



SHIRE OF WYNDHAM | EAST KIMBERLEY

AGENDA ORDINARY COUNCIL

25 MAY 2021

DISCLAIMER

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

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

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

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

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

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

To be held on Tuesday 25 May 2021 at 5:00pm

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

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

- 3. DECLARATION OF INTEREST**
 - Financial Interest
 - Impartiality Interest
 - Proximity Interest

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

- 5. PUBLIC QUESTION TIME**

- 6. APPLICATIONS FOR LEAVE OF ABSENCE**

- 7. PETITIONS**

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 27 April 2021.

Note: The Minutes of the Ordinary Council Meeting held on 27 April 2021 are provided under separate cover via www.swek.wa.gov.au

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1. Consideration of recommendations contained within the minutes of the Audit (Finance and Risk) Committee of 10 May 2021

DATE:	25 May 2021
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
ASSESSMENT NO:	Various - As Detailed in the Minutes of 10 May 2021 Audit (Finance and Risk) Committee meeting
FILE NO:	Various - As Detailed in the Minutes of 10 May 2021 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 - Rates Debtors*” as detailed in the 10 May 2021 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.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 2

That Council, with reference to Item 7.2 “*Standing Item - Sundry Debtors*” as detailed in the 10 May 2021 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.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 3

That Council, with reference to Item 7.3 “*Standing Item - Insurance Claims*” as detailed in the 10 May 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Insurance Claims Report and associated attachments to the Agenda/Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 4

That Council, with reference to Item 7.4 “*Standing Item - Leases*” as detailed in the 10 May 2021 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 May 2021 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 5

That Council, with reference to Item 7.5 “*Strategic Risk Register*” as detailed in the 10 May 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the Strategic Risk Report for the period ended 31 March 2021 attached to the Agenda/Minutes of the 10 May 2021 Audit (Finance and Risk) Committee Meeting.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION 6

That Council, with reference to Item 7.6 “*Regulation 17 Status Report*” as detailed in the 10 May 2021 Audit (Finance and Risk) Committee Agenda/Minutes, endorse the Regulation 17 Actions Report attached to the Agenda/Minutes of the 10 May 2021 Audit (Finance and Risk) Committee Meeting.

COMMITTEE RECOMMENDATION 7

That Council, with reference to Item 7.7 “*Audit Planning Memorandum for the Financial Year Ended 30 June 2021*” as detailed in the 10 May 2021 Audit (Finance and Risk) Committee Agenda/Minutes, note the contents of the report and the confidential attachment to the Agenda/Minutes of the 10 May 2021 Audit (Finance and Risk) Committee Meeting.

PURPOSE

To consider the recommendations from the Audit (Finance and Risk) Committee made at its meeting held on 10 May 2021.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Leader - Plan and provide direction through policy and practices
Regulator - Responsible for the enforcement of statutory requirements

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The background and details supporting the recommendations are contained within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STATUTORY IMPLICATIONS

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

POLICY IMPLICATIONS

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

FINANCIAL IMPLICATIONS

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

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

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMUNITY ENGAGEMENT

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

COMMENTS

Various - detailed within the Minutes of the 10 May 2021 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda/Minutes.

ATTACHMENTS

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	25 May 2021
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.

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

STATUTORY IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community
Strategy 4.2.2: Ensure community input informs planning and decision making

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

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

An update of actions from the April 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 - April 2021

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

12.2.2. Standing Item - Use of the Common Seal

DATE:	25 May 2021
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 receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 21 April 2021 to 19 May 2021.

