



SHIRE OF WYNDHAM | EAST KIMBERLEY

# MINUTES ORDINARY COUNCIL MEETING

22 - 02 - 2022

## **DISCLAIMER**

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

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

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

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

**VERNON LAWRENCE**

**CHIEF EXECUTIVE OFFICER**

### **NOTES**

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

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED) .....	4
3. DECLARATION OF INTEREST .....	4
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	5
5. PUBLIC QUESTION TIME .....	5
6. APPLICATIONS FOR LEAVE OF ABSENCE .....	5
7. PETITIONS.....	5
8. CONFIRMATION OF MINUTES .....	5
9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....	6
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	7
11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	7
12. REPORTS .....	8
12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL .....	8
12.1.1. Amendment to Audit Committee Meeting Date .....	8
12.2. CHIEF EXECUTIVE OFFICER.....	14
12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions.....	14
12.2.2. Standing Item - Use of the Common Seal .....	16
12.3. PLANNING AND COMMUNITY DEVELOPMENT .....	19
12.3.1. Annual Report 2020-2021 .....	19
12.3.2. Quarterly Progress and Performance Report - October to December 2021 (Q2).....	24
12.3.3. Renewal of Caravan Parks and Camping Ground Licences.....	29
12.3.4. Kununurra Leisure Centre Aquatic Redevelopment (contingency) .....	34
12.4. CORPORATE SERVICES .....	39
12.4.1. Interim Monthly Financial Reports December 2021 and January 2022.....	39
12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund.....	43
12.4.3. New Loan - East Kimberley Regional Airport Infrastructure Upgrade .....	47
12.5. INFRASTRUCTURE .....	54
12.5.1. Local Emergency Management Plans.....	54
12.5.2. Dogs in Public Places - Off lead area proposal .....	58
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	64
13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	64
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	64
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....	64
16. MATTERS BEHIND CLOSED DOORS .....	65
17. CLOSURE .....	67

**SHIRE OF WYNDHAM EAST KIMBERLEY**  
**ORDINARY COUNCIL MEETING MINUTES**  
**WYNDHAM COUNCIL CHAMBERS**  
**HELD ON 22 FEBRUARY 2022 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 these Minutes and decisions arising from the Council meeting can be subject to alteration.

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

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

The Shire President declared the Meeting open at 5.02pm.

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

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr D Hearty	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
F Heading	Director Corporate Services
C Grant	Acting Director Planning and Community Development
S Maitland	Minute Taker
T O'Connor	ABC
S Sinclair	Kimberley Echo

**3. DECLARATION OF INTEREST**

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

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

NIL

**5. PUBLIC QUESTION TIME**

NIL

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**7. PETITIONS**

NIL

**8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 14 December 2021.**

**Council Decision**

**Minute Number: 22/02/2022 – 118574**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 14 December 2021.**

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

**Decision: 8/0**

Note: The Minutes of the Ordinary Council Meeting held on 14 December 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 January 2022**

**Shire hosted Australia Day event and Citizenship Ceremony.** Cr Chafer officially welcomed 6 new citizens.

**27 January 2022**

**Hon Stephen Dawson MLC Minister for Emergency Services** meeting; attended by Shire President, CEO and Kimberley Regional Group members – matters relating to the DRFAWA process – approval of works and reimbursements for work done.

**28 January 2022**

**Hon Minister Paul Papalia MLC Minister for Police; Road Safety; Defence Industry; Veterans Issues** meeting; attended by Shire President, CEO and Kimberley Regional Group members – matters relating to youth crime and the BDR

**28 January 2022**

**Hon Minister Alannah MacTiernan MLC Minister for Regional Development, Agriculture and Food; Hydrogen Industry** meeting; attended by Shire President, CEO and Kimberley Regional Group members – meeting re border rules, G2G, BDR and Antisocial Behaviour and Programmes.

**3 February 2022**

**Hon John Carey MLA Minister for Housing; Lands; Homelessness; Local Government** meeting; attended by Shire President, CEO and Kimberley Regional Group members – discussed social housing issues and the contribution to anti-social behaviour, the accommodation shortage in the Kimberley Zone and support for the BDR.

**15 February 2022**

**Minister Tony Buti MLA Minister for Aboriginal Affairs; Racing and Gaming;** meeting attended by Shire President, CEO and Kimberley Regional Group members. (Improving Opportunities for Kimberley Youth and the BDR.)

**15 February 2022**

**Kimberley Zone and Kimberley Regional Group Meeting** – attended by Shire President and CEO.

**16 February 2022**

**Hon Bill Johnston Minister for Mines and Petroleum, Energy, Corrective Services and Industrial Relations and Hon Minister Simone McGurk Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services** attended by Shire President, CEO and Kimberley Regional Group members – meeting regarding the Kimberley Juvenile Justice report, anti-social behaviour and the BDR.

**16 February 2022**

**Meeting with Jennifer Shelton (Acting Executive Director, Racing, Gaming and Liquor), Alizanne Cheetham, acting Director, Strategic Regulation, Glaucia Hyland, Manager Strategic Projects** attended by Deputy President Chafer and the CEO – discussed matters relating to the roll out of the BDR.

**18 February 2022**

**Sue Ellery MLC Minister for Education and Training** meeting; attended by Shire President, CEO and Kimberley Regional Group members – discussed the role of education in curbing youth crime and the importance of a whole of government support for the BDR.

**Anti-Social Behaviour Forum hosted by the EKCCI** – attended by the CEO – discussed current developments and initiatives to improve the anti-social behaviour and youth crime.

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

Cr D Menzel advised that an item regarding anti-social behavior had arisen and would be dealt with behind closed doors.

## **11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

NIL

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1. Amendment to Audit Committee Meeting Date

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	FM.02.8
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - Plan and provide direction through policy and practices Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### OFFICER'S RECOMMENDATION

That Council, with reference to Item 7.6 as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:

1. That the Audit (Finance and Risk) Committee meetings for 2022 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 14 March 2022	5:00 pm	Council Chambers, Kununurra
Monday, 13 June 2022	5:00 pm	Council Chambers, Kununurra
Monday, 12 September 2022	5:00 pm	Council Chambers, Kununurra



<b>Monday, 5 December 2022</b>	<b>5:00 pm</b>	<b>Council Chambers, Kununurra</b>
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**2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.**

### **Council Decision**

**Minute Number: 22/02/2022 – 118575**

**That Council, with reference to Item 7.6 as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:**

- 1. That the Audit (Finance and Risk) Committee meetings for 2022 are held in accordance with the following dates, times and place:**

<b>Date</b>	<b>Time</b>	<b>Place</b>
<b>Monday, 14 March 2022</b>	<b>5:00 pm</b>	<b>Council Chambers, Kununurra</b>
<b>Monday, 13 June 2022</b>	<b>5:00 pm</b>	<b>Council Chambers, Kununurra</b>
<b>Monday, 12 September 2022</b>	<b>5:00 pm</b>	<b>Council Chambers, Kununurra</b>
<b>Monday, 5 December 2022</b>	<b>5:00 pm</b>	<b>Council Chambers, Kununurra</b>

- 2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.**

**Moved: Cr N Brook**

**Seconded: Cr T Chafer**

**Decision Decision: 8/0**

## **PURPOSE**

For Council to consider the proposed dates, times and place for the Audit (Finance and Risk) Committee meetings to be held for 2022 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, which include an amended date for the March 2022 Audit (Finance and Risk) Committee meeting.

