



MINUTES OF ORDINARY COUNCIL MEETING HELD ON 19 APRIL 2005

I hereby certify that the Minutes of the ordinary Meeting of Council held on the 19 April 2005 are a true and accurate record of the proceedings contained therein.

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**MINUTES OF AN ORDINARY COUNCIL MEETING OF THE SHIRE OF WYNDHAM EAST
KIMBERLEY HELD ON TUESDAY ON TUESDAY, 19 APRIL 2005, AT THE KUNUNURRA
COUNCIL CHAMBERS, COMMENCING AT 6:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the Meeting open at 5.59pm

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

Attendance

Cr Barbara Johnson	Shire President
Cr Michele Pucci	Councillor
Cr Roch Devenish-Meares	Councillor
Cr John Buchanan	Councillor
Cr Keith Wright	Councillor
Cr Bill Barnes	Councillor
Cr Julee Nelson	Councillor
Cr Coral Gore-Birch	Councillor

Mr Chris Adams	Chief Executive Officer
Mr Matthew Scott	Executive Manager Engineering and Development Services
Mr Steven Chadwick	Executive Manager Engineering and Development Services
Mr John Gault	Executive Support Officer
Mrs Bev Ozanne	Administration Officer – Council Services

Apologies

Cr Ivan Thorley	Councillor
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Gallery

6 members of the public attended the gallery during the course of the meeting.

3. DECLARATION OF INTEREST:

• **Financial Interest**

Cr B Johnson declared a financial interest in Item 12.1.4 HCJB Development on the grounds that her spouse is currently engaged by HCJB

Mr C Adams declared a financial interest in item 12.1.7 Lot 533 River Farm Road on the grounds that his spouse has recently had contractual arrangement with the proponent.

Mr C Adams declared a financial interest in item 16.1 CEO Pay Review on the grounds that it impacts on benefits available in his employment.

Cr K Wright declared a financial interest in item 12.1.7 Lot 533 River Farm Road on the grounds that he owns a business that has regular dealings with the proponent.

- **Members Impartiality Interest**

Cr C Gore – Birch declared an impartiality interest in item 12.1.4 HCJB Development on the grounds that she is a member of the Bethel organisation

Cr B Barnes declared an impartiality interest in item 12.1.7 533 River Farm Road on the grounds that involved in a similar process in relation to a business.

- **Proximity Interest**

Cr J Nelson declared a proximity interest in item 12.1.3 Proposed Lime and Kiln Silo on the grounds that she resides in close proximity to the site

Cr B Barnes declared a proximity interest in item 12.1.3 Proposed Lime and Kiln Silo on the grounds that he resides in close proximity to the site

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Mr S Munro asked “Is the Council prepared to give a concession on the recommendation to amalgamate all the blocks considering that all blocks are owned by 4 separate people in 4 equal shares? Lots 1203 and 227 are in the process of amalgamation where the major development is being done the rest is just being tidied up”

The Chief Executive Officer advised that this question would be addressed during Item 12.1.2

Mr L McKenzie asked “Why has the Council requested this matter go to advertising when the development details have already been provided on the plan supplies with the submission and given that the current lease held by the proponent clearly provides for the mooring of boats on the foreshore reserve and that a further delay will jeopardise the

project for this season when the proponent has me all local government and other approvals required by law. And that a precedent exists in that a license to operate self drive boats has been issued and is held by another tour boat operator albeit this license is inactive?”

The Chief Executive Officer advised that this question would be addressed during Item 12.1.6

Mrs R Guerinoni asked “To run a kiln of any type you must have EPA approval. Has this been done? Dust control? What transport will he be using to deliver lime from his lease to the property in question? How does the large calcium concentrate of your lime affect the environment? What is the guarantee only 2 tonnes a month will be processed this is only 2 Ute fulls. How will the lime be spread out and collected again? And safety precautions, what are they?”

The Shire President advised that this question would be addressed during Item 12.1.3

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES FOR ORDINARY MEETING HELD ON THE 15 MARCH 2005 (Minute No 7096)

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 15 March 2005, be confirmed as a true record of proceedings subject to the following amendments:-

In minute 7087 table should be as below:

Item	Council Approved Budget
Income	
Sale – Beefwood	240,000
Sale – 3 x Wyndham Properties	225,000
Reserve Funds	200,000
Grants	100,000
Municipal Funds 04/05	150,000
Municipal Funds 05/06	200,000
Sale of 57 Riverfig (building only)	0
Total	\$1,115,000
Expenditure	
4x2 House	359,000
3 x Dwellings	796,000
Total	\$1,155,000

MINUTE NO 7096

Moved Cr K Wright/M Pucci

That the Minutes of the Ordinary Meeting of Council held on 15 March 2005, be confirmed as a true record of proceedings subject to the following amendments:-

In minute 7087 table should be as below:

Item	Council Approved Budget
Income	
Sale – Beefwood	240,000
Sale – 3 x Wyndham Properties	225,000
Reserve Funds	200,000
Grants	100,000
Municipal Funds 04/05	150,000
Municipal Funds 05/06	200,000
Sale of 57 Riverfig (building only)	0
Total	\$1,115,000
Expenditure	
4x2 House	359,000
3 x Dwellings	796,000
Total	\$1,155,000

Minute No 7071 the word medium should be median and opportunity and discretion are spelt incorrectly

CARRIED UNANIMOUSLY (8-0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

12. REPORTS

12.1. ENGINEERING & DEVELOPMENT SERVICES (Minute No 7097)

12.1.1 Monthly Engineering and Development Services Report

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Engineering and Development Services Team
REPORTING OFFICER:	Steven Chadwick, Executive Manager Engineering and Development Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council information.