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 21 April 2021 to 19 May 2021.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

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

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

POLICY IMPLICATIONS

NIL

FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

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

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

RISK IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There were two documents for the time period of 21 April 2021 to 19 May 2021 with the Shire of Wyndham East Kimberley Common Seal applied as per the table below:

Date of Use	Document
29/04/2021	Transfer of land - Notification under Section 70A, Lots 200 & 201 Plan 421477 re reticulated potable water supply not available
29/04/2021	Transfer of land - Notification under Section 70A, Lots 200 & 201 Plan 421477 re reticulated sewerage services not available

ATTACHMENTS

NIL

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Temporary Caravan Park Licence Application - Kununurra Campdraft and Rodeo Association

DATE:	25 May 2021
AUTHOR:	Senior Environmental Health Officer
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A8072
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Authorises the Chief Executive Officer to sign the application form for the Temporary Caravan Park and Camping Ground Licence for the Kununurra Campdraft and Rodeo Association at Reserve 30290, Lot 707 Drovers Road, Kununurra
2. Grants a temporary caravan park licence to Kununurra Campdraft and Rodeo Association for 50 camp sites on Reserve 30290, Lot 707 Drovers Road, Kununurra from 29 July 2021 to 1 August 2021 subject to the following conditions:
 - a. Only event staff associated with the Kununurra Rodeo and Campdraft are to be accommodated in the park;
 - b. The following minimum ablution facilities are to be available for the duration of the licence: 7 toilets, 4 hand basins and 4 showers.
 - c. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point;
 - d. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site; and
 - e. Fire extinguisher/s are to be located within 90 metres of every site

PURPOSE

For Council to consider an application made by the Kununurra Campdraft and Rodeo Association for a Temporary Caravan Park and Camping Ground Licence at the Kununurra Rodeo Grounds for the annual Kununurra Campdraft and Rodeo.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Kununurra Campdraft and Rodeo is an annual event held at the Kununurra Rodeo Grounds and the Kununurra Campdraft and Rodeo Association has applied for a temporary caravan park and camping ground licence from 29 July 2021 to 1 August 2021. An email accompanying the application refers to 100 camp sites although the plan supplied shows 30. The camp sites would be partly on the adjoining licence area (referred to as 'Campground Licence Area') and partly on the Kununurra Race Club lease area, being along the river.

Event staff and participants camping will be able to use the ablution facilities within the licence area and within the rodeo grounds.

A copy of the Temporary Caravan Park and Camping Ground application form is provided at Attachment 1. Authorisation is required from the Chief Executive Officer on this form

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

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

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

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

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

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

application is granted.

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

r. 54 Temporary licence

- 1) *A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence*
- 2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence -*
 - a) *The maximum number of sites that may be used at the facility;*
 - b) *The maximum number of sites of particular types that may be used at the facility and;*
 - c) *The services and facilities that are to be provided.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter although Council has agreed to provide annual funding for this event as well as the May Rodeo (coinciding with the Ord Valley Muster) through its Community Grant Program.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: PLACE - Enhancing the environment

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

Strategy 2.3.5: Enforce effective public health and safety

Corporate Business Plan

CBP Action: #340 Manage and provide environmental health

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Written approval was obtained from the Kununurra Race Club for the camp sites that partly intrude along the front of their lease boundary and a copy of that approval is at Attachment 2.

The ablution facilities that are proposed to be provided for the temporary camping onsite are in line with the Nature Based parks minimum requirements detailed in the regulations which allows for a maximum of 50 campsites. The previous approval, which was in 2019, allowed 30 campsites for 100 people, so it is believed that the number of campsites approved will be adequate for the event. Other conditions are recommended with regards to waste water disposal, rubbish bins and fire extinguishers in line with the applicable regulations and the camping will only be occupied by event staff and participants.

It is recommended that authorisation be provided to the Chief Executive Officer for the application and that the temporary caravan park licence be approved subject to conditions.

