered acceptable from a water perspective.*
- *The Department offers the following guidance material:*
  - *Water Quality Protection Notes (WQPN): WQPN 6, WQPN 70, WQPN 65, WQPN 10, WQPN 4;*
  - *Appropriate management is required to mitigate impacting the sensitive water resource which is close proximity to Lake Kununurra which is a Directory of Important Wetlands of Australia and RAMSAR wetland.*
  - *A clearing permit is required to clear vegetation.*
  - *A water licence may be required if proposed to abstract ground or surface water.*

The guidance material provided by DWER has been provided to the applicant and also will be included as an advice note on the development approval.

## **STATUTORY IMPLICATIONS**

### **Local Planning Strategy**

The Local Planning Strategy identifies that one key planning purpose for land within the Kununurra Townsite is to support local business, tourism and employment opportunities.

### **Local Planning Scheme No. 9 (LPS 9)**

Under LPS 9 Lot 2263 is zoned Tourism and Lot 506 (Reserve 51637) is identified as Environmental Conservation Reserve.

### **Tourist Development:**

The development meets the objectives of the Tourism zone by improving existing accommodation options on site and providing an alternative style of accommodation being the Eco Tents, which are currently not available in Kununurra. The design of the development takes advantage of the natural features of the site and is located within close proximity to existing services, infrastructure and the town in general.

The proposal meets the development standards of LPS 9 which include: accommodation in the zone being designated as short stay accommodation (length of occupancy being a maximum of 3 months within any 12 month period), providing for pickup and set-down areas, waste and/or materials being stored out of view and away from the street frontage and the provision of at least 10% landscaping.

Car parking:

Under LPS 9 the following car parking rates are applicable:

<b>Land Use</b>	<b>Parking Requirement</b>
Tourist Development	1 bay for every 2 bedrooms of accommodation. Special Condition: <i>The local government may reduce the parking requirement if the predominant mode of transport by visitors is by coach.</i>
Reception Centre/Restaurant	1 bay per 10m <sup>2</sup> Net Leasable Area (NLA) or 1 bay for every 4 seats provided; whichever is greater
Shop	1 bay per 20m <sup>2</sup> NLA

Additional areas are indicated onsite for events, although rates for these areas are difficult to appropriately allocate.

***Land Administration Act 1997***

The Shire holds the Management Order for Reserve 51637 (Lot 506) for the purpose of caravan park and camping ground, boat launching, mooring and ancillary uses, with the power to lease for a maximum of 21 years and authorisation from the Shire is required to make application for planning or building approval. The current land use is consistent with the designated purpose for which the Land is reserved under section 41 of the *Land Administration Act 1997*.

**POLICY IMPLICATIONS**

Policy CP/PMG-3781 “Leasing of Council Managed/Owned Land - Commercial” is relevant, however it is considered that the proposed development is in accordance with the lease.

**FINANCIAL IMPLICATIONS**

Some infrastructure is proposed to be built within public land in the future that will become a management responsibility of the Shire (ie, footpath, boardwalk and future expansion of the car park located south of the site).

## **STRATEGIC IMPLICATIONS**

*The strategic implications include:*

- *Upgrading of existing tourism development within Kununurra, to provide alternative accommodation options for visitors and locals;*
- *Works within adjoining reserves, managed by the Shire; and*
- *Potential reduction of car parking for the proposed development.*

## **RISK IMPLICATIONS**

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

**Control:** Assessment against relative legislation and development controls to ensure informed decisions.

## **COMMUNITY ENGAGEMENT**

The application has been referred to the Department of Water and Environmental Regulation (DWER) in accordance with the Planning Scheme requirements.

## **COMMENTS**

The proposal is considered unlikely to cause negative impacts associated with the protection of environmental values, provided all works are carried out in accordance with any Department of Water and Environmental Regulation (DWER) permits and requirements. The landscaping proposed will contribute to the landscape and environmental significance of the area and provide a shady and natural environment.

The proposal is consistent with the designated purpose of the Reserve land and the authorised use of the executed lease, and all proposed development within the lease area is designed to be non-permanent and capable of being removed should the lease ever be terminated.

The proposal is considered to be consistent with the Local Planning Scheme and meets the objectives of the Tourism Zone by providing an alternative style of accommodation that is not currently available in Kununurra and the design of the development takes advantage of the natural features of the site and the adjoining foreshore and waterfront. The proposal meets the development standards of LPS 9 which include providing for pickup and set-down areas, waste and/or materials being stored out of view and away from the street frontage and the provision of at least 10% landscaping. The proposed development will improve the overall visual outlook from both within and outside the site, providing improved landscaping and a high standard of architectural design.