BACKGROUND

Engineering and Development Services Monthly Report for Council.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

As part of the strategic plan.

Key Result Area 5 - Governance Goal 1 - Strategic Leadership:

Strategy 4 - Produce succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.

COMMUNITY CONSULTATION

Nil

COMMENT

That Council acknowledge the attached reports.

ATTACHMENTS

- Aboriginal Environmental Health Report – Unviable due to Officer being on Annual Leave
- Building Surveyors Report – March 2005
- Environmental Health – March 2005
- Manager Technical Services Report – March 2005
- Town Planner – March 2005
- Ranger's Report – March 2005

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Engineering and Development Services reports for March.

MINUTE NO 7097

Moved Cr K Wright/J Nelson

That Council receive the Engineering and Development Services reports for March.

CARRIED UNANIMOUSLY (8-0)

BUILDING SURVEYOR'S REPORT

March 2005

Note: Some Statistical information is not available due to data not being collected until mid 2004.

Licences/Certification:

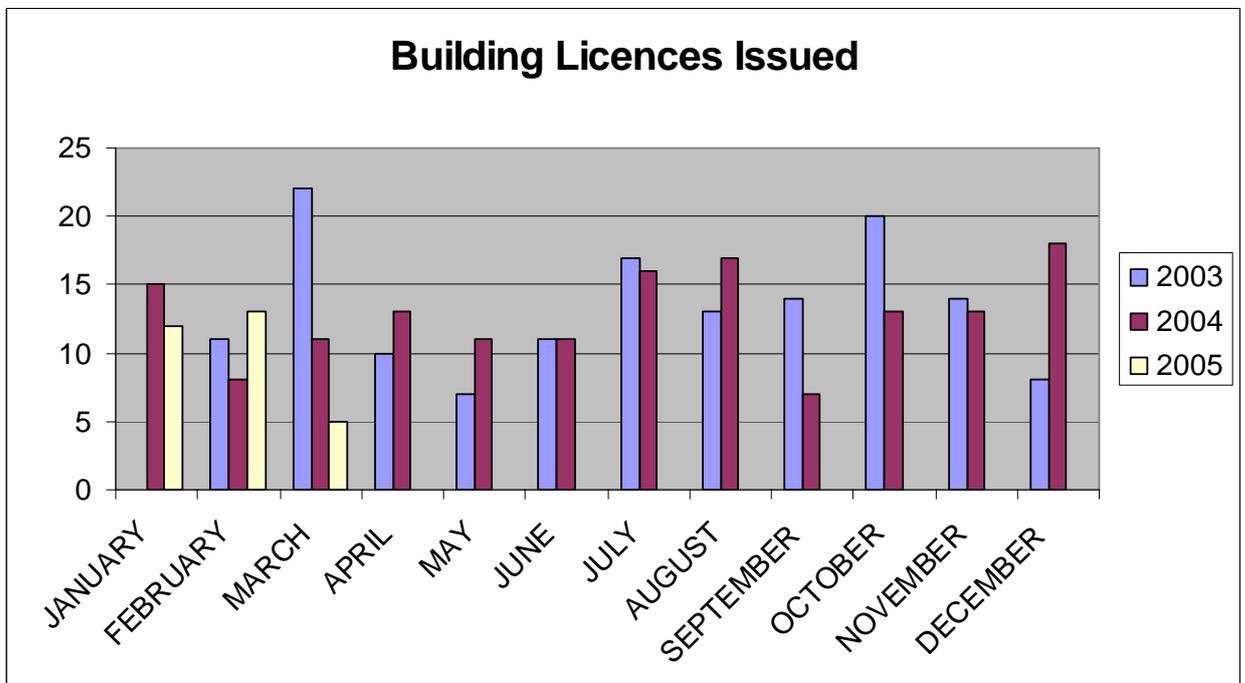
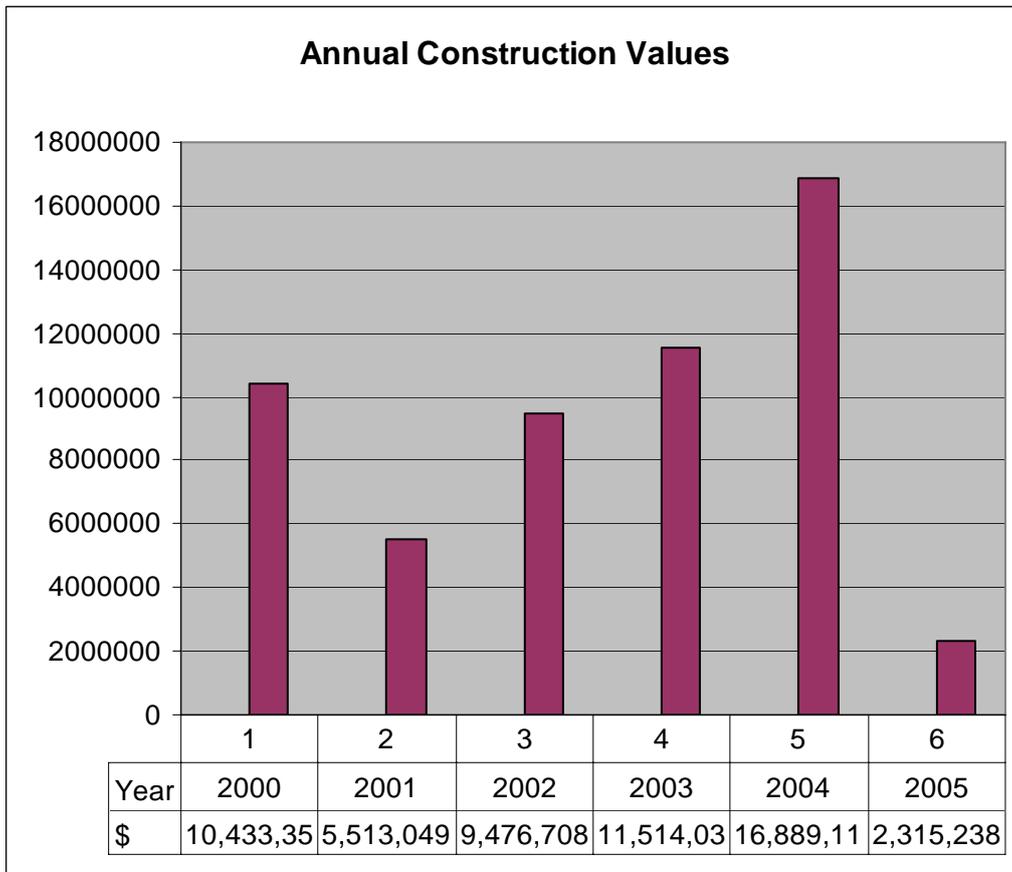
Type of Licence/Certificate	March 2003	March 2004	March 2005
Building Licences	22	11	5
Demolition Licences	0	0	1
Sign Licences	1	1	1
Certificate of Classification	1	2	
Amended Building Licence	2	0	1
Extension of Time	0	0	0
Site Instruction	1	0	0
Formal Notice	0	0	1
Land Purchase Enquiry	6	6	7
Invitation to Acknowledge Existing	0	4	0
Service Requests Received	N/A	N/A	12
Service Requests Completed	N/A	N/A	9
Service Requests – yet to be finalised	N/A	N/A	6
Purchase Orders <\$5,000	N/A	N/A	34
Purchase Orders >\$5,000	N/A	N/A	1
Invoice Authorisations	N/A	N/A	44
Miscellaneous Correspondence	N/A	N/A	44