ATTACHMENTS

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

Attachment 2 – Written approval for use of Kununurra Race Club leased land

12.3.2. Community Grant Program Funding Allocation

DATE:	25 May 2021
AUTHOR:	Manager Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	N/A
FILE NO:	GS.05.44
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council approves:
 - a) The allocation of \$10,000 from the Community Grant Program for the 2021 East Kimberley Aboriginal Achievement Awards;
 - b) The allocation of \$40,000 from the Community Grant Program for the upgrade of the Ord River Sports Club roof and Lawn Bowls surface; and
 - c) The allocation of \$14,400 (+GST) from the Community Grant Program funds toward consultant fees to develop a concept design for an All-Abilities Playground. The concept design and indicative construction costs will be used to secure future funding and provide budget requirements.
2. Approval for the East Kimberley Aboriginal Achievement Awards and for the Ord River Sports Club will be subject to the following conditions:
 - a) Entering into a funding agreement;
 - b) Providing an acquittal at the completion of the event;
 - c) Suitably acknowledging the support of the Shire of Wyndham East Kimberley, and
 - d) Ensuring that all necessary approvals and insurances are obtained prior to the event.

PURPOSE

For Council to requests for funding under the Shire's Community Grant Program and to consider a reallocation of funds under that program to plan upgrades to playground equipment to meet all-abilities requirements.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Facilitator - bring stakeholders together

Funder - provide funds or other resources

Provider - provide physical infrastructure and essential services

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Ord River Sports Club

Late last year the Shire met with former State Minister Mick Murray to discuss projects within the region. During that meeting Minister Murray indicated that the Ord River Sports Club would receive State funding of approximately \$200,000 to complete upgrades to their facility including repairs to the roof and upgrades to the lawn bowls green. Minister Murray requested financial assistance from the Shire for the amount of \$40,000 (\$20,000 for each of the projects) to complement this funding commitment from the State.

A copy of the grant agreement relevant to the roof upgrade is at Attachment 1, which specified a grant from the state of \$81,242 - roughly half of the amount required to repair the roof. The grant agreement for the balance of works, related to the lawn bowls surface upgrade, has not been drafted as this was an election commitment.

Council has previously supported both projects and at the July 2019 OCM Council endorsed financial support of \$26,796 toward the lawn bowls upgrade (mostly drainage) through the Community Grant Program. These new funds will assist to complete these works.

East Kimberley Aboriginal Achievement Awards

In May the Shire received a Community Grant Event application from Wunan Foundation for the 2021 East Kimberley Aboriginal Achievement Awards, which will be held in August of this year. The awards provide an opportunity to recognise Aboriginal people who are achieving and contributing towards the development of the East Kimberley.

The Shire has provided financial support toward the event in the past by allocating \$10,000 in the annual budget. However, this year with the development of event funding within the Community Grant Program Shire, Officers instructed the event organisers to apply for funding through the Community Grant Program. This was to ensure that each event that the Shire supports is evaluated and funded in a fair and equitable way.

The application for funding provided by the event organiser is at Attachment 2.

All Abilities Playground Concept

Officers have received community feedback with respect to the poor standard of (main) playground facilities and their lack of ability to cater for children with disability. This includes consideration for overall accessibility - pathways and soft-fall and of course the equipment. In line with this, Officers have sought quotations through our usual procurement processes to prepare a 'generic' concept proposal which could be used as the basis for future funding

applications. Quotations were sought from five separate contractors, however only Nature Play Solutions provided a quotation, which is for \$14,400 +GST. A copy of their fee proposal is at Attachment 3. This concept proposal would provide indicative construction and ongoing operational costs to a Category C Region Cyclone rating meaning it could be built/installed in either Kununurra or Wyndham.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this matter other than requirements arising from the State Government's Roadmap with respect to COVID-19 as they relate to conducting events, which are provided to event organisers.

POLICY IMPLICATIONS

CP/COM-3582 Community Grant Program is applicable to the consideration of the funding for the East Kimberley Aboriginal Achievement Awards and for the updates to the Ord River Sports Club and the policy does not prevent Council from considering an application for funding outside the nominated funding round, which is done mostly for logistical and administrative purposes.

Conditions stipulated in the grant application form and guidelines include the need to:

- Enter into a funding agreement;
- Provide an acquittal at the completion of the event;
- Suitably acknowledge the support of the Shire, and
- Ensure that all necessary approvals and insurances are obtained prior to the event.

CP/FIN-3202 Purchasing Policy applies and Officers are able to engage the consultant to prepare the concept plan for the all-abilities playground without additional Council approval.