The traffic report prepared by the applicant (Attachment 3) indicates that vehicle movements to and from the site will be reduced, with the reduction in accommodation rooms available. The development standards for the zone, furthermore, allow Council to give consideration for reduced parking if the predominant mode of transport by visitors utilising the premises is by

coach. Possible reciprocal or alternative parking arrangements which have been considered in relation to the provision of parking on-site include:

- The shared accommodation units are proposed to house students and teachers who are expected to stay on short term rotations, generally for around 6 weeks at a time. Given the short term nature, it is unlikely students will have a car, however it is expected that teachers/supervisors may have a vehicle.  
The applicant proposes to include bicycle locker style sheds to each building which will accommodate 24 bicycles for the shared accommodation units.
- Office space within the reception building will be utilised by staff employed at the tourist development.
- It is expected guests at the resort would mainly use the restaurant/bar/lounge area, and those people would either already have a vehicle parked at the site or have no vehicle at all. External visitors to the restaurant would require parking spaces, however it is not unreasonable to expect that people would carpool or families travel in one vehicle.
- It is expected that a high percentage of visitors to the resort will either fly into Kununurra or visit as part of bus/coach tours. The applicant proposes that a small minibus/van will be provided for guest transfers to and from the site and bicycle hire will also be provided as an option to guests as alternative transportation.

There is still the potential that if all accommodation is occupied and additional events are being held which are open to the public, that there could be a shortfall of car parking spaces. To address this, the applicant proposes a Parking Management Plan as a conditional requirement to address parking for the event spaces and cultural centre, which would be included as a condition of approval. It will detail how car parking will be managed, suitable arrangements for overflow parking or long vehicle parking (caravans, buses), expected utilisation of the public carpark south of the site, and other additional parking arrangements during peak periods and to cater for major events. It would be reviewed annually to address any shortfalls (if any). In all other respects, the development proposal represents a substantial upgrade of the facility, providing high quality accommodation in an attractive and landscaped setting. It furthermore, meets relevant objectives of the zone and can be appropriately conditioned to preserve amenity values surrounding the site.

## **ATTACHMENTS**

Attachment 1 - Application Report

Attachment 2 - Plans

Attachment 3 - Traffic Management Report

#### 12.3.4. 2021 Community Scorecard Survey

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/a
<b>FILE NO:</b>	CM.10.15
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Receives the 2021 Community Scorecard Survey Report as an informing document to aid the Shire and Council in decision making.**
- 2. Requests the Chief Executive Officer consider the results during the current review of the draft 2021/25 Corporate Business Plan.**

#### Council Decision

**Minute Number: 29/06/2021 – 118462**

**That Council:**

- 1. Receives the 2021 Community Scorecard Survey Report as an informing document to aid the Shire and Council in decision making.**
- 2. Requests the Chief Executive Officer consider the results during the current review of the draft 2021/25 Corporate Business Plan.**

**Moved: Cr J Farquhar**

**Seconded: Cr M Dear**

**Decision: 8/0**

#### PURPOSE



For Council to receive the results of the 2021 Community Scorecard Survey.

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

Facilitator - bring stakeholders together

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

A satisfaction survey of the Shire community is an action identified to be undertaken every two years in the Corporate Business Plan. A regular community survey is an opportunity for the organisation to understand the opinions and views of the community, identify issues and areas for focus, benchmark performance, track improvements over time and inform the next review of the Strategic Community Plan. Importantly, the survey is a fundamental part of a healthy democracy and well-functioning local government.

The results of the Community Scorecard provide to Council the following benefits:

- Robust and reliable measures of performance, from advocacy, community engagement and community development, to town planning, economic development and environmental management.
- Respondents share their needs and aspirations and their location giving the ability to create local priority mapping.
- If carried out every 2 years, the Shire can benchmark performance over time, showing historical trends.

Catalyse were engaged to undertake the current community survey. They also conducted the 2017 and 2019 surveys.

Catalyse has significant experience in conducting similar surveys for other local governments. This experience has allowed a comparison with other local governments for benchmarking purposes and comparison with the previously gathered survey data.

#### **Survey results**

A copy of the Community Scorecard Survey Report is at Attachment 1. It shows consistent improvement in a number of key areas, most notably being:

- Leadership
- Advocacy and lobbying
- Support for community groups
- Street lighting

The survey highlights high levels of community satisfaction with the Shire's main airport and library, which have consistently rated high since 2017 and the Shire remains an excellent place to visit. Support for community groups, particularly through the Shire's grants program was also highlighted.

The scorecard captured the community's top eight priorities and Catalyse has summarised these and provided suggested actions to address them. Those priorities are:

- Maintenance of sealed roads
- Playgrounds, parks and reserves
- Community safety and crime prevention
- How Kununurra town centre is being developed
- Services and facilities for youth
- Services and facilities for families and children

- Sport and recreation facilities and services
- Access to housing that meets your needs

### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

### **POLICY IMPLICATIONS**

CP/COM-3100 - Community Engagement Policy is relevant.

### **FINANCIAL IMPLICATIONS**

Results of the Survey have already been used for the preparation of the 2021/22 Budget and will inform the Corporate Business Plan, which is currently in draft as well as the preparation of the next Strategic Community Plan, which is proposed to be updated in 2022.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.1: 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

*Corporate Business Plan*

CBP Action: #1 Undertake community survey

### **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:** Engage and communicate with all sections of the community to better understand needs and priorities.