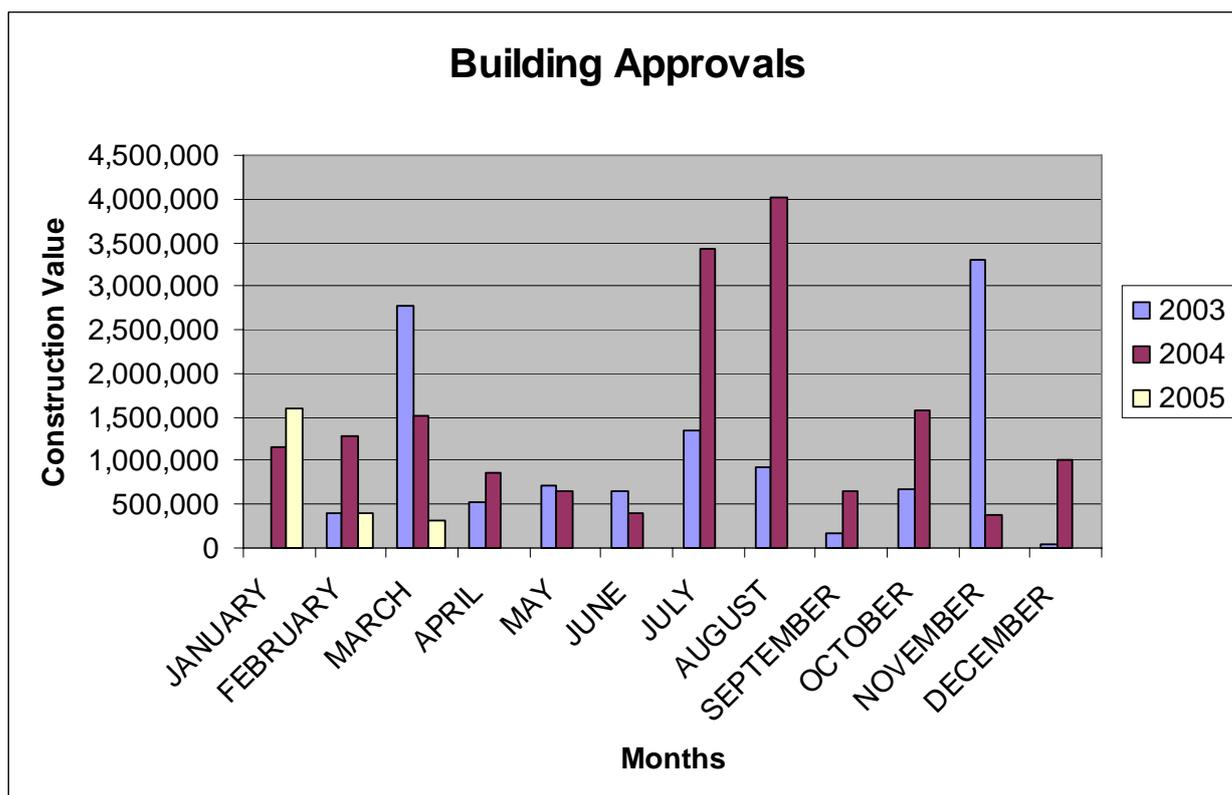
Inspections:

1. Type of Inspection	March 2003	March 2004	March 2005
Preliminary Site	19	12	15
Footing / Slab Inspection	6	9	6
Final Inspection	2	7	12
Swimming Pool	2	2	1
Unauthorised/Undocumented Structures	4	4	2
Aboriginal Communities	3	0	3
DOLA enquiry inspection	0	0	0
Fencing/Neighbour Dispute	0	2	1
Miscellaneous	20	15	9
Subdivision	0	0	0
Strata Titles	0	0	0
Pastoral Stations	N/A	0	1

2005

MONTH	CONTRACT VALUE \$	No of LICENCES ISSUED	ACKNOWLEDGEMENT OF EXISTING	REMOTE/PASTORAL BUILDINGS	KUNUNURRA			WYNDHAM			ABORIGINAL RESERVES/ COMMUNITIES		
					COMMERCIAL/ INDUSTRIAL	OUT BUILDINGS, POOLS & ADDITIONS	NEW DWELLINGS	COMMERCIAL/ INDUSTRIAL	OUT BUILDINGS, POOLS & ADDITIONS	NEW DWELLINGS	COMMERCIAL/ INDUSTRIAL	OUT BUILDINGS, POOLS & ADDITIONS	NEW DWELLINGS
JANUARY	1,594,500	12	0	0	0	14	5	0	1	0	0	0	0
FEBRUARY	408,038	13	8	10	2	10	1	0	0	0	0	0	0
MARCH	312,700	5	0	0	0	4	0	0	0	0	0	1	1
APRIL													
MAY													
JUNE													
JULY													
AUGUST													
SEPTEMBER													
OCTOBER													
NOVEMBER													
DECEMBER													
TOTAL 2005	2,315,238	30	8	10	2	28	6	0	1	0	0	1	1
TOTAL 2004	16,889,112	153	31	3	18	101	36	2	8	7	0	8	11
TOTAL 2003	11,514,032	147	40	3	28	106	13	3	9	2	1	6	9
TOTAL 2002	9,476,708	135	22	10	11	94	15	3	3	3	2	15	19
TOTAL 2001	5,513,049	91											
TOTAL 2000	10,433,353	102											





Vandalism to Council Property

DATE	BUILDING	DAMAGE	REPORTED POLICE
3 February 2005	Swim Beach Ablutions	Tap destroyed Conduit Pulled from Ceiling Paper everywhere	Incident Report Number 030305093010217
1 March 2005	Kununurra Leisure Centre	Smashed front window	Incident Report Number 010305215010112
1 March 2005	Infant Health Clinic Kununurra	Smashed front window	Incident Report Number 010305215010112
14 March 2005	Swim Beach Ablutions	Locks smashed off	Incident Report Number 140305104010390
15 March 2005	Swim Beach Ablutions	Locks smashed off	Photos Taken Incident Report Number 140305104010390
		Pad Bolt +Weld+Chain	

DATE	BUILDING	DAMAGE	REPORTED POLICE
15 March 2005	Swim Beach	Solid rock BBQs Smashed 10mm BBQ plate bent beyond repair	Incident Report Number 140305004010390
23 March 2005	Grotto Ablutions	Door hinges bent Bowl smashed Vent smashed Seat broken Paper dispenser smashed	Incident Report Number 230305143511508
25 March 2005	Swim Beach Ablutions	Locks & gates smashed - electrical wires ripped out of mains - tap damaged	Incident Report Number To be advised

Capital Maintenance Program Commenced during the Month of March:

No Capital Maintenance Program items were commenced during the month of March.

Building Surveyor / Building Maintenance Officer Activities during the Month of March:

- Construction of extension to Sterile Area of Kununurra Airport Passenger Lounge.
- Increased vandalism repairs to public ablution blocks & civic buildings.
- Site visit to Emma Gorge at El Questro Station to assess existing tented structures.
- Site visit to Kalumburu post Cyclone Ingrid to assess building damage and ascertain methods to improve assessment of structures to withstand high wind forces.
- Minor supervision of Lily Creek boat ramp construction for Manager Technical Services whilst on annual leave.

ENVIRONMENTAL HEALTH REPORT

March 2005

Food Premises

24 visits, inspections or discussions were carried out during the month.

Itinerant Vendors

Nine issues have been dealt with regarding itinerant vendors, including one new licensed ice cream vehicle.

Problems with vendors basing themselves at White Gum Park have been dealt with, and the nature of their licences with regard to being itinerant and not basing themselves on reserves, has been brought to their attention. A complaint was also received from an adjacent trader.

In one interview the assistance of a Chinese interpreter was used.

Swimming Pool Sampling

12 visits were made to swimming pools in relation to sampling issues. There were no significant issues of poor quality.

Potable Water Supplies

10 visits or discussions were carried out regarding potable water supplies.