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

At the 23 November 2021 Ordinary Council Meeting Council resolved the following:

### **Council Decision**

**Minute Number: 23/11/2021 – 118545**

***That Council, with reference to Item 7.6 as detailed in the 8 November 2021 Audit (Finance and Risk) Committee Agenda/Minutes, adopts:***

- 1. That the Audit (Finance and Risk) Committee meetings for 2022 are held in accordance with the following dates, times and place:***

Date	Time	Place
Monday, 7 March 2022	5:00 pm	Council Chambers, Kununurra
Monday, 13 June 2022	5:00 pm	Council Chambers, Kununurra
Monday, 12 September 2022	5:00 pm	Council Chambers, Kununurra
Monday, 5 December 2022	5:00 pm	Council Chambers, Kununurra

- 2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.***

**Moved: Cr M McKittrick**

**Seconded: Cr T Chafer**

***Decision: 8/0***

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995**

#### **Part 5, Division 2**

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

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) all council meetings; and*
  - (b) all meetings of any committee to which a local government power or duty has been delegated.*

### **Local Government (Administration) Regulations 1996**

#### **Part 2**

#### **12. Meetings, public notice of (Act s. 5.25(1)(g))**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) the ordinary council meetings; and*
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

## **POLICY IMPLICATIONS**

There are no direct policy implications associated with this item.

## **FINANCIAL IMPLICATIONS**

Minor expenditure will be incurred to ensure the appropriate advertising occurs for the proposed meetings. Funds are provided for this within the 2021/22 Annual Budget.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2012-2022*

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

Goal 4.4: Sustainably maintain the Shire's financial viability

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

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:** Quarterly Progress Reporting of the Corporate Business Plan, Quarterly Reporting and Risk Assessment of Forward Planning Documents and Strategic Risks, Monthly Financial Management Reports.

## **COMMUNITY ENGAGEMENT**

Shire Policy CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include local public notice of the proposed meeting dates, times and place in accordance with the legislative requirements.

## **COMMENTS**

The proposed schedule for the Audit (Finance and Risk) Committee meetings for 2022 was reviewed at the 8 November 2021 Audit (Finance and Risk) Committee Meeting and adopted by Council at the 23 November 2021 Ordinary Council Meeting. The proposed date for the March meeting was Monday 7 March 2022 and did not take into account that 7 March 2022 is a public holiday day for WA Labour Day. The proposed amended date of 14 March 2022 will ensure that recommendations from the Audit (Risk and Finance Committee) can be presented to Council for consideration at the 22 March 2022 Ordinary Council Meeting.

The proposed meeting dates, times and place are as follows:

- Monday, 14 March 2022, 5.00pm, Council Chambers, Kununurra
- Monday, 13 June 2022, 5.00pm, Council Chambers, Kununurra
- Monday, 12 September 2022, 5.00pm, Council Chambers, Kununurra
- Monday, 5 December 2022, 5.00pm, Council Chambers, Kununurra

## **ATTACHMENTS**

Nil

## 12.2. CHIEF EXECUTIVE OFFICER

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

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### OFFICER'S RECOMMENDATION

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

#### Council Decision

Minute Number: 22/02/2022 – 118576

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

Moved: Cr M McKittrick

Seconded: Cr T Chafer

**Decision: 8/0**

#### PURPOSE

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

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

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

## **STATUTORY IMPLICATIONS**

NIL

## **POLICY IMPLICATIONS**

NIL

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

## **RISK IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the December 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 - December 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>	22 February 2022
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 November 2021 to 17 February 2022.

#### **Council Decision**

Minute Number: 22/02/2022 – 118577

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 November 2021 to 17 February 2022.

Moved: Cr N Brook  
Seconded: Cr M Dear

**Decision: 8/0**

#### **PURPOSE**

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 18 November 2021 to 17 February 2022.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

##### **9.49A. Execution of documents**

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or



- (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

## **POLICY IMPLICATIONS**

NIL

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

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

## **RISK IMPLICATIONS**

NIL

## **FINANCIAL IMPLICATIONS**

NIL

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

There were 5 documents for the time period of 18 November 2021 to 17 February 2022 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
17/12/2021	Variation of Lease, Booth No 2, SWEK / Busby Investments Pty Ltd
17/12/2021	Lease Agreement, Airport Café, SWEK / T McClintock
11/02/2022	Application for new Titles at Lot 50, Diagram 77886 White Gum Street, Kununurra and Lot 1 DP57180 (7) Cottontree Avenue, Kununurra
14/02/2022	Lease Agreement, Ord River Paddlers
16/02/2022	Lease Agreement, Rod Hodnett Drive, SWEK / WAPCYC

### **ATTACHMENTS**

NIL

## 12.3. PLANNING AND COMMUNITY DEVELOPMENT

### 12.3.1. Annual Report 2020-2021

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.13.15
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Facilitator - bring stakeholders together
<b>VOTING REQUIREMENT</b>	Absolute Majority

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

**That Council:**

- 1. Accepts the 2020/2021 Annual Report (including the Annual Financial Statements and Associated Notes) as presented in Attachment 1.**
- 2. Convenes the Annual General Meeting of Electors to be held on Thursday 17 March 2022 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 2020/2021 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.**

#### **AMENDED OFFICERS RECOMMENDATION**

The Chief Executive Officer, on advice from the Western Australian Local Government Association, requested that Council consider an amendment to item one in the Officer's Recommendation.

#### **Council Decision**

**Minute Number: 22/02/2022 – 118578**

**That Council:**

- 1. Accepts the Annual Report of the Shire of Wyndham East Kimberley for the year**

2020/2021, incorporating the 2020/2021 Annual Financial Statements and the 2020/2021 Independent Auditor's Report.

2. Convenes the Annual General Meeting of Electors to be held on Thursday 17 March 2022 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 2020/2021 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 D Menzel

Seconded: Cr J Farquhar

Decision: 8/0

### **SUBSTANTIVE MOTION**

#### **Council Decision**

Minute Number: 22/02/2022 – 118579

That Council:

1. Accepts the Annual Report of the Shire of Wyndham East Kimberley for the year 2020/2021, incorporating the 2020/2021 Annual Financial Statements and the 2020/2021 Independent Auditor's Report.
2. Convenes the Annual General Meeting of Electors to be held on Thursday 17 March 2022 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 2020/2021 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 D Menzel

Seconded: Cr C McNeil

Decision: 8/0

### **PURPOSE**

For Council to accept the Annual Report for 2020/21 and to set the date for the Annual General Meeting of Electors.

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

The 2020/2021 Annual Report has been prepared in line with the Local Government Act and includes the Audited Annual Financial Report, which has been certified by an independent auditor.

In addition to the financial information, the report outlines how the organisation has performed in delivering the services and actions within the Corporate Business Plan, with highlights including:

- Securing funding and initiating the construction of the Kununurra Water Playground
- Completion of the stage one of the Kununurra Loop Shared Path improving pedestrian and cycling connectivity between Lakeside and Kununurra town centre, schools and hospital
- Improving response to road condition complaints from the residents and road users

### **STATUTORY IMPLICATIONS**

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

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

### **POLICY IMPLICATIONS**

CP/FIN-3200 Strategic Rating and CP/FIN-3201 Significant Accounting Policies  
CP COM-3100 - Community Engagement Policy

### **STRATEGIC IMPLICATIONS**

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

**Focus Area 4:** PERFORMANCE - Civic Leadership

**Goal 4.2:** Good decision making through engagement with the community

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

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

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

**Strategy 4.3.3:** Improve organisational systems with a focus on innovative solutions to improve efficiency, effectiveness and productivity

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

**Shire Project:** 405 - Coordinate the Integrated Planning and Reporting Framework

### **RISK IMPLICATIONS**

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

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

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

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

### **FINANCIAL IMPLICATIONS**

A full financial statement for the 2020/21 financial year is included as a component of the Annual Report.