### **COMMUNITY ENGAGEMENT**

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

- Undertaking a survey.
- Advertising to all community members over the age of 14 in the local newspapers, noticeboards, Shire website and social media.
- Invitations to participate were provided to all post office boxes

In total, 338 residents submitted a response. This represents an approximated participation rate of 8.3% of households (Total occupied private dwellings 2016 Census), which is slightly less than in 2019, but acceptable for the purposes of obtaining a representative sample.

The results of the community survey, being the Community Scorecard Survey Report, will be made available to the community on the Shire's website. Community groups, non-government organisations and other agencies will be encouraged to use the survey data to refine and develop services, advocacy and to support funding applications. The Shire will similarly use the data for this purpose.

## **COMMENTS**

The priorities identified in this current survey closely match those highlighted in 2019, following which the Shire has:

- Installed CCTV cameras in Kununurra and Wyndham, which are accessible to WA Police.
- Supported a collaborative approach in the delivery of youth (diversionary) services through Waringarri Aboriginal Corporation, Wyndham Youth Aboriginal Corporation and PCYC.
- Adopted an Economic Development Strategy.
- Worked with Horizon Power to replace streetlights with smart LED light fittings.
- Constructed the new Kununurra Shared Loop Path and foreshore trail.
- Supported locally based community organisations through its grant program and including a special support grant associated with Covid-19 impacts.
- Generally capped organisational costs and implemented low rate increases and, furthermore, implemented financial hardship measures in light of the Covid-19 state of emergency.

Officers will review all the priority areas highlighted in the report to ensure they are backed by actions or otherwise captured operationally within the new Corporate Business Plan which is currently being reviewed by community members and which will then be reported to the Chief Executive Officer to action. All of these priorities, in any case, are catered for within the proposed 2021/22 Budget.

Additional priority areas, which are being addressed at the moment and which will crossover into the 2021/22 financial year (and out-years) within the Corporate Business Plan include:

- upgrades to playgrounds, parks and reserves.
- preparation and implementation of a Community Safety and Crime Prevention Plan.
- preparation of town centre (revitalisation) plans - some initiated in Wyndham and in Kununurra associated the new water playground and new shared lop path and foreshore trail.
- greater attention to sporting and recreation facilities and services, including major upgrades to the Kununurra Leisure Centre, new Kununurra Water Playground and major upgrades to the Wyndham (Clarrie Cassidy) Oval.
- work and advocacy to address issued associated with access to housing.

## **ATTACHMENTS**

Attachment 1 - 2021 Community Scorecard Survey - Report

**12.3.5. DA 10/20 Proposed Tourist Development - Lot 25 Port Warrender Road, Mitchell Plateau**

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Regulatory Services Technical Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A2482P
<b>FILE NO:</b>	N/a
<b>DISCLOSURE OF INTERESTS:</b>	Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council approves an extension to a Tourist Development at Lot 25 Doongan Location/Port Warrender Road, Mitchell Plateau, subject to the following conditions:**

- 1. Development must be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The approved plan(s) must not be modified or altered without the prior written approval of the local government.**
- 2. The development must be finished in materials and colours to be compatible with the surrounding environment and all exposed roof areas must be muted colours (highly reflective materials are to be avoided).**
- 3. Prior to occupation of the development:**
  - a. A final inspection of the on-site bushfire refuge must be undertaken by a suitably qualified fire engineer with the fire risk assessment expertise accredited with Engineers Australia. The Fire Engineer must provide certification, to the satisfaction of the local government, that works have been**

completed in accordance with the requirements of the National Construction Code and ABCB Design and Construction of Community Bushfire Refuges Handbook (2014) and AS3959 Construction of Buildings in Bushfire Prone Areas;

- b. 20 metre Asset Protection Zones (APZs) surrounding all relevant buildings as shown on Figure 3.2 of the approved Bushfire Management Plan must be established;
  - c. emergency static water supply (number and size of water tanks to be able to adequately supply fire appliances, site hose reels and bushfire sprinklers during a bushfire event) and associated vehicle access to the standards stated in the approved Bushfire Management Plan (Appendix 3) must be installed;
  - d. the subject lot must comply with the Shire of Wyndham East Kimberley Firebreak and Hazard Reduction Notice issued under s33 of the *Bush Fires Act 1954*. This may include specifications for asset protection zones that differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1 of the Bushfire Management Plan.
4. The approved Bushfire Emergency Plan must be annually reviewed by the occupier/manager and all pre-season preparation procedures identified (Additional Bushfire Protection Measures) in the Bushfire Emergency Plan must be conducted on-site prior to operating.
5. A copy of the Bushfire Emergency Plan must be provided to the landowner/occupier/manager and they are to be informed that it contains responsibilities that must be actioned due to the land use being defined as 'Vulnerable'. Prior to occupancy, all actions contained within the Pre-Season Procedure established by the Bushfire Emergency Plan, must be completed.
6. A Maintenance Plan for the on-site bushfire shelter must be prepared by a suitably qualified fire engineer with fire risk assessment expertise accredited with Engineers Australia, and must include:
- a. Details of maintenance requirements; and