Wyndham Effluent Reuse Scheme

The effluent is not currently being used for oval irrigation.

Food Complaints

One complaint was received in relation to handling of food and money together at a fast food outlet.

Mosquitoes/Pest Control

8 miscellaneous issues were dealt with.

The Department of Health entomology team arrived from Perth to conduct a three week mosquito survey which will help us formulate our management plan.

Septic Tanks

Twenty four issues relating to septic tanks were dealt with during this period.

Sentinel Chickens

Bleeding of chicken flocks to detect antibodies to Murray Valley Encephalitis and Kunjin Virus was undertaken on four occasions twice at Wyndham and twice at Kununurra.

One follow up visit was made to Kununurra because of suspected Murray Valley Encephalitis. This has since been confirmed as a seroconversion to MVE, the first for Australia for the season.

Infectious Disease Notifications

Fourteen visits and investigations took place in relation to notifiable diseases.

Three cases of Ross River Virus were notified, the first for the season.

Lodging Houses

No lodging houses were inspected during the period

Caravan Parks

Two caravan parks were visited during the period.

Food Recalls

Two recalls were actioned during the period on products sold in WA.

Meat Inspection

There is still no indication as to when or if the abattoir will reopen.

Crocodile Abattoir

The abattoir has commenced operations, as yet for skins only. A Quality Assurance Plan needs to be submitted prior to producing meat for human consumption.

Public Events

Four issues have been dealt with regarding events for the Ord Valley Muster – Kimberley Moon Experience and Rodeo.

Remote Facilities

12 visits or discussions have taken place regarding Home Valley, El Questro and Argyle Diamond Mine.

Asbestos

Four issues were dealt with regarding disposal of asbestos products safely.

Environmental Issues

Nine visits or discussions took place relating to potentially contaminated soils or sites, licensed environmental activities and airport safety.

Nuisances

15 visits/ discussions including rubbish, rats, odours, loud music, noisy rooster

Cyclone Ingrid

The EHO flew in with the first emergency teams two days after Kalumburu had taken a direct hit. Damage to buildings was amazingly light, considering, and was testimony to the construction of many of the buildings. The community appeared to be pulling itself together well in the aftermath with the overall direction of the SES and assistance from Norforce.

The absence of power was a timely reminder that sewage disposal relies on power, as does the water supply from the nearby King Edward River. Lack of power other than via the odd portable generator also led to lack of refrigeration which sadly led to the disposal of much food that could have been consumed prior to going off.

General Items

A preliminary survey of effluent outlets and stormwater drains at Foreshore Road Wyndham suggests that further testing is required to determine what is discharging into the foreshore waters.

FESA have advised that they wish to carry out a joint audit of accommodation premises and various public buildings within the next two months.

MANAGER TECHNICAL SERVICES REPORT

March 2005

Officer on leave for period 4th to 29th March

Works undertaken in March

- Liaison with contractors and Water Corporation on Lily Creek Boat Ramp Upgrade
- Preparation of information for flood damage repair works following Cyclone Ingrid rains
- Responding to Service Requests
- Following up enquiries received during absence

TOWN PLANNING REPORT

March 2005

POSITION TASKS

TASK	TOTAL
Planning approval applications received	12
Reports to council	8
Planning approvals issued under delegation	4
Subdivision applications received	0
Subdivision applications approved	0
Current town planning scheme amendments	3
Planning scheme amendments granted final approval by minister	0
Site inspections	14
Government agency meetings	2
Meetings with councillors	2

OTHER MATTERS

Date	Stakeholder	Purpose	Site / Application / Issue
1-3	C & T De Meo	Meeting	Barra Barra Pizzeria
3-3	Nick Hannigan	Meeting	Kimberley Hotel
4-3	Michael Moore	Meeting	HCJB Guide Plan
4-3	Mark Northover	Meeting	Lime Kiln Application
4-3	CRS Wright and Barnes	Meeting	Diversion Cruises Application
4-3	C Sharpe	Meeting	Argyle Structure Plan
10-3	H McBride	Meeting	Argyle DM Office
11-3	EDS	Meeting	Monthly reporting

RANGERS' REPORT

March 2005

ITEMS	KNX	WYN	TOTAL
Dogs Impounded	31	13	44
Dogs Returned	12	6	18
Dog Complaints	7	6	13
Dog Attacks	1	3	4
Cat Cages Delivered/Picked up	4	5	9
Cats Destroyed	11	7	18
Dogs Destroyed	19	5	24
Campers Moved On	1	1	2
Bags of Rubbish Collected	113	20	133
Abandoned Vehicles	1	0	1
Notices to Supermarket re: Abandoned Trolleys	0	N/A	0
Shopping Trolleys Impounded	0	N/A	0
Community Education (Courses Run)	0	N/A	0
Controlled Fire Attendances	1	N/A	1
Fire Permits Issued	1	N/A	1
Call Outs (After Hours & W/ends)	2	2	4
Weekend Pound Duties	N/A	2	2
TOTAL	204	70	274