### **COMMUNITY ENGAGEMENT**

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

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

### **COMMENTS**

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

Council is required to convene the Annual General Meeting of Electors no later than 56 days after the reports acceptance, being no later than 19 April 2022. To allow for statutory notice periods the meeting must be held after the 11 March 2022. It is recommended that 17 March 2022 (commencing 5pm) be set as the date for this meeting, to be held in Kununurra.

### **ATTACHMENTS**

## 1. 2020/21 Annual Report

### 12.3.2. Quarterly Progress and Performance Report - October to December 2021 (Q2)

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.10.13
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practises
<b>VOTING REQUIREMENT</b>	Simple Majority

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

**That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for October to December 2021 (Q2) at Attachment 1.**

#### **Council Decision**

**Minute Number: 22/02/2022 – 118580**

**That Council receives the Corporate Business Plan Quarterly Progress and Performance Report for October to December 2021 (Q2) at Attachment 1.**

**Moved: Cr M McKittrick**

**Seconded: Cr D Hearty**

**Decision: 8/0**

#### **PURPOSE**

For the Council to receive the October to December 2021 Quarterly Progress and Performance Report.

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

The Shire produces Quarterly Progress and Performance Reports to provide an update of progress made in the applicable quarter towards the services and projects in the Corporate



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

The following table provides context of regular reporting to Council.

Strategic Community Plan	<ul style="list-style-type: none"> <li>• Annual Report to Council on progress towards the long term community goals</li> </ul>
Corporate Business Plan	<ul style="list-style-type: none"> <li>• Annual Report to Council on delivery of Shire services and projects.</li> <li>• Quarterly reports to Council on delivery of Shire services and progress of projects.</li> </ul>
Annual Budget	<ul style="list-style-type: none"> <li>• Annual report of financial performance against the annual budget</li> <li>• Monthly reports to Council financial performance</li> </ul>

The quarterly report reflects the progress of individual actions of the CBP which are linked to the Strategic Community Plan. This ensures each staff member is working towards achieving those specific directions that the Council has prioritised. The status of actions at the end of each financial year are listed as complete or deferred.

The Officer responsible for an action or task in the CBP is required to provide an update each quarter, giving an indication of how the action is progressing. This information is collated to provide an overview of how the organisation is performing to the CEO, Directors and Council to ensure that performance is being appropriately monitored and managed.

Quarterly progress reports are used to assist with the annual review of the CBP, to prioritise projects and services capturing Council's decision making, planning and evaluation.

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995* provides a framework for the operations of local governments in Western Australia. *Section 1.3 (2)* states:

*This Act is intended to result in:*

- a) Better decision making by local governments;*
- b) Greater community participation in the decisions and affairs of local governments;*
- c) Greater accountability of local governments to their communities; and*
- d) More efficient and effective government.*

The Shire's Corporate Business Plan and quarterly progress reports are in line with the Western Australian Government's Integrated Planning and Reporting Framework which requires planning and reporting on local government activities.

## **POLICY IMPLICATIONS**

The Quarterly Progress and Performance Report supports the following policy objectives:

CP/COM-3100 - Community Engagement Policy

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

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

**STRATEGIC IMPLICATIONS**

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

**Focus Area 4: PERFORMANCE - Civic Leadership**

**Goal 4.2:** Good decision making through engagement with the community

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

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

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

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

**Shire Project: 405 - Coordinate the Integrated Planning and Reporting Framework**

**RISK IMPLICATIONS**

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

**Control:** Ensure that the Corporate Business Plan captures Council direction and decisions and directs the organisation to deliver those services and projects. The organisation will report to Council at the end of each quarter to monitor the implementation of operational priorities and activities and report on the achievement of the Corporate Business Plan and Strategic Community Plan goals.

**Risk:** Failure to create and maintain an organisational culture which promotes a safe and positive work environment, fosters employee satisfaction, motivates employees to perform and increases organisational effectiveness.

**Control:** The Corporate Business Plan Progress and Performance Report provides a mechanism for tracking progress of actions and projects. Regular reporting of progress to CEO, Directors and Council will ensure that performance is monitored and managed through the Integrated Planning and Reporting Framework.

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

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

## **FINANCIAL IMPLICATIONS**

The attached quarterly report includes a financial summary.

## **COMMUNITY ENGAGEMENT**

The Shire provides the community and Council with reports and updates regarding the achievements against the Corporate Business Plan on an ongoing basis. Some of these mechanisms include:

- Quarterly Progress Reports are made available on the Shire's website.
- Ongoing Council reports.
- Elected Members' Information Bulletin updates.
- Newsletters.
- Website updates.
- Media releases.

## **COMMENTS**

The attached progress report provides commentary on the Shire's services, actions and projects for the first quarter of this financial year. It is important to note that this is "as at 31 December" i.e. a snapshot in time of the status at the end of the first quarter and that at the time of reporting the current status of a project may have since changed.

There are 49 actions/projects for year one (2021/22) of the Shire's Corporate Business plan. The table following summarises the reported status at the end of each quarter.

Action status by Quarter	Quarter 1 (July – Sept)	Quarter 2 (Oct – Dec)	Quarter 3 (Jan – Mar)	Quarter 4 (Mar – June)
Complete	0	3		
Not started	9	6		
In progress	40	40		
On hold	0	0		
Deferred	0	0		

The projects within the Corporate Business Plan are assigned annual tasks that are to be completed within the reporting period. Projects are also reviewed and funded as part of

Council's annual budget process. Responsible officers provide an indication of progress along this annual timeline and against the adopted budget.

Action performance by Quarter	Q1	Q2	Q3	Q4
On time (as reported)	88%	88%		
On budget (as reported)	97%	96%		

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

### **ATTACHMENTS**

1. Quarterly Progress and Performance Report - October to December 2021 (Q2)

### 12.3.3. Renewal of Caravan Parks and Camping Ground Licences

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Environmental Health Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT</b>	Simple Majority

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

**That Council approve the annual renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for:**

- **APT Mitchell Falls Wilderness Lodge;**
- **Bachsten Camp;**
- **Digger's Rest Station;**
- **Discovery Parks - Lake Kununurra;**
- **Doon Doon Campground;**
- **Drysdale River Station;**
- **Ellenbrae Station;**
- **El Questro Station Township;**
- **Emma Gorge Resort;**
- **Hidden Valley Caravan Park;**
- **Home Valley Station;**
- **Home Valley Station - Pentecost River Camping Ground;**
- **Ivanhoe Village Caravan Resort;**
- **Kalumburu Mission Camping Ground;**
- **Kimberleyland Waterfront Holiday Park;**
- **Kununurra Agricultural Society;**
- **Kununurra Lakeside Caravan Park;**
- **Lake Argyle Resort;**
- **McGowan Island Beach Resort;**
- **Mount Elizabeth Station;**
- **Parry Creek Farm Tourist Resort & Caravan Park;**
- **Reach Beyond;**
- **Town Caravan Park;**
- **Wyndham Caravan Park.**

### **Council Decision**

Minute Number: 22/02/2022 – 118581

That Council approve the annual renewal of licences under the Caravan Parks and Camping Grounds Act 1995 for:

- APT Mitchell Falls Wilderness Lodge;
- Bachsten Camp;
- Digger's Rest Station;
- Discovery Parks - Lake Kununurra;
- Doon Doon Campground;
- Drysdale River Station;
- Ellenbrae Station;
- El Questro Station Township;
- Emma Gorge Resort;
- Hidden Valley Caravan Park;
- Home Valley Station;
- Home Valley Station - Pentecost River Camping Ground;
- Ivanhoe Village Caravan Resort;
- Kalumburu Mission Camping Ground;
- Kimberleyland Waterfront Holiday Park;
- Kununurra Agricultural Society;
- Kununurra Lakeside Caravan Park;
- Lake Argyle Resort;
- McGowan Island Beach Resort;
- Mount Elizabeth Station;
- Parry Creek Farm Tourist Resort & Caravan Park;
- Reach Beyond;
- Town Caravan Park;
- Wyndham Caravan Park.