- b. Details of annual testing requirements for operational compliance.**
- c. The annual testing of the on-site bushfire refuge must include lodgement of a compliance certification by a suitably qualified fire engineer to the local government two months prior to the commencement of the bushfire season, or as otherwise agreed to in writing.**

## **Council Decision**

**Minute Number: 29/06/2021 – 118463**

**That Council approves an extension to a Tourist Development at Lot 25 Doongan Location/Port Warrender Road, Mitchell Plateau, subject to the following conditions:**

- 1. Development must be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any conditions of this approval. The approved plan(s) must not be modified or altered without the prior written approval of the local government.**
- 2. The development must be finished in materials and colours to be compatible with the surrounding environment and all exposed roof areas must be muted colours (highly reflective materials are to be avoided).**
- 3. Prior to occupation of the development:**
  - a. A final inspection of the on-site bushfire refuge must be undertaken by a suitably qualified fire engineer with the fire risk assessment expertise accredited with Engineers Australia. The Fire Engineer must provide certification, to the satisfaction of the local government, that works have been completed in accordance with the requirements of the National Construction Code and ABCB Design and Construction of Community Bushfire Refuges Handbook (2014) and AS3959 Construction of Buildings in Bushfire Prone Areas;**
  - b. 20 metre Asset Protection Zones (APZs) surrounding all relevant buildings as shown on Figure 3.2 of the approved Bushfire Management Plan must be established;**
  - c. emergency static water supply (number and size of water tanks to be able to adequately supply fire appliances, site hose reels and bushfire sprinklers during a bushfire event) and associated vehicle access to the standards stated in the approved Bushfire Management Plan (Appendix 3) must be installed;**
  - d. the subject lot must comply with the Shire of Wyndham East Kimberley Firebreak and Hazard Reduction Notice issued under s33 of the *Bush Fires Act 1954*. This may include specifications for asset protection zones that differ from the**

**Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1 of the Bushfire Management Plan.**

- 4. The approved Bushfire Emergency Plan must be annually reviewed by the occupier/manager and all pre-season preparation procedures identified (Additional Bushfire Protection Measures) in the Bushfire Emergency Plan must be conducted on-site prior to operating.**
- 5. A copy of the Bushfire Emergency Plan must be provided to the landowner/occupier/manager and they are to be informed that it contains responsibilities that must be actioned due to the land use being defined as 'Vulnerable'. Prior to occupancy, all actions contained within the Pre-Season Procedure established by the Bushfire Emergency Plan, must be completed.**
- 6. A Maintenance Plan for the on-site bushfire shelter must be prepared by a suitably qualified fire engineer with fire risk assessment expertise accredited with Engineers Australia, and must include:
  - a. Details of maintenance requirements; and**
  - b. Details of annual testing requirements for operational compliance.**
  - c. The annual testing of the on-site bushfire refuge must include lodgement of a compliance certification by a suitably qualified fire engineer to the local government two months prior to the commencement of the bushfire season, or as otherwise agreed to in writing.****

**Moved: Cr G Lodge  
Seconded: Cr J Farquhar**

**Decision: 8/0**

## **PURPOSE**

For Council to approve a development application for extensions to a tourist development on the Mitchell Plateau.

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



Regulator - Enforce state legislation and local laws

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

Outback Spirit have applied for development approval to extend their exciting tourist development at Lot 25 Port Warrender Road, Mitchell Plateau. Their proposal includes construction of:

- An additional eight guest accommodation units. These will be 'tented' accommodation consisting of a platform floor, access, tent framing and ensuite.
- An additional tow staff quarters, which will be transportable units located close to the southern boundary.
- An extension to the dining and alfresco area of the main central building
- An extension to an existing storage shed.

Attachment 1 provides a copy of the proposed development plans. Attachments 2 to 7 cover all aspects related to fire protection measures provided by the applicant's consultant and from the Department of Fire and Emergency Services (DFES). Attachment 8 includes letters from Wunambal Gaambera Aboriginal Corporation providing consent to the proposals.

Prior to *Local Planning Scheme No.9* (LPS 9) building works did not require development approval at this location. Since the introduction of the new Planning Scheme, however, the land has been zoned Rural and now a development approval is required along with an assessment against any applicable policies.

Given the remote and rural nature of the property, the majority of the development principles in the Rural zone LPS 9 are not relevant to this proposal. However the site is identified by Department of Fire and Emergency Services (DFES) mapping as being bushfire prone and, in light of this, the following policies and guidelines are relevant to the proposal: *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)*, *Guidelines for Planning in Bushfire Prone Areas and Tourism* and *Position Statement: Tourism Land Uses in Bushfire Prone Areas*.

As highlighted in State Planning Policy 3.7 (SPP 3.7) and the Bushfire Prone Area Guidelines (the Guidelines), tourist development is considered as a 'vulnerable land use' which means a land use where persons may be less able to respond in a bushfire emergency. A vulnerable land use development application requires a Bushfire Management Plan, Emergency Evacuation Plan and Risk Management Plan and these documents need to demonstrate compliance with the bushfire protection criteria identified in SPP 3.7 and the Guidelines. The bushfire protection criteria includes four elements which include: Location; Siting and Design of Development; Vehicular Access and Water, and development proposals must demonstrate compliance with an acceptable solution and/or performance principle.