KUNUNURRA RANGER STATISTICS – YEARLY COMPARISONS					
ITEMS	2001	2002	2003	2004	Total to end of March 2005
Dogs Impounded	319	275	257	333	70
Dogs Returned	133	89	61	69	17
Dog Complaints	40	58	54	39	13
Dog Attacks	6	12	5	8	5
Cat Cages Delivered/Picked up	60	64	66	87	13
Cats Destroyed	222	222	192	145	41
Dogs Destroyed	198	157	196	258	53
Campers Moved On	106	40	52	71	4
Bags of Rubbish Collected	538	522	497	346	169
Abandoned Vehicles	0	5	10	11	2
Notices to Supermarket re: Abandoned Trolleys	N/A	N/A	N/A	26	0
Shopping Trolleys Impounded	22	18	0	0	0
Community Education (Courses Run)	0	1	2	0	0
Controlled Fire Attendances	28	21	48	48	1
Fire Permits Issued	36	31	36	48	2
Call Outs (After Hours & W/ends)	42	48	49	29	6
TOTAL	1750	1563	1525	1513	396

**12.1.2 Proposed Service Station Redevelopment - Lots 227, 968, 1203, 1273 & 1274 Messmate Way
(Minute No 7098)**

DATE:	19 April 2005
PROPONENT:	Munners Pty Ltd
LOCATION:	Lot 2432 Messmate Way
ATLAS REFERENCE:	Map 54 A2
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Steve Chadwick – Executive Manager Engineering and Development Services
FILE NO:	01.905.02
ASSESSMENT NO:	905

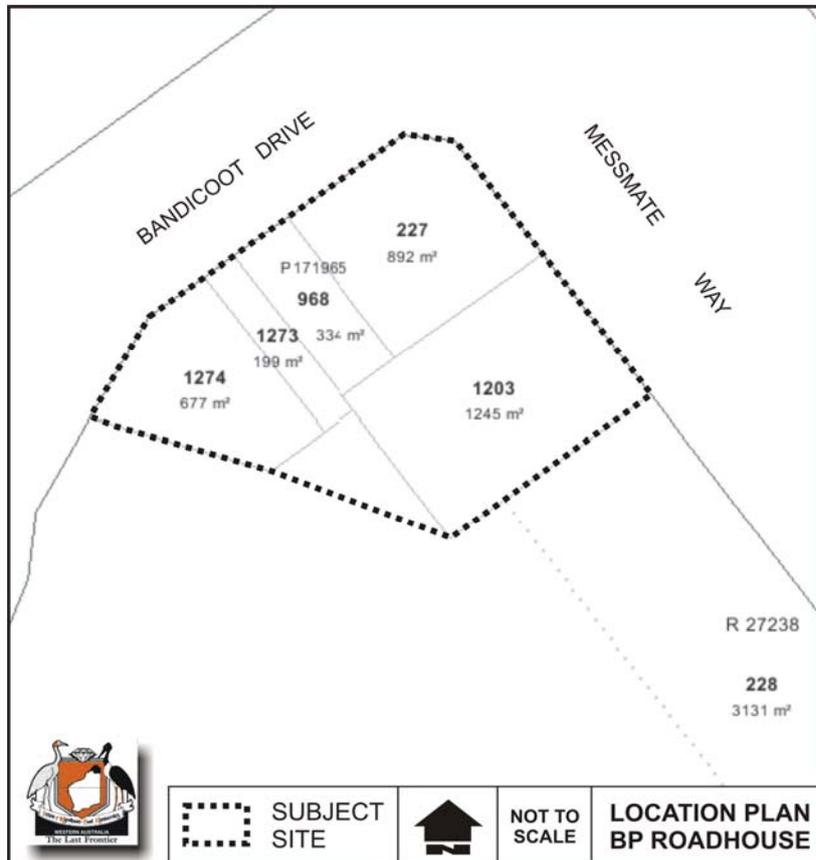
PURPOSE

For Council to consider granting planning consent for the Development of Lots 227, 1203, 968, 1273 & 1274 intersection of Messmate Way and Bandicoot Drive for a Service Station and Roadhouse.

BACKGROUND

A development application for the redevelopment of the existing Ord River Roadhouse located on Lots 227, 1203, 968, 1273 & 1274 intersection of Messmate Way and Bandicoot Drive was received on 5 April 2005.

Site and Surrounds



The subject site is located on Messmate Way and Bandicoot Drive intersection. The site is comprised of 6 lots and a portion of land leased from Western Power.

The surrounding land is used for a variety of uses, including offices and a power station.

Development Proposal

The application proposes to use the land for the re-development of an existing service station.

The redevelopment consists of removal of the majority of the existing canopy and construction of a new canopy and bowsers, relocation of the toilet block, development of a bus station shelter, implementation of a one way traffic system and significant improvements to parking facilities, and sealing of the access ways and parking areas of a majority of the site. The redevelopment will also include changes to the internal layout of the shop, though planning consent is not required for this.

The proponents have included indicative landscaping on the plans submitted.

Plans and elevations of the proposed development will be tabled at the Council meeting due to their size.

PLANNING FRAMEWORK

Strategic/Structure Plans

The Kununurra Structure Plan, which forms part of the Kununurra - Wyndham Area Development Strategy (KWADS), designates the subject land as being for Town Centre purposes. The proposed development complies with the objectives of KWADS.