Moved: Cr T Chafer

Seconded: Cr D Hearty

Decision: 8/0

### **PURPOSE**

For Council to approve the renewal of licences issued under the *Caravan Parks and Camping Grounds Act 1995* for camping areas and caravan parks in the Shire.

Proposed licences are at Attachment 1.

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

Caravan parks and camping grounds must be licenced under the *Caravan Parks and Camping Grounds Act 1995*. Licences remain in force for one year from the day on which the licence was granted or renewed. Licence renewal requires approval by Council.

## **STATUTORY IMPLICATIONS**

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

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

- (1) On and 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 that 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 the 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, an 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 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 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.

### **POLICY IMPLICATIONS**

Overflow sites in caravan parks and camping grounds are approved in accordance with Council Policy CP/HTH-3761 Licensing of Overflow Sites in Caravan Parks and Camping Grounds. All licences have been assessed and comply with this policy.

### **STRATEGIC IMPLICATIONS**

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



## **Focus Area 2: PLACE - Enhancing the environment**

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

**Strategy 2.3.5:** Enforce effective public health and safety

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

**Service Area:** Regulatory Services - 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.

### **FINANCIAL IMPLICATIONS**

Majority of owners/operators have paid the licence renewal fees. Those whose fees are still outstanding will not be sent their licences until the fees are paid.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

There is one additional caravan park included in the proposed licences, Doon Doon Campground, a previously licenced park, located at Lot 815 Great Northern Highway Durack. Doon Doon has previously held a Caravan Park and Camping Ground licence with the Shire up until 2014. Recent site works, including the construction of a new ablution block, campers kitchen/BBQ shelter in late 2021 were completed to support the re-licensing of the caravan park.

An inspection carried out by Shire authorised officers on 3 February 2022 against the Caravan Park and Camping Grounds Act 1995/Regulations 1997 determined that the facility is fully compliant with the legislation, and as such, recommended for approval and licensing. A copy of the proposed licence is included with the other parks' in Attachment 1.

All applications have been assessed and are recommended for renewal.

Where a renewal form has not been received, or annual fees not paid, the updated licence will not be issued to them until the outstanding item has been addressed.

### **ATTACHMENTS**

1. Proposed Caravan Parks and Camping Ground Licences 2022

#### 12.3.4. Kununurra Leisure Centre Aquatic Redevelopment (contingency)

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Manager Community Development
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	A2682
<b>FILE NO:</b>	CP.06.14
<b>DISCLOSURE OF INTERESTS:</b>	NIL
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Advocator/Facilitator/Funder/Provider
<b>VOTING REQUIREMENT</b>	Simple Majority

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

**That Council endorses the amended Kununurra Aquatic and Leisure Facility Concept Master Plan as per Attachment 1.**

#### **Council Decision**

**Minute Number: 22/02/2022 – 118582**

**That Council endorses the amended Kununurra Aquatic and Leisure Facility Concept Master Plan as per Attachment 1.**

**Moved: Cr T Chafer**

**Seconded: Cr N Brook**

**Against: Cr M McKittrick**

**Decision: 8/0**

#### **PURPOSE**

For Council to endorse the amended Kununurra Aquatic and Leisure Facility Concept Master Plan to progress to detailed design and construction.

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

The Shire has been investigating the redevelopment of the Kununurra Leisure Centre for the past ten years to address significant constraints to participation, enhance the health and well-being of residents and visitors and increase both the vibrancy of the town centre and liveability within the Shire.

The redevelopment of Kununurra Leisure Centre is a priority project for the Shire to address issues with the current facility and develop a fit for purpose, inclusive and accessible facility that will meet community needs for the next 30 years. To date the project has involved extensive community engagement, concept designs, development of a business case and seeking funding to progress the project. The Shire has planned a staged approach to the redevelopment. Stage one focuses on the aquatics and addresses the age, location and structural fatigue of the current pool structures. Future stages will focus on the Dryside of the facility such as activity space and storage. \$6 million in funding has been allocated to stage one of the project from the Western Australian Government toward the estimated \$9 million cost.

The continuity of service delivery during construction will be impacted. All or part of the existing aquatic facility will be decommissioned prior to construction. During the concept development process a number of contingency options have been investigated to minimise the impact on service delivery and are detailed in the Donovan and Payne Architects Construction Options Report at Attachment 2. The report detailed a number of contingency options to minimise disruption to the service in a manner that would be cost effective and best meet the needs of those community groups that would be most inconvenienced by the pool's closure, including:

1. Do nothing
2. Provide Transport to Wyndham
3. Create Swimming Lanes at Swim Beach
4. Use other swimming facilities in Kununurra
5. Maintain the current 25m pool during construction

The amended Kununurra Aquatic and Leisure Facility Concept Master Plan, at Attachment 1, facilitates Council's ability to explore all proposed options including retaining the existing 25m pool during construction phase of the new aquatic facilities.

With Council endorsement of the amended Kununurra Aquatic and Leisure Facility Concept Master Plan Officers will develop detailed designs and construction documentation up to 70% to request for tender. The successful contractor would then complete design and construction documentation to 100% and gain all the approvals required as part of the construction contract.

The Department of Local Government Sports and Cultural Industries have indicated that a funding agreement for the \$6m commitment will be completed by March. Shire Officers note that the preferred contingency is to retain the existing 25m pool and as such intend to begin the Request for Tender process following the mid-year budget review. The detailed design process will provide methodology on how the 25m pool may be retained as well as accurate cost estimates.

## **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STRATEGIC IMPLICATIONS**

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

**Focus Area 1:** PEOPLE - Healthy vibrant active communities

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

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

**Focus Area 2:** PLACE - Enhancing the environment

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

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

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

**Shire Project:** 106 - KLC - Renewal and upgrade Kununurra Leisure Centre

**Service Area:** Community Development - Recreation and Leisure

### **RISK IMPLICATIONS**

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

**Control:** Develop plans for the renewal and upgrade of community facilities

### **FINANCIAL IMPLICATIONS**

The Kununurra Leisure Centre Aquatic Pool Replacement is included in the current budget. For detailed design up to 70% including design development, construction documentation and contract administration will be approximately 5.5% of the total project cost (\$9m) which will be sought during the mid-year budget process.

The Western Australian Government through the Department of Local Government Sports and Cultural Industries has allocated \$6 million towards the project and has indicated that a funding agreement will be completed by March.

### **COMMUNITY ENGAGEMENT**

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

Extensive stakeholder and community engagement and consultations, including a community workshop were undertaken to understand current and future user needs. These were considered during the development of the Kununurra Aquatic and Leisure Facility Concept Master Plan. Consideration of community engagement led to the inclusion of the 50m pool, beach access leisure pool and new storage space.