FINANCIAL IMPLICATIONS

Council resolved to allocate \$300,000 in the 20/21 Budget for Community Grant Program expenditure. Currently the unexpended funds remaining in the budget is \$98,419. Shire Officers are seeking Council approval to allocate \$64,400 from these unexpended funds.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

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

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

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

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

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required at this stage, however, Shire Officers intend to engage with stakeholders and community in relation to the All-Abilities Playground once the initial concept design is developed. The engagement process will refine the playground design to ensure that it will meet community needs and expectations.

Future engagement will take place according to the Community Engagement Policy - CP/COM-3100.

COMMENTS

Shire Officers recommend that Council approve the \$10,000 funding request for the East Kimberley Aboriginal Achievement Awards and the request for \$40,000 for the Ord River Sports Club as one off payments subject to conditions requiring the each organisation to:

- Enter into a funding agreement where applicable;
- Provide an acquittal at the completion of the event/project where applicable;
- Suitably acknowledge the support of the Shire, and
- Ensure that all necessary approvals and insurances are obtained prior to the event.

The application submitted by Wunan for the East Kimberley Aboriginal Achievement Awards has been assessed against relevant criteria within the policy and guidelines and a summary of that assessment is provided at Attachment 4. That assessment shows that the proposal meets all applicable eligibility criteria and scores well with regard to the event's alignment with community strategic objectives; community need; budget, and their capacity to run the event, which they have done so for a number of years.

It is recommended that Council approve the State Government's request for financial support for the amount of \$40,000 toward the Ord River Sports Club projects. The immediate

benefit of the roof upgrade is that the repairs stop any leaks and protect the asset from further damage. There is also a community benefit for the projects to be complete. Lawn bowls is extremely popular with both residents and visitors and a fully functional lawn bowls green would have a positive impact on the community and the club's future growth

The intention with respect to preparing a concept plan for an all-abilities playground has a two-fold benefit:

1. It recognises the need to upgrade major playground facilities in each town which are in need of substantial upgrade and/or replacement.
2. It provides an opportunity to design new facilities and to install equipment that caters for all abilities of children.

Ultimately the vision would be to construct all-abilities play spaces that promote environments and opportunity where children of all ages and abilities love to play. Ideally, these play spaces would seamlessly integrate play elements within a landscaped setting, making use of natural shade, vegetation and landform.

ATTACHMENTS

- Attachment 1 - Community Sporting and Recreation Fund Grant for Ord River Sports Club
- Attachment 2 - East Kimberley Aboriginal Awards Community Grant Application
- Attachment 3 - Nature Play Solutions All Abilities Concept Design Quote
- Attachment 4 - East Kimberley Aboriginal Awards Grant Assessment

12.3.3. Caravan and Camping Grounds Licence - Home Valley Station

DATE:	25 May 2021
AUTHOR:	Manager Planning and Regulatory Services
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
ASSESSMENT NO:	A524
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the issue of licences under the Caravan Parks and Camping Grounds Act 1995 for:

- **Home Valley Station - Homestead Campground, and**
- **Home Valley Station - Pentecost River Campground.**

PURPOSE

For Council to approve the issue of licences under the Caravan Parks and Camping Grounds Act 1995 for campgrounds at Home Valley Station.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

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. The grant or renewal of a licence requires approval by Council and existing caravan park and camping ground licence renewals for 2021 were approved by Council at the Ordinary Council Meeting held on 22 February 2021. The Home Valley Station - Homestead Campground and Home Valley Station - Pentecost River Campground licences were not included at that time due to the Pastoral Lessee being in negotiations for the future management of the facility. Now that management has been finalised and an application has been made to renew these licences.

The proposed licences for renewal are at Attachment 1. These are proposed to have an expiry date 28 February 2022 to align with the expiry and renewal of all other caravan park and camping ground licences in the Shire.

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 ².
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.