The application was referred to DFES as the relevant referral authority. Following review of the application, DFES advised they did not support the proposal in light of response to several elements, all of which have been addressed in a subsequent by the applicant's bushfire consultant. Nevertheless, meeting Element 3: Vehicular Access, is problematic as there is only one properly formed access into the site. To meet this Element, two access routes that are connected to a public road network would normally be required to provide safe access and egress to two different destinations and available to all residents/the public at all times and under all weather conditions.

The Department of Planning, Lands and Heritage (DPLH) *Position Statement: Tourism Land Uses in Bushfire Prone Areas* provides guidance for tourism land uses within bushfire prone areas. The position statement offers acceptable solutions/contingency measures that can be used in response to not achieving the required elements of the *Guidelines*. The statement recognises that the primary concern in relation to bushfires is the protection of life. The applicant's consultant, Bushfire Prone Planning, has used this position statement to justify a performance principle-based solution for an on-site refuge (shelter-in-place) to meet the intent of Element 3, combined with a number of additional measures including: nominating a central refuge; fuel reduction and fire fighting capabilities.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No. 9 (LPS 9)**

The site is identified as Rural Zone under LPS 9. The objectives of the Rural Zone include to provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural land uses. There are no provisions relevant to tourism development in rural zones in the *Local Planning Scheme*.

### **Local Planning Strategy**

The proposed tourist development was assessed in accordance with 4.2 of the Local Planning Strategy which facilitates tourism expansion in the Kimberley. The Strategy, nonetheless, stresses the need to ensure that new development respects the natural and visual character of the location.

### **State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas**

The site is within a bushfire prone area and has been assessed against SPP 3.7 and the Guidelines to inform and guide decisions on acceptable bushfire protection outcomes. Councillors should note that while the policy requires referral of the application to DFES, it is for advice only and to be considered in its assessment.

### **Position Statement: Tourism land uses in bushfire prone areas**

The site is within a bushfire prone area. The intent of the position statement is to provide guidance for tourism land uses with bushfire prone areas. The position statement maintains primacy for the protection of life but also recognises that the protection of property or infrastructure may be secondary to the social and economic development of a region. If human safety can be satisfied, the asset may be considered 'replaceable; and its bushfire construction level determined to the degree necessary.

## **POLICY IMPLICATIONS**

There is no Local Policy relevant in the consideration of the proposal.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **STRATEGIC IMPLICATIONS**

*Strategy 2.1.2: Advocate for better access to country and increase opportunities for people to experience the Shire's natural and cultural wonders*

### **RISK IMPLICATIONS**

**Risk:** Approving development that will increase the bushfire risk to people and place.

**Control:** Assessment against relative legislation and development controls.

### **COMMUNITY ENGAGEMENT**

As the use is discretionary under LPS 9 there is no requirement for community engagement

The development proposal has been supported by the native title owners - Wunambal Gaambera, refer to attached letters of support.

### **COMMENTS**

The proposal is considered a minor extension to the use and is consistent with the LPS 9 and relevant policies. It will also support the current strong demand for tourist accommodation in these remote locations. A condition, nonetheless, relating to building materials would preserve the natural and visual character of the location and would be implemented by ensuring that all new materials are muted muted colours and to avoid highly reflective materials.

Officers are of the view that the measures described in the Bushfire Management Plan and the Bushfire Emergency Plan are well considered and able to deal with most fire emergencies, subject to conditions to ensure their implementation. The applicant in any case already collaborates with Wunambal Gaambera Rangers in fire protection. A secondary access is also available in case of an evacuation although this access is not formalised and therefore would only be accessible in the dry season, and the applicant has agreed to prepare a Maintenance Plan relevant to the central refuge.

It is noted that vulnerable uses in bushfire prone areas cannot always meet the statutory requirements for bushfire as many are intrinsically linked to the natural landscape values of an area and/or the remoteness of the location, resulting in insufficient separation distances from bushfire hazards or the omission of safe secondary access and egress. Nevertheless, Officers have assessed the application with respect to this aspect and believe that the supporting information provided and believe the performance solution of an shelter-in-place (central refuge), backed by access to fire fighting equipment and water and a fuel reduction regime, will be adequate to support an extension to the use and recommend approval subject to conditions.

### **ATTACHMENTS**

Attachment 1 - Proposed Development Plans

Attachment 2 - Bushfire Emergency Plan

Attachment 3 - Bushfire Management Plan

Attachment 4 - Bushfire Emergency Plan Supporting Information.

