

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

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

25 August 2020

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. 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.**

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SHIRE OF WYNDHAM EAST KIMBERLEY ORDINARY COUNCIL MEETING AGENDA KUNUNURRA COUNCIL CHAMBERS

Held on Tuesday 25 August 2020 AT 5:00PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

All public Meetings of Council now allow patrons to attend in person from the Gallery.

The Shire will continue to expedite minutes of the meeting to be available to members of the public within five working days.

The Shire President declared the Meeting open at 5.01pm.

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 G Lodge | Councillor |
| Cr M McKittrick | Councillor |
| Cr D Pearce | Councillor |
| Cr A Petherick | Councillor (<i>Approved application of leave</i>) |
| V Lawrence | Chief Executive Officer |
| S Dyson | Director Infrastructure (<i>Apology</i>) |
| N Kearns | Director Planning and Community Development |
| F Heading | Acting Director Corporate Services |
| M Miller | Minute Taker |
| S Tasi | SWEK Employee |
| Rebecca Nadge | Reporter – ABC Kimberley |
| Karen Browne | Lawyer – HopgoodGanim Lawyers |

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 28 July 2020

Council Decision:

Minute Number: 25/08/2020 - 118289

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council confirms the Minutes of the Ordinary Council meeting held on 28 July 2020

Decision: 8/0

Note: The Minutes of the Ordinary Council Meeting held on 28 July 2020 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

28 July 2020 – Citizenship Ceremony at Kununurra Council Chambers. The Shire welcomed 6 new citizens.

29 July 2020 – The Chamber of Commerce and Industry hosted a welcome meeting with the Minister of Tourism and Senator Smith at the Kimberley Grand.

30 July 2020 – Pre Round Table Discussion held by the Minister of Tourism held at the Kununurra Country Club.

31 July 2020 – Airport CEO Visit – Lunch and Dinner at the Hoochery Distillery. Successful venture all round.

31 July 2020 – OIC Staff Function.

1 August 2020 – Tourism Round Table hosted by Minister Cavalier at the Kununurra Country Club which Tourism Operators and Chamber.

3 August 2020 – Dinner with the Assistant Commission or Police – Jo McCabe at the Kimberley Hotel. CEO Vernon Lawrence, David Menzel and Nick Kearns for the YENO Observation.

4 August 2020 – Community Development Officers Sessions 1 and 2 held at Halls Creek.

4 August 2020 – Dinner with the Kimberley Zone at Kimberley Hotel in Halls Creek.

10 August 2020 – Welcomed Senator Matt O’Sullivan to the Shire

12 August 2020 – Clontarf Employment met at the KDC Offices and held a forum for the Air Access Coordination Group for the first time.

12 August 2020 – Kununurra Community Consultation Group met at the Kununurra Council Chambers to discuss the Wyndham Boat Ramp.

13 August 2020 – Wyndham Community Consultation Group met at the Peter Reid Memorial Hall for discussions regarding the Wyndham Boat Ramp and other matters. CEO Vernon Lawrence, David Menzel, Cr Dear, Cr Pearce, and Cr McKittrick attended.

18 August 2020 – Prospectus of the Kimberley Zone would like to push as a united body – visibility will be provided to counsellors shortly.

20 August 2020 – Attended a video conference regarding Land Development with Cr Pearce.

24 August 2020 – Kimberley Zone teleconference was held and attended by CEO Vernon Lawrence.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

The Presiding Member moved Recommendations 1 to 5 en bloc. Cr T Chafer seconded Recommendations 1 to 5 en bloc.

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 10 August 2020

| | |
|---------------------------------|---|
| DATE: | 25 August 2020 |
| AUTHOR: | Acting Director Corporate Services |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| ASSESSMENT NO: | Various - As Detailed in the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee meeting |
| FILE NO: | Various - As Detailed in the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee meeting |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 1

That Council, with reference to Item 7.1 “*Standing Item - Insurance Claims*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda/Minutes of the 10 August 2020 Audit (Finance and Risk) Committee meeting.

Council Decision:

Minute Number: 25/08/2020 – 118290

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council, with reference to Item 7.1 “*Standing Item - Insurance Claims*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments attached to the Agenda/Minutes of the 10 August 2020 Audit (Finance and Risk) Committee meeting.

Decision: 8 / 0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Rates Debtors*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Council Decision:

Minute Number: 25/08/2020 – 118291

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council, with reference to Item 7.2 “*Standing Item - Rates Debtors*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process are sufficient and appropriate.