Further engagement with the schools has been sought however no comment has been provided at the time of writing this report.

## **COMMENTS**

The Kununurra Leisure Centre is an important part of the local community. It provides a recreation space that is safe and inclusive. It also can improve general health and quality of life outcomes and enhance social support through connecting communities. The redevelopment of the Kununurra Leisure Centre and aquatic facilities will deliver key infrastructure that supports structured activities, organised sport and informal recreation opportunities to East Kimberley residents and visitors.

The redevelopment project will create a facility that helps to bind families through shared experiences and bring people together, providing opportunities for social interaction which may complement other programs being implemented with regard to youth and families. The new aquatic facilities, including the water playground (under construction), will create an environment where the facility can become the hub of community life. The facility will furthermore provide recreation opportunities for surrounding schools providing a facility that allows children to participate in a wide range of activities such as swimming, squash, badminton, basketball and volleyball to name a few.

The concept has the overall support of community members and centre users, including the Kununurra Swim Club and would ensure that the centre is up to date, accessible and meets user needs. The amendments to the concept relocate the 50m and program pool slightly north to align with the northern boundary. This amendment provides:

- Flexibility in relation to the contingency to retain the existing 25m pool and will allow for accurate cost estimates and methodology during the detailed design phase.
- Alignment also maintains the drainage access within the reserve (Reserve 27603) from Agate Lane to the South of the facility.
- Additional space at the facility entrance for future development such as cafe seating.

With Council's endorsement of the amended Kununurra Aquatic and Leisure Facility Concept Master Plan Shire Officers will have a clear direction to progress the project and following the mid-year budget review Officers will begin the tender process for detailed design up to 70% of the total project.

The Kununurra Aquatic and Leisure Facility Concept Master Plan will address significant constraints to participation, enhance the health and well-being of residents, workers and

visitors and increase both the vibrancy of the centre and liveability within the Shire. It is recommended that Council endorse the Concept Master Plan and progress to detailed design.

### **ATTACHMENTS**

1. Kununurra Aquatic and Leisure Facility Concept Master Plan
2. Donovan and Payne Architects Construction Options Report

## 12.4. CORPORATE SERVICES

### 12.4.1. Interim Monthly Financial Reports December 2021 and January 2022

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.29
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

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

That Council receives the Interim Monthly Financial Reports for the periods ended 31 December 2021 and 31 January 2022.

#### **Council Decision**

Minute Number: 22/02/2022 – 118583

That Council receives the Interim Monthly Financial Reports for the periods ended 31 December 2021 and 31 January 2022.

Moved: Cr J Farquhar

Seconded: Cr M McKittrick

**Decision: 8/0**

#### **PURPOSE**

For Council to receive the Interim Monthly Financial Reports for the periods ended 31 December 2021 and 31 January 2022.

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

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

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

**Council Decision**

**Minute Number: 27/07/2021 - 11496**

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

**Moved: Cr G Lodge**

**Seconded: Cr M McKittrick**

**Decision 9/0**

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

**STATUTORY IMPLICATIONS**

***Local Government Act 1995, Section 6.4.***

***6.4. Financial report***

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

*(2) The financial report is to —*

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

*(b) contain the prescribed information.*

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

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

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

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

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

*(1A) In this regulation —*

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

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

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

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

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

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

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

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



- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown —*
  - (a) according to nature and type classification; or*
  - (b) by program; or*
  - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

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

It should be noted that the Interim Monthly Financial Reports for the periods ended 31 December 2021 and 31 January 2022 do not include final figures and end of year adjustments for the year ended 30 June 2021. The final position for the 2020/21 financial year will be reported in the 2020/21 Annual Financial Statements.

### **ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report December 2021

Attachment 2 - Interim Monthly Financial Report January 2022

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

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Coordinator Finance and Customer Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.29
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Regulator - Responsible for the enforcement of statutory requirements
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### OFFICER'S RECOMMENDATION

That Council receive the lists of accounts paid from the Municipal and Trust funds for December 2021 and January 2022, being:

##### December 2021

Municipal EFT 142039 - 142287 (03/12/2021 - 24/12/2021)	\$ 5,734,459.20
Trust EFT 502279 - 502286 (02/12/2021 - 17/12/2021)	\$ 4,143.55
Payroll (01/12/2021 - 29/12/2021)	\$ 748,406.85
Direct Bank Debits (01/12/2021 - 31/12/2021)	\$ 203,378.53
Total December 2021	\$ 6,690,388.13

##### January 2022

Municipal EFT 142343 - 142431 (14/01/2022 - 31/01/2022)	\$ 722,915.43
Municipal Cheques 52021 (28/01/2022)	\$ 150.00
Trust EFT 502287- 502295 (12/01/2022 - 31/01/2022)	\$ 10,252.75
Payroll (12/01/2022 - 28/01/2022)	\$ 500,456.77
Direct Bank Debits (04/01/2022 - 31/01/2022)	\$ 210,320.22
Total January 2022	\$ 1,444,095.17

### **Council Decision**

**Minute Number: 22/02/2022 – 118584**

**That Council receive the lists of accounts paid from the Municipal and Trust funds for December 2021 and January 2022, being:**

#### **December 2021**

<b>Municipal EFT 142039 - 142287 (03/12/2021 - 24/12/2021)</b>	<b>\$ 5,734,459.20</b>
<b>Trust EFT 502279 - 502286 (02/12/2021 - 17/12/2021)</b>	<b>\$ 4,143.55</b>
<b>Payroll (01/12/2021 - 29/12/2021)</b>	<b>\$ 748,406.85</b>
<b>Direct Bank Debits (01/12/2021 - 31/12/2021)</b>	<b>\$ 203,378.53</b>
<b>Total December 2021</b>	<b>\$ 6,690,388.13</b>

#### **January 2022**

<b>Municipal EFT 142343 - 142431 (14/01/2022 - 31/01/2022)</b>	<b>\$ 722,915.43</b>
<b>Municipal Cheques 52021 (28/01/2022)</b>	<b>\$ 150.00</b>
<b>Trust EFT 502287- 502295 (12/01/2022 - 31/01/2022)</b>	<b>\$ 10,252.75</b>
<b>Payroll (12/01/2022 - 28/01/2022)</b>	<b>\$ 500,456.77</b>
<b>Direct Bank Debits (04/01/2022 - 31/01/2022)</b>	<b>\$ 210,320.22</b>
<b>Total January 2022</b>	<b>\$ 1,444,095.17</b>

**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*.

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

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

## **STATUTORY IMPLICATIONS**

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

*Local Government (Financial Management) Regulations 1996 -*

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

Regulation 11. Payments, procedures for making etc.

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

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027.*

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

## **RISK IMPLICATIONS**

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

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

## **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

## **COMMENTS**

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

### **ATTACHMENTS**

Attachment 1 - List of Accounts Paid December 2021

Attachment 2 - List of Accounts Paid January 2022

### 12.4.3. New Loan - East Kimberley Regional Airport Infrastructure Upgrade

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.04.18
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Provider - provide physical infrastructure and essential services
<b>VOTING REQUIREMENT</b>	Absolute Majority

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

**That Council:**

- 1. Authorise the CEO to apply for loan funding of \$1,400,000 from the Western Australian Treasury Corporation in accordance with section 6.20(1)(a) of the *Local Government Act 1995*, for the following purpose:**
  - East Kimberley Regional Airport Infrastructure Upgrade Stage 1 - \$1,400,000.**
- 2. Note that local public notice will take place in accordance with section 6.20(2)(a) of the *Local Government Act 1995*.**

#### **Council Decision**

**Minute Number: 22/02/2022 – 118585**

**That Council:**

- 1. Authorise the CEO to apply for loan funding of \$1,400,000 from the Western Australian Treasury Corporation in accordance with section 6.20(1)(a) of the *Local Government Act 1995*, for the following purpose:**
  - East Kimberley Regional Airport Infrastructure Upgrade Stage 1 - \$1,400,000.**

2. Note that local public notice will take place in accordance with section 6.20(2)(a) of the *Local Government Act 1995*.