Town Planning Scheme No 7

The land is located within the Town Centre Zone. Pursuant to Clause 5.10.1 of Town Planning Scheme No 7 - Kununurra and Environs, the objectives of the Zone are:

5.10.1 Objectives

- (a) To zone adequate land for the continued development of a main commercial and community facility centre for the town.*
- (b) To prepare and implement an overall Town Centre Strategy to guide and promote development.*
- (c) To apply appropriate development and land use controls to ensure the development is to a satisfactory standard.*

Under Town Planning Scheme No 7 - Kununurra and Environs, the proposed use is defined as a service station.

The use of the site therefore does not require approval; however, the development of the site does require approval. Given the major redevelopment of the site and the use of Council's road reserve the development has been referred to Council.

Parking is oversupplied; however, setbacks are not consistent with Scheme provisions, which require a 3 metre setback for the setback of the canopy and 11.5 metres for the setback of the shop/roadhouse.

Notwithstanding this, the service station was constructed prior to implementation of the current Scheme, and the proposed development represents a major improvement in design and standard of construction over the existing development.

Given that the development represents an improvement in amenity and planning of the site, Council can approve the development. The discretion to approve non-compliant development is provided by Clause 5.5 of TPS7.

Design issues are discussed under the section of this report relating to 'design'.

Council Policies

The land is located in the Policy Area Precinct 7 - Town Centre. The objective of the Precinct is:

To maintain and promote the town centre as the centre of shopping and administration activity for the Kununurra region.

It is considered that the development will improve the design and visual amenity of the site and does not conflict with the objectives of the policy.

Community Consultation

Town Planning Scheme No. 7 (Kununurra and Environs) does not require any community consultation for the proposed development. Council has the capacity to advertise any application where it considers public consultation to be beneficial.

PHYSICAL ASSESSMENT

Land Capability

The land is flat, is zoned for urban development, and is currently used for a service station. There are no issues in relation to land capability.

Servicing

The subject site is currently serviced. The approval is required to be conditioned to be connected to the reticulated sewerage network. A power pole in the Bandicoot Drive road reserve may impact on design of access to the roadhouse, and may need to be relocated, or the design of the access driveways may need to be redesigned. This and any additional servicing requirements would be the responsibility of the applicant.

Environmental Impact

No detrimental environmental impact is expected to result from the development. The development is required to comply with appropriate environmental legislation.

Design

The overall design of the development is considered to be good, and will result in a vast improvement in traffic circulation, parking and visual amenity.

There are a number of issues that have not been addressed via the application. These have been indicated on a plan that will be presented to Council.

PARKING AND ACCESS DESIGN

Revised parking and access proposed by the redevelopment will result in designated car parking bays, one way traffic flows and safer access to and from the street network. There are 41 car parking bays shown on the plan. However, advice from the Manager of Technical Services indicates that this crossover is located too close to the intersection of Messmate Way and does not allow adequate sight lines or distance from traffic entering Bandicoot Drive. Closure of the crossover will improve safety, and modifications to the remaining Bandicoot Drive crossover will ameliorate any loss of access resulting in the closure of the first access.

Additionally, no allocation has been made for parking of vehicles towing trailers, boats or caravans. Given the oversupply of car parking bays this can be resolved by provision of bays near the western boundary to provide for these vehicles. This would still leave 22 car parking bays. Relocation of the coach bays can also be facilitated to ensure coaches with trailers do not have to reverse into oncoming traffic exiting petrol bowsters.

The following modifications are recommended to improve safety for traffic and access:

1. Remove the crossover on Bandicoot Drive closest to Messmate Way and relocate the western exit to Bandicoot Drive to allow access closer to the roadhouse;
2. Develop boat and caravan parking areas on the western boundary of the site;
3. Relocate the coach bays to ensure that coaches do not have to reverse to exit the site, and relocate the bus terminal away from the gas cylinder.

CONSTRUCTION OF PARKING AND ACCESS

The development proposes to seal the majority of the site with bitumen or concrete. This will result in a higher standard of development than currently exists, with parking and access areas consisting of partly sealed areas and gravel/stone access ways. Kerbing to access ways and parking bays will ensure adequate traffic safety and delineate parking areas from access ways, will provide for adequate separation of pedestrian access from vehicles and will also protect the building and canopy poles from damage by vehicles. Kerbing will also allow for a small island adjacent to the entrance from Messmate Way to provide some landscaping. Given that the developer is utilising the majority of the Road Reserve, it is appropriate to require landscaping to reduce the impact of the development on the streetscape. Directional signage is required to define the one way traffic system.

1. Kerbing to be constructed to parking area and access way edges;
2. Directional signage to ensure one way traffic flow;

CONSTRUCTION OF PATHWAYS

Given that the developer will utilise the majority of the road reserve adjacent to the site for the development, it is appropriate to require the developer to adequately provide for pedestrian access to the street:

1. Construction of all pathways to stencilcrete standard;
2. Crossovers to include stencilcrete pathway flush to road surface;
3. All new pathways to be a minimum of 2.4 metres wide.

CANOPY AND USE OF ROAD RESERVE

The applicant has requested retention of portion of an existing canopy that intrudes into the road reserve be retained. Given that the canopy will protect customers from sun and rain it is recommended that this be permitted. Additionally this will allow relocation of the disabled persons bay from the western boundary to the car parking bay nearest the roadhouse entrance.

Social/Economic Implications

The application will provide for the redevelopment and improvement of an existing service station, and consequently it is considered that the proposal will also *potentially* contribute to the employment and economy of the Shire.

FINANCIAL IMPLICATIONS

The applicant has paid the application fee of \$250, based on the estimate of works at \$250 000.