Attachment 5 - Bushfire Risk Assessment and Risk Treatment Plan

Attachment 6 - DFES Referral Comments

Attachment 7 - Bushfire Prone Planning Response to Referral Comments

Attachment 8 - Letter of Support Wunambal Gaambera Aboriginal Corporation

### 12.3.6. Temporary Caravan Park and Camping Ground Licence - Kununurra Race Club

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Senior 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 Reserve 30290, (Lot 707) Drovers Road, Kununurra**
- 2. Grants a Temporary Caravan Park and Camping Ground Licence to Kununurra Race Club for a maximum of 20 short stay sites at the Kununurra Race Club grounds (Reserve 30290 - lease area) from 1 July to 28 July 2021 subject to the following conditions:**
  - a. Only residents who are temporarily relocated from the Kununurra Agricultural Society Caravan Park for the duration of the temporary Caravan Park licence during the Kununurra Ag Show are to be accommodated in the park**
  - b. A caretaker must be onsite at all times for the duration of the temporary licence period to assist occupants.**
  - c. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin and 1 shower.**
  - d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from the site.**

- f. Fire extinguisher/s are to be located within 90 metres of every site.**
- 3. Authorises a Temporary Caravan Park and Camping Ground Licence to be established on the (Reserve 30290 - licence area) for short stay sites for general caravan and camping areas from 1 July to 28 July 2021 subject to the following conditions:**
- a. The overflow area is only to be used when all other available caravan and camping options in Kununurra are unavailable.**
  - b. The preparation of advice to users and a management plan for the facility.**
  - c. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin and 1 shower.**
  - d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from the site.**
  - f. Fire extinguisher/s are to be located within 90 metres of every site.**

### **Council Decision**

**Minute Number: 29/06/2021 – 118464**

#### **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 Reserve 30290, (Lot 707) Drovers Road, Kununurra**
- 2. Grants a Temporary Caravan Park and Camping Ground Licence to Kununurra Race Club for a maximum of 20 short stay sites at the Kununurra Race Club grounds (Reserve 30290 - lease area) from 1 July to 28 July 2021 subject to the following conditions:**
  - a. Only residents who are temporarily relocated from the Kununurra Agricultural Society Caravan Park for the duration of the temporary Caravan Park licence during the Kununurra Ag Show are to be accommodated in the park**
  - b. A caretaker must be onsite at all times for the duration of the temporary licence period to assist occupants.**
  - c. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin and 1 shower.**
  - d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
  - e. Rubbish bins are to be sealed and provided within 90 metres of**

every site. All rubbish is to be removed from the site.

f. Fire extinguisher/s are to be located within 90 metres of every site.

3. Authorises a Temporary Caravan Park and Camping Ground Licence to be established on the (Reserve 30290 - licence area) for short stay sites for general caravan and camping areas from 1 July to 28 July 2021 subject to the following conditions:

a. The overflow area is only to be used when all other available caravan and camping options in Kununurra are unavailable.

b. The preparation of advice to users and a management plan for the facility.

c. The following minimum ablution facilities are to be available for the duration of the licence: 2 toilets, 1 hand basin and 1 shower.

d. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.

e. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish is to be removed from the site.

f. Fire extinguisher/s are to be located within 90 metres of every site.

Moved: Cr T Chafer

Seconded: Cr G Lodge

Decision: 8/0

**Note:** The CEO amended the Officer Recommendation prior to the motion being put to Council. The amendment was to delete the words at item 3 "a maximum of 20" from the recommendation to provide more flexibility to deal with tourist caravan overflow issues.

## **PURPOSE**

For council to consider an application for a Temporary Caravan Park and Camping Ground Licence and for an optional general overflow Temporary Caravan Park and Camping Ground Licence.

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

Regulator - enforce state legislation and local laws

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

### Kununurra Agricultural Society (Show) overflow

The Kununurra Agricultural Society proposes to make their caravan park available to event staff and vendors to coincide with the running of the 2021 Agricultural Show, which (including set down and pack-up) will be between 3 and 11 July 2021. In response to this, the Kununurra Race Club proposes to establish a temporary overflow facility within their

lease area to accommodate existing residents (relocated) from the Kununurra Agricultural Society's caravan park. A copy of the application from the Kununurra Race Club is at Attachment 1 and Councillors will note that the proposal is for 20 temporary sites.

#### General overflow (extension area)

In discussion with the Kununurra Race Club, Shire Officers have suggested extending the temporary licence a further 10 days to 28 July 2021, to provide for an overflow option if other caravan parks are at capacity, noting that there is a potential short-fall to accommodate caravan parks in Kununurra at the moment. This end date, of 28 July, has been nominated on the basis that the Kununurra Campdraft and Rodeo Association has applied for and Council has approved the grant of a temporary caravan park licence from 29 July - 1 August 2021 in conjunction with the annual Kununurra Campdraft and Rodeo to be held from 30 - 31 July 2021 as well as to provide additional flexibility to the Club.

A representative of the Kununurra Race Club has indicated that they may be willing to consider extending the overflow area, and would discuss at an upcoming club meeting to be held on 30 June. In the interim it is recommended that Council approve the temporary caravan park licence on the adjoining licence area from 1 to 28 July, noting that the Kununurra Race Club may opt not to operate/manage an overflow past the date they have applied for.