Decision: 8 / 0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Sundry Debtors*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Council Decision:

Minute Number: 25/08/2020 – 118292

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council, with reference to Item 7.3 “*Standing Item - Sundry Debtors*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, accept the report that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Decision: 8 / 0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting.

Council Decision:

Minute Number: 25/08/2020 – 118293

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Confidential Lease Schedule and the New and Renewal Lease Schedule attached to the Agenda/Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting.

Decision: 8 / 0

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Strategic Risk Register*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Quarterly Strategic Risk Report for Quarter 4 attached to the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes.

Council Decision:

Minute Number: 25/08/2020 – 118294

Moved: Cr D Menzel

Seconded: Cr T Chafer

That Council, with reference to Item 7.5 “*Strategic Risk Register*” as detailed in the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes, note the Quarterly Strategic Risk Report for Quarter 4 attached to the 10 August 2020 Audit (Finance and Risk) Committee Agenda/Minutes.

Decision: 8 / 0

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 10 August 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

The background and details supporting the recommendations are contained in the Audit (Finance and Risk) Committee Meeting minutes of 10 August 2020.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee meeting.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting and confidential attachments to the Agenda.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting and confidential attachments to the Agenda.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting and confidential attachments to the Agenda.

COMMENTS

Various - detailed within the Minutes of the 10 August 2020 Audit (Finance and Risk) Committee Meeting and confidential attachments to the Agenda.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

| | |
|---------------------------------|--|
| DATE: | 25 August 2020 |
| AUTHOR: | Executive Officer to the CEO |
| RESPONSIBLE OFFICER: | Vernon Lawrence, Chief Executive Officer |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Council Decision:

Minute Number: 25/08/2020 – 118295

Moved: Cr D Pearce

Seconded: Cr J Farquhar

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

Decision: 8 / 0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

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

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Attachment 1 – An update of actions from the July 2020 Council resolutions are detailed

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

ATTACHMENTS

Attachment 1 - Council Action Register - July 2020

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

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Lots 401 and 402 Pearse Street, Wyndham

| | |
|---------------------------------|--|
| DATE: | 25 August 2020 |
| AUTHOR: | Manager Planning and Regulatory Services |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Planning and Community Development |
| ASSESSMENT NO: | A5594 and A5595 |
| FILE NO: | A5594P and A5595P |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to:

1. Obtain a current market valuation for Lot 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham with a view to selling the properties.
2. Advertise for Expressions of Interest to purchase Lot 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham.

Council Decision:

Minute Number: 25/08/2020 – 118296

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council authorises the Chief Executive Officer to:

1. Obtain a current market valuation for Lot 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham with a view to selling the properties.
2. Advertise for Expressions of Interest to purchase Lot 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham.

Decision: 8 / 0

PURPOSE

To seek Council's consent to advertise for Expressions of Interest to purchase Lot 401 and 402 on Deposited Plan 144222, Pearse Street, Wyndham, both of which are currently vacant.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The lots are located in the Port area of Wyndham and are accessed via Pearse Street, which is an unconstructed road. Lot 402 has frontage to Pearse Street and Lot 401 has no direct road access.

Lot 401 has an area of 683m² and Lot 402 has an area of 683 m² and both properties are vacant. A locality plan showing Lots 401 and 402 is provided at Attachment 1.

In 2007 it was discovered that the properties were being rated incorrectly to the wrong person, and a search by the Shire's debt collection agency found that the correct owner of the lots had passed away in 1974 and the estate had been left to his wife and son. The son was located in July 2013 and he advised the Shire that he intended to sell the properties to cover the outstanding rates and service charges.

The properties were not sold, and at the 13 May 2014 Audit (Finance and Risk) Committee Meeting the Committee resolved (Minute AC 305) that the Council commence the process to take possession of the lots and recoup any outstanding rates and service charges.

An independent valuation was sought for both lots and a Deed of Settlement and Transfer of Land documents were drawn up. The independent valuation report indicated that there was potential asbestos contamination on Lot 402 which was reported to the then Department of Environmental Regulation (DER) on 30 June 2016.

Remedial works were undertaken at the site in 2017, including the excavation and off-site disposal of asbestos-impacted surface soils and fragments of asbestos-containing materials (ACM). Resampling completed in September 2017 found that all identified impacted soils had been successfully remediated, and in February 2018 the Department of Water and Environmental Regulation (DWER, previously DER) advised that the site was reclassified as being decontaminated and there were no ongoing restrictions on use.

The Lots were officially transferred to the Shire, with titles registered 15 August 2018.