Moved: Cr T Chafer  
Seconded: Cr M Dear

Decision: 8/0

## **PURPOSE**

For Council to consider approving borrowings in accordance with section 6.20 of the *Local Government Act 1995* for the purpose of providing funding for the East Kimberley Regional Airport Infrastructure Upgrade - Stage 1.

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

In 2021 the Shire successfully applied for funding through the Federal Government's Building Better Regions Fund (BBRF) to perform upgrade works on the East Kimberley Regional Airport. The upgrade works are to the aprons and taxiways to accommodate the Boeing 737 aircraft using the airport. The weight of the aircraft requires a pavement strength rating of between PCN51 and PCN55. The current PCN rating is, on average, in the low PCN40 range. With the State Government providing subsidised flights operated by Virgin for both tourists and residents, the aircraft of choice is the B737. Continued use of the B737 on the current infrastructure will lead to a failure of the infrastructure and the need to reconstruct rather than upgrade. It is anticipated that construction works will commence before the end of the 2021-22 financial year.

At the 23 February 2021 Council resolved the following:

### ***Council Decision:***

***Minute Number: 23/02/2021 - 118392***

### ***That Council:***

1. ***Note that Shire Officers will be submitting a Building Better Regions Fund application for the upgrade to the airside infrastructure at the East Kimberley Regional Airport and included in that application, if successful, is a loan funding commitment from the Shire in the amount of \$1.4 million; and***
2. ***Note that Shire Officers will be submitting a Building Better Regions Fund application for the construction of a new swimming pool and***



***associated infrastructure at the Kununurra Leisure Centre and included in that application, if successful, is a loan funding commitment from the Shire in the amount of \$2.5 million.***

**Moved: Cr A Petherick**

**Seconded: Cr D Pearce**

**Decision: 9/0**

## **STATUTORY IMPLICATIONS**

The Shire is required to give one month's local public notice in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

### **Local Government Act 1995**

#### **6.20. Power to borrow**

(1) Subject to this Act, a local government may —

- (a) borrow or re-borrow money; or
- (b) obtain credit; or
- (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —

- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
- (b) the resolution to exercise that power is to be by absolute majority.

(3) Where a local government has exercised a power to borrow and —

- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
- (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve\* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

\* Absolute majority required.

(4) A local government is not required to give local public notice under subsection (3) —

- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
- (b) *in such other circumstances as are prescribed.*

(5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

#### **6.21. Restrictions on borrowing**

(1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*

- (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
- (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
- (c) *by a participant giving security over its general funds to the extent agreed by the participant.*

(1a) *Despite subsection (1)(a) and (c), security cannot be given over —*

- (a) *the financial contributions of a particular participant to the regional local government's funds; or*
- (b) *the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.*

(2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*

(3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.*

(4) *In this section and in section 6.23 — general funds means the revenue or income from —*

- (a) *general rates; and*
- (b) *Government grants which were not given to the local government for a specific purpose; and*
- (c) *such other sources as are prescribed.*

*[Section 6.21 amended: No. 49 of 2004 s. 59.]*

#### **Local Government (Financial Management) Regulations 1996**

**20. When local public notice is not required for exercise of power to borrow (Act s. 6.20(2)(a))**

*(1) In this regulation —*

**major variation** means a variation in the terms of a loan or other financial accommodation which is —

*(a) a capitalisation of interest accruals; or*

*(b) an increase in the term of the loan or other financial Accommodation;*

**re-finance**, in relation to a loan or other financial accommodation (the existing loan), means to borrow an amount (the new loan) which is, at the date of the new loan —

*(a) equal to the principal amount owing on the existing loan; or*

*(b) not more than \$5 000 more or less than the principal amount owing on the existing loan, for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.*

*(2) A local government is not required to give local public notice of a proposal to exercise a power to borrow where —*

*(a) the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution); and*

*(b) the re-financing or continuation is not a major variation.*

*(3) A local government is not required to give local public notice of a proposal to exercise a power to borrow where each of the following conditions is satisfied —*

*(a) a decision to exercise the power is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*

*(b) the local government considers that the borrowing is required to address a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates;*

*(c) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.*

*[Regulation 20 inserted: SL 2020/35 r. 6.]*

**21. When local public notice is not required for change of use of borrowed money (Act s. 6.20(4)(b))**

*A local government is not required to give local public notice of a proposed change of use of money borrowed —*

*(a) where the amount to be used for a purpose other than the purpose for which it was borrowed does not exceed \$5 000 in a financial year; or*

*(b) where the money borrowed is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or*

*(c) where each of the following conditions is satisfied —*

*(i) a decision to change the use of the money is made while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*

*(ii) the local government considers that the change of use is required to address a need arising from the hazard, or from the impact or*

*consequences of the hazard, to which the state of emergency declaration relates;*  
*(iii) the decision and the reasons for it are recorded in the minutes of the meeting at which the decision is made.*  
*[Regulation 21 inserted: SL 2020/35 r. 6.]*

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

**Focus Area 3:** PROSPERITY - Economic Prosperity

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

**Strategy 3.1.1:** Improve the Shire's transport infrastructure, including Wyndham Port and East Kimberley Regional Airport through lobbying, project support and funding opportunities

Strategy 3.1.2: Improve access and transport links to the East Kimberley (air, road and sea)

Strategy 3.1.3: Plan and advocate for infrastructure that supports business

*Corporate Business Plan 2021-2025:*

**Shire Project:** 302 - EKRA - Upgrade airside facilities to meet current and future demand.

**Service Area:** Airport Services

## **RISK IMPLICATIONS**

**Risk:** Failure to plan and resource a suitable airport facility which meets the long term strategic goals and the region's economic development initiatives.

### **Control:**

CBP 302: EKRA Upgrade airside facilities to meet current and further demand

CBP 303: EKRA Upgrade landside facilities to meet customer needs

CBP 305: Wyndham Airport - Renewal and upgrade of airport facilities

CBP 307: EKRA - Development of the Kununurra airport enterprise precinct.

## **FINANCIAL IMPLICATIONS**

It is proposed that the \$1,400,000 loan will be taken out for a ten year period. The loan will be provided by the Western Australian Treasury Corporation (WATC) at the WATC fixed semi-annual annuity interest rate at the time that the loan agreement is finalised. The current indicative rate is 2.2763% with estimated annual repayments of principal and interest of \$157,330 and estimated total interest over the life of the loan of \$173,300. The repayments

have been incorporated into forecast future borrowing requirements taking into account total borrowing capacity and existing loans that will be fully repaid during the forecast period.

The receipt of the loan funds of \$1,400,000 will be incorporated into the 2021-22 mid-year budget review along with estimated Guarantee Fees of \$2,443. The first two semi annual repayments totalling \$157,800 and Guarantee Fees of approximately \$4,800 will be included in the 2022-23 budget.

### **COMMUNITY ENGAGEMENT**

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

- Local public notice for 30 days in accordance with section 6.20(2)(a) of the *Local Government Act 1995*.