Attachment 2 indicates both temporary caravan and camping areas. The area shaded blue is within the Kununurra Race Club lease area and the area shaded green is the general overflow area. The ablution building within the licence area is highlighted in yellow.

### **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 sub regulation (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**

There are no financial implications associated with the overflow area within the Kununurra Race Club lease area, however there may be costs associated with preparing and maintaining the overflow extension area to ensure that the ablutions are clean and functional and to prepare the grounds. As this is a Shire maintained parcel of land (parkland), funds would be available within the budget and the amount would not be expected to exceed \$10,000.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.2: Support and promote an increase in the number of events and activities

Focus Area 4: PERFORMANCE - Civic Leadership

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

Strategy 2.3.5: Enforce effective public health and safety

### **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 Officers and compliance with minimum requirements based on legislative requirements for Nature Based Parks.

## **COMMUNITY ENGAGEMENT**

No community engagement is required. Use of the overflow within the licence area, nevertheless, would only be done in consultation with existing caravan park operators and may include the Kununurra Visitor Centre.

## **COMMENTS**

The proposed licence meets the requirements and intentions of *Council Policy CP/HTH-3762 Licencing of Temporary Caravan Parks and Camping Grounds* as that applies to the lease area of the Kununurra Race Club. The area will be occupied only by workers who have been temporarily relocated from the Kununurra Agricultural Society caravan park for the duration of the Kununurra Agricultural Show and is recommended for approval.

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, being for 20 sites. Other conditions are also recommended within regards to waste water disposal, rubbish bins and fire extinguishers in accordance with the regulations.

In effect, the intention of catering for the additional overflow area within the licence area will resolve any regulatory hurdles and 20 additional sites are recommended for this area, noting that any approval of this nature must first be approved by Council. Officers have no delegated authority otherwise to establish an overflow area without Council authorisation. In all other respects, the licence area is able to meet all applicable policies and regulations, noting that some costs may be incurred to ensure that the ablutions are fully operational and that the grounds can be accessed adequately. Officers will need to prepare additional information being advice to those using the facility and to deal with the general management of the site, which would be done in consultation with the Kununurra Race Club, caravan park operators and the Kununurra Visitor Centre.

## **ATTACHMENTS**

Attachment 1 - Kununurra Race Club - Temporary Caravan Park Application

Attachment 2 - Plan showing Kununurra Agricultural Society (Show) overflow and general overflow (extension) area

## 12.4. CORPORATE SERVICES

### 12.4.1. Monthly Financial Report May 2021

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Financial Accountant
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

**That Council receives the Monthly Financial Report for the period ended 31 May 2021.**

#### **Council Decision**

**Minute Number: 29/06/2021 – 118465**

**That Council receives the Monthly Financial Report for the period ended 31 May 2021.**

**Moved: Cr T Chafer  
Seconded: Cr M Dear**

**Decision: 8/0**

#### PURPOSE

For Council to receive the Monthly Financial Report for the period ended 31 May 2021.

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

Regulator - Responsible for the enforcement of statutory requirements.

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

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

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

### **Council Decision**

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

**Moved: Cr D Menzel**

**Seconded: Cr M Dear**

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

**Carried 9/0**

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

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

### **Council Decision**

**Minute No: 118361**

**That Council:**

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

**Moved: Cr J Farquhar**

**Seconded: Cr N Brook**

**Decision: 6/0**

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

**Council Decision:**

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

**That Council:**

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

**Moved: Cr T Chafer**

**Seconded: Cr J Farquhar**

**Decision:9 /0**

**STATUTORY IMPLICATIONS**

*Local Government Act 1995, Section 6.4.*

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

**RISK IMPLICATIONS**

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

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

### **COMMENTS**

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

The Covid-19 pandemic has had an impact on the financial position of the Shire as at 30 June 2020. Revenue and debt collections have reduced significantly with this being off-set by operational savings and the receipt of 2020/21 Federal Assistance Grants in advance. The full financial implications of Covid-19 are unknown at this stage, however estimates of the longer term impact have been considered in the preparation of the 2020/21 budget. Shire Officers and the Executive Management Team continue to closely monitor the cash flow of the Shire and have modified internal processes to assist in this regard.

It should be noted that the budget figures in the Monthly Financial Report for May 2021 have been updated to include final carry forward figures and end of year adjustments for the year ended 30 June 2020. The final position for the 2019/20 financial year was reported in the 2019/20 Annual Financial Statements included in the Annual Financial Report for 2019/20 which was presented to Council at the 15 December 2020 Ordinary Council Meeting. Changes to the 2020/21 budget arising from changes in the cash position following finalisation of the 2019/20 Annual Financial Statements were adopted by Council at the 23 February 2021 Ordinary Council Meeting.