The lots are zoned "Rural Townsite" under LPS9, the purpose of which is to provide for a range of land uses that would typically be found in a small country town.

There are several issues which may constrain development of the lots including:

- The lots are located at the base of the Bastion and there is a cliff face along the eastern boundary which may restrict development. Substantial engineering works would be required in order to either stabilise the excavation or to provide structural support to a proposed development.
- The Wyndham Port Area has no reticulated sewer and as such, an approved on-site wastewater system to treat and dispose of liquid waste will be required. This may significantly restrict development of the site, as generally on-site wastewater systems require a set amount of land which cannot be developed upon (i.e. no decking, paving, buildings) and this may impact the amount of land available to be developed;
- Any development in Wyndham is required to be constructed to a Region C Terrain Category 2 level.

Development would be assessed on a case by case basis, in accordance with the requirements of the LPS 9, and considering the impact on the streetscape, landscape and surrounding development.

STATUTORY IMPLICATIONS

Local Government Act 1995

Under section 3.58 of the *Local Government Act 1995 (LGA)*, the local government can only dispose of property via the following methods:

- To the highest bidder at public auction; or
- To the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender; or
- By first giving local public notice (2 weeks) of a proposed disposition, and considering any submissions made.

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A valuation of the land will be required, this could be sought either prior to or post advertising for Expressions of Interest.

An application to the Western Australian Planning Commission (WAPC) will be required to amalgamate the two lots. It is recommended that the two lots are

amalgamated prior to finalisation of settlement. The cost of amalgamation fees can be on-costed to the prospective purchaser.

Other costs will be applicable, including Land Transfer Fees and Conveyancing Fees, which can be on-costed to the prospective purchaser.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

Risk: Failure to 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 Council decisions consider efficient and effective use of resources, including the disposal of excess resources, and comply with statutory requirements.

COMMUNITY ENGAGEMENT

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

COMMENTS

A Land valuation could be sought either prior to advertising for Expressions of Interest or after the advertising period is finalised. If the land valuation is sought prior to advertising, there would be no further advertising required and it would enable an informed reserve price to be set.

It is recommended that Lots 401 and 402 are amalgamated prior to any settlement of land. This is primarily on the basis that Lot 401 does not have legal access and that the size of the lots would not be conducive to practical development. The advertisement for Expression of Interest should include the requirement for any prospective purchaser to cover the cost of an application to amalgamate the lots.

It is recommended that advertising material for the Expressions of Interest for sale of land, should include information regarding development requirements under the LPS 9, constraints of the site, and identify costs that the prospective purchasers will be responsible for such as Land Transfer Fees, Conveyancing Fees and subdivision fees for the amalgamation of the two lots.

It is recommended that Council authorise the CEO to:

1. Obtain a current market valuation for Lot 401 and 402 on Deposited Plan 223234, Pearse Street, Wyndham with a view to selling the properties.
2. Advertise for Expressions of Interest to purchase Lot 401 and 402 on Deposited Plan 223234, Pearse Street, Wyndham.

Any Expressions of Interest received during the advertising period will be assessed and presented to Council to determine how to next proceed.

ATTACHMENTS

Attachment 1 - Locality Plan Lots 401 and 402 Pearse Street Wyndham

12.3.2. CSRFF Small Grants Round 2020

| | |
|---------------------------------|--|
| DATE: | 25 August 2020 |
| AUTHOR: | Acting Manager Community Development |
| RESPONSIBLE OFFICER: | Nick Kearns, Director Planning and Community Development |
| ASSESSMENT NO: | N/A |
| FILE NO: | GS.05.1 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round (2020) application from the Kununurra Campdraft and Rodeo Association for upgrades and expansion to essential infrastructure at the Campdraft and Equestrian Facility at Part Lot 707, Drovers Road, Kununurra.

Council Decision:

Minute Number: 25/08/2020 – 118297

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council endorses the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round (2020) application from the Kununurra Campdraft and Rodeo Association for upgrades and expansion to essential infrastructure at the Campdraft and Equestrian Facility at Part Lot 707, Drovers Road, Kununurra.

Decision: 8 / 0

PURPOSE

For Council to endorse a submission from the Kununurra Campdraft and Rodeo Association for funding under the Department of Local Government, Sport and Cultural Industries 2020 Community Sport and Recreation Facilities Fund (CSRFF) Small Grants round.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Local Government, Sports and Cultural Industries.