### **COMMENTS**

It is a requirement under the *Local Government Act 1995* that borrowings be approved by an absolute majority of Council if not adopted as part of the Annual Budget. At the time of preparing the 2021-22 Annual budget it had not been confirmed that the BBRF funding for the East Kimberley Regional Airport had been approved, so a conservative approach was taken in not including the loan amount of \$1,400,000 in the budget.

As the BBRF funding has now been approved, it is the officer's recommendation that Council authorise the CEO to apply for a loan of \$1,400,000 from the Western Australian Treasury Corporation for the purpose of providing funding for stage 1 of the East Kimberley Regional Airport Infrastructure Upgrade, and for Council to note that the required local public notice will take place.

### **ATTACHMENTS**

Nil

## 12.5. INFRASTRUCTURE

### 12.5.1. Local Emergency Management Plans

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Senior Ranger and Emergency Services Coordinator
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	ES.11.5
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Leader - plan and provide direction through policy and practices.
<b>VOTING REQUIREMENT</b>	Simple Majority

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

That Council endorses the following attached plans in compliance with legislative requirements:

1. The Wyndham East Kimberley Local Emergency Management Arrangements 2021; and
2. The Wyndham East Kimberley Recovery Plan 2021

#### **Council Decision**

Minute Number: 22/02/2022 – 118586

That Council endorses the following attached plans in compliance with legislative requirements:

1. The Wyndham East Kimberley Local Emergency Management Arrangements 2021; and
2. The Wyndham East Kimberley Recovery Plan 2021

Moved: Cr M Dear

Seconded: Cr J Farquhar

**Decision: 8/0**

#### **PURPOSE**

To review the Local Emergency Management Arrangements (LEMA) which were last reviewed prior to 2016. The attached reviewed LEMA will ensure compliance with legislative requirements and ensure the Shire has 5 years before the next review is required.

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

On 28 June 2016 Council endorsed the review of the current LEMA.

#### **COUNCIL DECISION**

Minute No: 11415

Moved: Cr E Bolto

Seconded: Cr B Robinson

That Council endorse:

1. The Shire of Wyndham East Kimberley Local Emergency Management Arrangements; and
2. The Shire of Wyndham East Kimberley Local Recovery Plan.

Carried 9/0

### **STATUTORY IMPLICATIONS**

*Section 42 of the Emergency Management Act 2005 - Reviewing and Renewing Local Emergency Management Arrangements.*

The Shire is required to comply with the above and review the LEMA and Recovery Plan every 5 years. Failing to do so is in breach of this Act.

### **POLICY IMPLICATIONS**

*State Emergency Management Policy 2020 Section 2.5 - Local Arrangements.*

*State Emergency Management Preparedness Procedures 2020 Procedure 8 - Local Emergency Management Arrangements.*

The Shire is required to comply with the above and review the LEMA and Recovery Plan every 5 years.

### **FINANCIAL IMPLICATIONS**

Failing to have a compliant LEMA and Recovery Plan can reduce the availability of funding, cause inconsistencies in estimating amounts of emergency funding requirements needed and cause financial risk to the Shire due to liability issues.

## **STRATEGIC IMPLICATIONS**

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

### **Focus Area 1: PEOPLE - Healthy vibrant active communities**

Strategy 1.3.1: Advocate to State and Federal governments for improved human services (health, housing, disability access, aged care, child/youth welfare and family support) to meet current and future needs.

### **Focus Area 2: PLACE - Enhancing the environment**

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

Strategy 2.1.1: Work in partnership to implement cooperative programs to manage land, fire, introduced animals and weeds.

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

Strategy 2.3.2: Maintain a partnership approach for emergency management planning, preparedness, response and recovery.

Strategy 2.3.5: Enforce effective public health and safety.

### **Focus Area 4: PERFORMANCE - Civic Leadership**

Goal: 4.1: Effective representation through advocacy at a regional, state and national level.

Strategy 4.1.2: Foster relationships and partnerships with key stakeholders to achieve community outcomes.

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

CBP Action: # 414 - Tasks to support the management of Fire and Emergency Services.

## **RISK IMPLICATIONS**

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

**Control:** Ensure the Local Emergency Management Arrangements and Recovery Plan are reviewed and updated as per legislative requirements.

## **COMMUNITY ENGAGEMENT**

No community engagement is required, only engagement amongst LEMC agencies.

## **COMMENTS**



In accordance with *State EM Policy Section 2.5* the LEMA will be amended or replaced whenever the local government considers it appropriate (*s.42 of the EM Act*). However, according to *State EM Preparedness Procedure 8*, the LEMA (including Recovery Plans) are to have an entire review undertaken every five (5) years, as risks might vary due to climate, environment and population changes.

There are differing informing policies and legislation for determining when the LEMA shall be reviewed; Shire Officers default to the earlier date of every 5 years.

### **ATTACHMENTS**

Attachment 1 - SWEK LEMA 2021

Attachment 2 - SWEK Evacuation Plan 2021

### 12.5.2. Dogs in Public Places - Off lead area proposal

<b>DATE:</b>	22 February 2022
<b>AUTHOR:</b>	Senior Ranger and Emergency Services Coordinator
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>FILE NO:</b>	LE.10.3
<b>DISCLOSURE OF INTERESTS:</b>	Nil
<b>COUNCIL'S ROLE IN THE MATTER:</b>	Funder - provide funds or other resources Leader - plan and provide direction through policy and practises Provider - provide physical infrastructure and essential services Regulator - enforce state legislation and local laws
<b>VOTING REQUIREMENT</b>	Absolute Majority

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

**That Council:**

**Endorses the following new proposed Dog Exercise Areas:**

**1. The following are existing Dog Exercise Areas:**

- i. Lot 381 Lakeside, Casuarina Way, East of Lakeside Resort;**
- ii. Lots 1321 and 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and Lot 241 extending 150 metres from the southern boundary;**
- iii. Lots 500 and 501 at Swim Beach extending from the West boundary of the Sailing Club for 150 metres west bounded by Millington Road on the Northern side and Lake Kununurra on the Southern side;**
- iv. The area from the junction of Messmate Way and the Victoria Highway extending south-easterly to the Lilly Lagoon and westerly for 100 metres along the Northern Highway;**
- v. Within the town site of Wyndham the area known as Lot 1236, Wyndham Oval.**

**2. The following areas will become new Dog Exercise Areas:**

- i. Lot 843 Lakeview Drive - Walk Trail / Levee Bank, Kununurra (Channel Road to**

Millington Drive - 1.9kms);

ii. Vacant Section of Lot 501 adjacent to Lot 843 Lakeview Drive and enclosed by Millington Drive.

### **Council Decision**

Minute Number: 22/02/2022 – 118587

That Council:

Endorses the following new proposed Dog Exercise Areas:

1. **The following are existing Dog Exercise Areas:**

i. Lot 381 Lakeside, Casuarina Way, East of Lakeside Resort;

ii. Lots 1321 and 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and Lot 241 extending 150 metres from the southern boundary;

iii. Lots 500 and 501 at Swim Beach extending from the West boundary of the Sailing Club for 150 metres west bounded by Millington Road on the Northern side and Lake Kununurra on the Southern side;

iv. The area from the junction of Messmate Way and the Victoria Highway extending south-easterly to the Lilly Lagoon and westerly for 100 metres along the Northern Highway;

v. Within the town site of Wyndham the area known as Lot 1236, Wyndham Oval.