FINANCIAL IMPLICATIONS

The annual caravan park fee will be invoiced and paid prior to the Caravan Park and Camping Grounds licence being sent.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 2.3.5: Enforce effective public health and safety

Corporate Business Plan

CBP Action: #340 Manage and provide environmental health

RISK IMPLICATIONS

Risk:

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

Control:

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

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Home Valley Station - Homestead Campground and Home Valley Station - Pentecost River Campground are existing campgrounds which meet the requirements for being licenced as nature based parks. 100 campsites are proposed for each location, which is in line with previous approvals.

ATTACHMENTS

Attachment 1 - Home Valley Station - Proposed Caravan Parks and Camping Grounds Licences

12.4. CORPORATE SERVICES

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

DATE:	25 May 2021
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal EFT 140361 - 140551 (08/04/2021-29/04/2021)	\$ 1,235,423.71
Trust EFT 502164- 502178 (01/04/2021 - 30/04/2021)	\$ 6,891.95
Payroll (07/04/2021 - 22/04/2021)	\$ 460,281.15
Direct Bank Debits (01/04/2021-28/04/2021)	\$ 187,270.20
Total - April 2021	\$1,889,867.01

PURPOSE

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

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, the Council has delegated to the CEO the exercise of its power under

Regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996 -

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

Regulation 11. Payments, procedures for making etc.

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

ATTACHMENTS

Attachment 1 - List of Accounts Paid April 2021

12.4.2. Monthly Financial Report April 2021

DATE:	25 May 2021
AUTHOR:	Financial Accountant
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.09.25
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Report for the period ended 30 April 2021.

PURPOSE

For Council to receive the Monthly Financial Report for the period ended 30 April 2021.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - Responsible for the enforcement of statutory requirements.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

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

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

Council Decision

Minute Number: 23/06/2020-118260

Moved: Cr D Menzel

Seconded: Cr M Dear

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

Carried 9/0

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

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

Council Decision

Minute No: 118361

That Council:

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

Moved: Cr J Farquhar

Seconded: Cr N Brook

Decision: 6/0

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

Council Decision:

Minute Number: 23/02/2021 - 118388

That Council:

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

Moved: Cr T Chafer

Seconded: Cr J Farquhar

Decision: 9 /0

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

RISK IMPLICATIONS

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

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

COMMUNITY ENGAGEMENT

No community engagement is required in relation to this item.

COMMENTS

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

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

It should be noted that the budget figures in the Monthly Financial Report for April 2021 have been updated to include final carry forward figures and end of year adjustments for the year ended 30 June 2020. The final position for the 2019/20 financial year was reported in the

2019/20 Annual Financial Statements included in the Annual Financial Report for 2019/20 which was presented to Council at the 15 December 2020 Ordinary Council Meeting. Changes to the 2020/21 budget arising from changes in the cash position following finalisation of the 2019/20 Annual Financial Statements were adopted by Council at the 23 February 2021 Ordinary Council Meeting.

ATTACHMENTS

Attachment 1 - Monthly Financial Report April 2021

12.5. INFRASTRUCTURE

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

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

16. MATTERS BEHIND CLOSED DOORS

16.1. RFQ19-20/21: PROVISION OF FUEL CARD SERVICES

DATE:	25 May 2021
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	CM.16.402
DISCLOSURE OF INTERESTS:	President David Menzel Vice President Tony Chafer Councillor Matt Dear Councillor Grant Lodge

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

5.23. *Meetings generally open to public*

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

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

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider submissions received for RFQ19-20/21 and to make recommendation for award of contract.

16.2. T10-2021 REPAIR OF ROAD AND ASSOCIATED DRAINAGE FLOOD DAMAGE

DATE:	25 May 2021
AUTHOR:	Procurement Officer
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.397
DISCLOSURE OF INTERESTS:	Nil

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

Item (2) (e)

5.23. Meetings generally open to public

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

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

VOTING REQUIREMENT

Simple majority

PURPOSE

To consider the award of Tender T10 - 20/21 for the Repair of Road and Associated Drainage Flood Damage funded by the Disaster Recovery Funding Arrangement Western Australia - DRFAWA.

17. CLOSURE