### **ATTACHMENTS**

Attachment 1 - Monthly Financial Report May 2021

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

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

<b>That Council receive the lists of accounts paid from the Municipal and Trust funds for May 2021, being:</b>	
<b>Municipal EFT 140552 - 140738 (05/05/2021-27/05/2021)</b>	<b>\$</b>
<b>1,528,640.05</b>	
<b>Trust EFT 502179- 502192 (03/05/2021 - 31/05/2021)</b>	<b>\$</b>
<b>7,030.70</b>	
<b>Payroll (05/05/2021 - 28/05/2021)</b>	<b>\$</b>
<b>468,701.19</b>	
<b>Direct Bank Debits (03/05/2021-25/05/2021)</b>	<b>\$</b>
<b>103,290.23</b>	
<b>Total - May 2021</b>	<b>\$</b>
<b>2,107,662.17</b>	

## Council Decision

Minute Number: 29/06/2021 – 118466

That Council receive the lists of accounts paid from the Municipal and Trust funds for May 2021, being:

Municipal EFT 140552 - 140738 (05/05/2021-27/05/2021)	\$
1,528,640.05	
Trust EFT 502179- 502192 (03/05/2021 - 31/05/2021)	\$
7,030.70	
Payroll (05/05/2021 - 28/05/2021)	\$
468,701.19	
Direct Bank Debits (03/05/2021-25/05/2021)	\$
103,290.23	
Total - May 2021	\$
2,107,662.17	

Moved: Cr T Chafer  
Seconded: Cr J Farquhar

**Decision: 8/0**

## PURPOSE

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

## NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

## BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

## STATUTORY IMPLICATIONS



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

*Local Government (Financial Management) Regulations 1996 -*

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

Regulation 11. Payments, procedures for making etc.

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

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2020/21 Adopted Budget and any subsequent amendments thereto. This report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review those payments made.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

### **RISK IMPLICATIONS**

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

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

### **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

### **COMMENTS**

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

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 May 2021

### 12.4.3. Annual Budget 2021/22

<b>DATE:</b>	29 June 2021
<b>AUTHORS:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.05.20
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **CEO Vernon Lawrence addressed the meeting with respect to Ministerial Consent.**

The Annual Budget is dependent in part on the approval by the Minister of our differential rates where those rates in the dollar exceed twice the lowest rate in the dollar. Application was made for approval some three weeks before this meeting. We were advised shortly before this meeting that Ministerial consent has not been given for one of the three rating categories applied for. As this may have an impact on the budget as set out in the Officer Recommendations I have no option but to withdraw this report from the meeting. Once the issue has been resolved the Administration will request the Shire President to convene a Special Council Meeting to consider and adopt the Annual Budget 2021/22.

**12.5. INFRASTRUCTURE**

**Nil**

**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

The Presiding member moved that Council move in camera at 5:55pm.

### Council Decision

**Minute Number: 29/06/2021 – 118466**

**That Council move in-camera to discuss confidential matters in Agenda item 16 at 5:55pm.**

**Moved: Cr D Menzel**

**Seconded: Cr T Chafer**

**Decision: 8/0**

The Presiding member moved that Council moved out of camera at 6:17pm.

### Council Decision

**Minute Number: 29/06/2021 – 118469**

**That Council move out of camera 6:17pm.**

**Moved: Cr D Menzel**

**Seconded: Cr T Chafer**

**Decision: 8/0**

Members of the Gallery invited back in.

The Shire President read the Council Resolutions aloud.

## 16.1. REQUEST TO WAIVE FEES AND CHARGES

<b>DATE:</b>	29 June 2021
<b>AUTHOR:</b>	Felicity Heading
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.07.6
<b>DISCLOSURE OF INTERESTS:</b>	Nil

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

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

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

*decision are to be recorded in the minutes of the meeting.*

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION 1**

**That Council:**

- **Does not approve the request to waive Waste Disposal Fees from East Kimberley Job Pathways.**

### **Council Decision**

**Minute Number: 29/06/2021 – 118466**

**That Council:**

- **Does not approve the request to waive Waste Disposal Fees from East Kimberley Job Pathways.**

**Moved: Cr T Chafer**

**Seconded: Cr G Lodge**

**Decision: 8/0**



## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION 2**

**That Council:**

- **Does not approve the request to waive Waste Disposal Fees from Ord Valley Events Incorporated.**

The reason for the amendment is that the waste was green waste and it was cleared from the land by a contractor providing a free service for a community group made up of volunteers organising a community event.

Cr J Farquhar moved to amend Officer Recommendation 2 and put forward the following amendment to the motion.

### **Council Decision**

**Minute Number: 29/06/2021 – 118467**

**That Council:**

- **Does approve the request to waive Waste Disposal Fees for Green Waste from Ord Valley Events Incorporated.**

**Moved: Cr J Farquhar**

**Seconded: Cr T Chafer**

**Decision: 8/0**

The Amended Motion being carried, the Shire President then put the Amended Motion to the meeting.

**Council Decision**

**Minute Number: 29/06/2021 – 118468**

**That Council:**

- **Does approve the request to waive Waste Disposal Fees for Green Waste from Ord Valley Events Incorporated.**

**Moved: Cr G Lodge**

**Seconded: Cr T Chafer**

**Decision: 8/0**

**PURPOSE**

For Council to consider requests to waive Waste Disposal Fees.

## **17. CLOSURE**

The Shire President declared the meeting closed at 6:19pm.