2. **The following areas will become new Dog Exercise Areas:**

i. Lot 843 Lakeview Drive - Walk Trail / Levee Bank, Kununurra (Channel Road to Millington Drive - 1.9kms);

ii. Vacant Section of Lot 501 adjacent to Lot 843 Lakeview Drive and enclosed by Millington Drive.

Moved: Cr T Chafer

Seconded: Cr C McNeil

Decision: 8/0

### **PURPOSE**

For Council to revise and declare new locations for Dogs in Public Places within the Shire of Wyndham East Kimberley.

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

Reference Council decision 13.3.2 *Dogs in Public Places* – 29 July 2014

### **COUNCIL DECISION**

Minute No. 10477

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council:

1) Approves the following locations as prohibited areas as Dogs in Public Places:

a. Dogs are prohibited absolutely from entering or being in any of the following places:

- i. Where so indicated by a sign, a public building;
- ii. All premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;
- iii. A public swimming pool.

If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

2) Agrees to the following Places which are Dog Exercise Areas:

b. The following are dog exercise areas:

i. Lot 381 Lakeside, Casuarina Way, East of Lakeside Resort;

ii. Lots 1321 and 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and Lot 241 extending 150 metres from the southern boundary;

iii. Lots 500 and 501 at Swim Beach extending from the West boundary of the Sailing Club for 150 metres west bounded by Millington Road on the Northern side and Lake Kununurra on the Southern side;

iv. The area from the junction of Messmate Way and the Northern Highway extending south-easterly to the Lilly Lagoon and westerly for 100 metres along the Northern Highway;

v. Within the town site of Wyndham the area known as Lot 1236, Wyndham Oval.

Carried 7/2

For: Cr J Moulden, Cr D Learbuch, Cr K Wright, Cr B Robinson, Cr D Spackman,  
Cr S Cooke, Cr G King

Against: Cr G Taylor, Cr R Dessert

## **STATUTORY IMPLICATIONS**

Section 31 (3A) Dog Act 1976 states:

A local Government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

Section 31 (3C)(b) Dog Act 1976 states:

At least 28 days before specifying a place to be - A dog exercise area under subsection (3A)

A local government must give public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.

Current Dogs Local Law 2003

### **5. PART 5 - DOGS IN PUBLIC PLACES**

#### **5.1 Places where dogs are prohibited absolutely**

(1) Dogs are prohibited absolutely from entering or being in any of the following places –

- (a) where so indicated by a sign, a public building;
- (b) all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993;
- (c) a public swimming pool.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

#### **5.2 Places which are dog exercise areas**

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –

- (a) Within the townsite of Kununurra the areas known as Lot 2370 Celebrity Tree Park,
- (b) Lot 2420 Lakeside of Casuarina Way-East of Lakeside Resort
- (c) Lots 1321 & 1296 Vacant Blocks adjacent to the Kununurra Cemetery on the corner of Barringtonia Street and Hidden Valley Way; and
- (d) Lot 972, on the corner of Ivanhoe Road and Coolibah Drive up to the Agricultural Society stables.

(e) Within the townsite of Wyndham the area known as Lot 1236, Wyndham Oval.

(2) Subclause (1) does not apply to –

(a) land which has been set apart as a children's playground;

(b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or

(c) a car park.

### **POLICY IMPLICATIONS**

The Domestic Animal Management Plan supports the proposed Dog Exercise Areas.

### **FINANCIAL IMPLICATIONS**

1. Signage installation costs indicating location of Dog Off Lead Area which will be covered by current budget allocations.
2. Reduce Ranger patrols required ensuring dogs on lead which in turn will save time and resources that can be allocated elsewhere.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.2.2: Develop partnerships to support and maximise participation in a range of activities and promote the benefits of healthy lifestyles

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: # 234 Foreshore Place Making Plan - Lake Kununurra

CBP Action: # 395 Upgrade and create trails as outlined in Trails Master Plan

CBP Action: # 428 Recreation and Open Space Facilities Renewal Program - Kununurra

### **RISK IMPLICATIONS**

**Risk:** Failure to provide infrastructure and services that meet the needs of the community

**Control:** Communicate with the community and provide areas for community members to enjoy a healthy outdoor lifestyle

### **COMMUNITY ENGAGEMENT**

It is recommended to undertake community awareness for Dog Exercise Areas via:

- Shire Website;

- Issuing of media releases;
- SWEK News; and
- Shire Facebook Page.

Signage has been posted in several key locations within the proposed off-lead area. This signage clearly identifies the area proposed as off-lead, contact details for comment and a map outlining the area.

Media releases have been issued on the Shire Facebook page, SWEK News and on the Shire Website.

We received two public responses to the advertising:

1. The first was a member of the public concerned the area encompassed the children's playground areas. A reply was sent clarifying the area, explaining it does not encompass the playgrounds and included a clear map showing exactly where the proposed area is.
2. The second was a member of the public concerned dogs off lead may interfere with Parkrun and dog attacks may result. A reply was sent explaining the law in relation to dogs off-lead having to be under control at all times and no reports of dog attacks or incidents within that area have been reported to Shire Rangers.

We have sent formal correspondence and conducted verbal enquiries with stakeholders who utilise the area. We have not received any comment from them regarding the proposed dog off-lead area.

## **COMMENTS**

For the establishment of proposed dog exercise areas or to prohibit dogs absolutely from locations, a Council Resolution must be passed. The dog exercise areas as they currently are in the local laws are not appropriate.

Increasing the areas where dogs can be legally exercised off lead in the proposed areas of Lakeview Drive and Millington Drive will give responsible dog owners an opportunity to be able to legally utilise the walk trail whilst exercising their dog/s.

The Shire of Wyndham East Kimberley and Water Corporation WA have dual ownership of Lot 843, Reserve # 46172. The Water Corporation has been consulted regarding this proposal and have provided a letter of support (attachment 1).

The proposed changes to the dog exercise areas have been appropriately advertised through media and on site signage as per *Section (3C)(b) Dog Act 1976 and Section 1.7 Local Government Act 1995*.

## **ATTACHMENTS**

Attachment 1 - Water Corporation - Letter of Support Reserve 46172  
Attachment 2 - Proposed Dog Off Lead Area Aerial Map

**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**

Cr D Menzel advised that an item regarding anti-social behavior had arisen and would be dealt with behind closed doors.



## **16. MATTERS BEHIND CLOSED DOORS**

The Presiding member moved that Council move in camera at 6:30pm.

### **Council Decision**

Minute Number: 22/02/2022 – 118588

That Council move in-camera to discuss confidential matters in Urgent Business  
Approved by the Person Presiding at 6:30pm.

Moved: Cr D Menzel

Seconded: Cr T Chafer

**Decision: 8/0**

Members of the Gallery left the Chambers

The Presiding member moved that Council moved out of camera at 6:43pm.

### **Council Decision**

Minute Number: 22/02/2022 – 118589

That Council move out of camera 6:43pm.

Moved: Cr D Menzel

Seconded: Cr T Chafer

**Decision: 8/0**

The Shire President read the Council Resolution to the Gallery.

## 16.1 URGENT BUSINESS: ANTI SOCIAL BEHAVIOUR

### **Council Decision**

**Minute Number: 22/02/2022 – 118590**

**That Council:**

- 1. Require the Chief Executive Officer to collate all Shire materials related to anti-social behaviour captured on the CCTV network; and**
- 2. Forward the material to appropriate parties in line with the CCTV Policy; and**
- 3. Use the material to advocate for appropriate courses of action.**

**Moved: Cr D Menzel**

**Seconded: Cr T Chafer**

**Decision: 8/0**

## **17. CLOSURE**

The meeting was closed at 6:45pm