Under the CSRFF program's selection criteria, local government authorities are required to consider applications and advise the Department of Local Government, Sport and Cultural Industries if Council supports the applications, and if supported to rank the application in priority order - assuming there is more than one.

The CSRFF Small Grants are awarded to projects involving a basic level of planning. The total project cost for small grants must not exceed \$300,000.

The Kununurra Campdraft and Rodeo Association application (Attached and including the funding application and relevant quotations) is for upgrades and expansion to essential infrastructure at the Campdraft and Equestrian Facility, with the major component (roughly half) being to upgrade the main arena surface. The estimated cost of the three components of the upgrades is \$283,226 and the Association has requested \$148,226 (half) through this CSRFF process.

Construction works are scheduled to commence in early 2021.

STATUTORY IMPLICATIONS

There are no statutory approvals required for the works proposed or any other statutory implications associated with the proposal. A lease is also in place which covers the area occupied by the Kununurra Campdraft and Rodeo Association, where the works will be undertaken.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the Kununurra Campdraft and Rodeo Association proposal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

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

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

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

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

RISK IMPLICATIONS

Risk: There is no associated risk with the Kununurra Campdraft and Rodeo Association Application.

Control: N/A

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Officers recommend that Council support the application. As indicated in the Association's submission, the upgrade will not only serve to upgrade the main arena surface, which reputedly hasn't been upgraded for around 20 years, it would also extend a range of uses currently not catered for including for people with a disability. It will, furthermore, have potential to aid the community's wellbeing and health through increased participation in sport and recreation and the provision and development of good quality, well designed and well utilised facilities, which is the focus of this funding.

ATTACHMENTS

- Attachment 1 - 2020 CSRFF February Small Grants Application Form
- Attachment 2 - Quotation Kimberley Water Carting
- Attachment 3 - Quotation Red Rust - install of full shade structures
- Attachment 4 - Quotation CBR
- Attachment 5 - Quotation IBAC - Dust suppression
- Attachment 6 - Quotation - Supply and install of shade structure poles only Red Rust
- Attachment 7 - Quotation - Mister Stitch Shade Sail materials
- Attachment 8 - Quotation - Think Water dust suppression
- Attachment 9 - Donation of Gravel material
- Attachment 10 - KCR Business case

12.4. CORPORATE SERVICES

12.4.1. Interim Monthly Financial Report July 2020

| | |
|---------------------------------|--|
| DATE: | 25 August 2020 |
| AUTHOR: | Acting Director Corporate Services |
| RESPONSIBLE OFFICER: | Felicity Heading, Acting Director Corporate Services |
| FILE NO: | FM.09.25 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Interim Monthly Financial Report for the period ended 31 July 2020.

Council Decision:

Minute Number: 25/08/2020 – 118298

**Moved: Cr T Chafer
Seconded: Cr N Brook**

That Council receive the Interim Monthly Financial Report for the period ended 31 July 2020.

Decision: 8 / 0

PURPOSE

For Council to receive the Interim Monthly Financial Report for the period ended 31 July 2020.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

Council is to prepare Monthly Financial Reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.
At the 28 July 2020 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute Number: 28/07/2020 – 118285

Moved: Cr M Dear

Seconded: Cr G Lodge

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

Carried 9/0

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

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

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

It should be noted that the Interim Monthly Financial Report for July 2020 does not include final carry forward figures and end of year adjustments for the year ended 30 June 2020. The final position for the 2019/20 financial year will be reported in the 2019/20 Annual Financial Statements.

ATTACHMENTS

Attachment 1 - Interim Monthly Financial Report - July 2020

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

| | |
|---------------------------------|--|
| DATE: | 25 August 2020 |
| AUTHOR: | Creditors Officer |
| RESPONSIBLE OFFICER: | Felicity Heading, Acting Director Corporate Services |
| FILE NO: | FM.09.25 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the list of accounts paid from the Municipal and Trust funds for July 2020, being:

| | |
|--|------------------------|
| Municipal EFT 138061 - 138399 (01/07/2020-30/07/2020) | \$ 1,857,610.94 |
| Municipal Cheques 51996 - 51997 (23/07/2020-23/07/2020) | \$ 110.90 |
| Trust EFT 502023 - 502045 (01/07/2020 - 31/07/2020) | \$ 10,255.20 |
| Payroll (01/07/2020 - 30/07/2020) | \$ 683,234.91 |
| Direct Bank Debits (01/07/2020-29/07/2020) | \$ 139,502.71 |
| Total | \$ 2,690,714.66 |

Council Decision:

Minute Number: 25/08/2020 – 118299

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council receive the list of accounts paid from the Municipal and Trust funds for July 2020, being:

| | |
|--|------------------------|
| Municipal EFT 138061 - 138399 (01/07/2020-30/07/2020) | \$ 1,857,610.94 |
| Municipal Cheques 51996 - 51997 (23/07/2020-23/07/2020) | \$ 110.90 |
| Trust EFT 502023 - 502045 (01/07/2020 - 31/07/2020) | \$ 10,255.20 |

| | |
|---|------------------------|
| Payroll (01/07/2020 - 30/07/2020) | \$ 683,234.91 |
| Direct Bank Debits (01/07/2020 - 29/07/2020) | \$ 139,502.71 |
| Total | \$ 2,690,714.66 |
| | Decision: 8 / 0 |

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

In accordance with Council's Delegations Register 2019/20 which was adopted by Council on 27 August 2019, the Council has delegated to the CEO the exercise of its power under Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire’s financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee’s name; amount of payment; date of payment, and sufficient information to identify the

transaction. The list is to be presented to the Council at the next Ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid July 2020

12.5. INFRASTRUCTURE

Cr D Pearce suggested Council move Recommendations in Reports 12.5.1 and 12.5.2 en bloc. Cr D Pearce moved Recommendations in Reports 12.5.1 and 12.5.2 en bloc, and Cr J Farquhar seconded.

12.5.1. Funeral Directors Licence - Katherine Funeral Services

| | |
|---------------------------------|---------------------------------------|
| DATE: | 25 August 2020 |
| AUTHOR: | Infrastructure Support Officer |
| RESPONSIBLE OFFICER: | Stuart Dyson, Director Infrastructure |
| FILE NO: | PH.12.11 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's licence to Katherine Funeral Services from 1 July 2020 to 30 June 2021 in accordance with the Cemeteries Act 1986.

Council Decision:

Minute Number: 25/08/2020 – 118300

**Moved: Cr D Pearce
Seconded: Cr J Farquhar**

That Council approves the issuing of an annual Funeral Director's licence to Katherine Funeral Services from 1 July 2020 to 30 June 2021 in accordance with the Cemeteries Act 1986.

Decision: 8 / 0

PURPOSE

To consider Katherine Funeral Services application for renewal of their annual funeral director's licence.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

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

STATUTORY IMPLICATIONS

Cemeteries Act 1986

Division 3 - Licensing of funeral directors.

16. *Licences*

A funeral director's licence:

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

17. *Applications for licences:*

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Katherine Funeral Services have established working relationships with relevant parties to provide a comprehensive service to the Shire of Wyndham East Kimberley, including suitable vehicles and equipment to conduct funerals.

ATTACHMENTS

Attachment 1 - Funeral Directors Licence - Katherine Funeral Services.

12.5.2. Funeral Directors Licence - Osiris Funerals

| | |
|---------------------------------|---------------------------------------|
| DATE: | 25 August 2020 |
| AUTHOR: | Infrastructure Support Officer |
| RESPONSIBLE OFFICER: | Stuart Dyson, Director Infrastructure |
| FILE NO: | PH.12.11 |
| DISCLOSURE OF INTERESTS: | Nil |

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2020 to 30 June 2021 in accordance with the Cemeteries Act 1986.

Council Decision:

Minute Number: 25/08/2020 – 118301

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council approves the issuing of an annual Funeral Director's Licence to Osiris Funerals for a period of one year from 1 July 2020 to 30 June 2021 in accordance with the Cemeteries Act 1986.

Decision: 8 / 0

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL / COMMITTEE

Osiris Funerals has held a Funeral Director's licence to conduct funerals within the Shire since December 2019.

Jayden Cornish is the Director/Manager of Osiris Funerals. Jayden has long established experience in the funeral industry taking over from his father Paul Cornish who operated Derby and Broome Funeral Services for over 26 years.

STATUTORY IMPLICATIONS

Cemeteries Act 1986

Division 3 - Licensing of funeral directors.

16. *Licences*

A funeral director's licence:

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

17. *Applications for licences*

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funeral Directors Licences are issued on an annual (financial year) basis. The annual fee is \$355.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the environment

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Osiris Funerals is the only WA based Funeral Director servicing the Kimberley, the other being based in Katherine NT. Osiris Funerals has established working relationships with relevant parties to provide a complete service for the Shire of Wyndham East Kimberley.

ATTACHMENTS

Attachment 1 - Funeral Director's Licence - Osiris Funerals

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

The Shire President declared the meeting closed at 5.29pm.