CONCLUSION

The proposed development will result in the implementation of revised traffic and parking layout and improved visual aesthetics. While the development continues to use the road reserve for access and vehicular traffic related to the business, the redeveloped site will be safer and better presented than the existing development.

Given the use of the majority of the Road Reserve for development will significantly benefit the development and use of the site, it is proposed to condition the development to ensure pedestrian access is protected. Other conditions will ensure traffic conflicts are minimised and car parking and access design is optimised [see 'Design' section of this report].

It is considered that the development conforms to the objectives and development provisions of the Scheme, and can be supported with modifications effected by conditions.

ATTACHMENTS

Plans will be tabled at the Council meeting.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That Council grants Planning Approval to Munnors Pty Ltd for the development of Lots 227, 1203 968, 1273 & 1274 intersection of Messmate Way and Bandicoot Drive in accordance with the submitted plans, subject to the following modifications and conditions and subject to the modifications as depicted in the tabled plan marked 'Revised Plan':

1. Lots 227, 986, 1203, 1273 and 1274 shall be amalgamated prior to completion of all works.
2. All parking, driveway and access areas shall be constructed, sealed and drained to the satisfaction of Council;
3. The crossover on Bandicoot Drive closest to Messmate Way shall be closed and the western exit to Bandicoot Drive shall be modified to provide better access from the one way traffic system, in accordance with the plan marked 'Revised Plan' dated 1 April 2005;
4. Boat, trailer and caravan parking areas shall be designed and constructed on the western property boundary of the site in accordance with the plan marked 'Revised Plan' dated 1 April 2005 to provide for towed vehicles and vessels;
5. Coach bays shall be relocated in accordance with the plan marked 'Revised Plan' dated 1 April 2005 to ensure that coaches do not have to reverse to exit the site;
6. The bus terminal shall be relocated to reflect the relocated coach parking bays in accordance with the plan marked 'Revised Plan' dated 1 April 2005;
7. Kerbing shall be constructed to parking area and access way edges in accordance with the plan marked 'Revised Plan' dated 1 April 2005;
8. Directional signage shall be installed to ensure one way traffic flow;
9. Public pathways located within the Messmate Way and Bandicoot Drive shall be constructed to stencilcrete standard to the satisfaction of Council and in accordance with the plan marked 'Revised Plan' dated 1 April 2005, at the developers cost;
10. All new pathways shall be a minimum of 2.4 metres wide;
11. All car parking bays shall measure 5.5 by 2.8 metres in accordance with the provisions of Town Planning Scheme No 7 - Kununurra and Environs;
12. Provision of a bin enclosure and bin washing facility to the satisfaction of Council.
13. All side and rear fencing shall consist of solid panel type construction. All existing chain link fencing shall be removed.

14. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon. It is the responsibility of the applicant to ensure the building setbacks including waste disposal facilities if appropriate correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. Council will take no responsibility for incorrectly located buildings.

15. Compliance with all Council's health requirements, including, but not limited to, connection to the deep sewerage reticulation system.

16. The site shall be landscaped as indicated on the submitted plan and maintained thereafter to the satisfaction of Council.

17. Compliance with all the requirements of the appropriate Statutory Authorities.

18. All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of Council and the current Australian Rainfall and Run-off Manual.

Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application.

A drainage contribution fee may be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment if required and the amount, is to be confirmed by the Applicant with the Executive Manager of Engineering and Development Services prior to the submission of a building application.

19. Provision of evidence of suitable public liability insurance, to the value of ten million dollars, and removal of any Council liability for the use and development of Councils Road Reserve;

20. During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing.

21. Other standard conditions including footnotes in accordance with Council's Standard Conditions List.

MINUTE NO 7098

Moved Cr K Wright/J Nelson

That Council grants Planning Approval to Munnern Pty Ltd for the development of Lots 227, 1203 968, 1273 & 1274 intersection of Messmate Way and Bandicoot Drive in accordance with the submitted plans, subject to the following modifications and conditions and subject to the modifications as depicted in the tabled plan marked 'Revised Plan':

- 1. Lots 227, 986, 1203, 1273 and 1274 shall be amalgamated prior to completion of all works.**
- 2. All parking, driveway and access areas shall be constructed, sealed and drained to the satisfaction of Council;**
- 3. The crossover on Bandicoot Drive closest to Messmate Way shall be closed and the western exit to Bandicoot Drive shall be modified to provide better access from the one way traffic system, in accordance with the plan marked 'Revised Plan' dated 1 April 2005;**
- 4. Boat, trailer and caravan parking areas shall be designed and constructed on the western property boundary of the site in accordance with the plan marked 'Revised Plan' dated 1 April 2005 to provide for towed vehicles and vessels;**
- 5. Coach bays shall be relocated in accordance with the plan marked 'Revised Plan' dated 1 April 2005 to ensure that coaches do not have to reverse to exit the site;**
- 6. The bus terminal shall be relocated to reflect the relocated coach parking bays in accordance with the plan marked 'Revised Plan' dated 1 April 2005;**
- 7. Kerbing shall be constructed to parking area and access way edges in accordance with the plan marked 'Revised Plan' dated 1 April 2005;**
- 8. Directional signage shall be installed to ensure one way traffic flow;**
- 9. Public pathways located within the Messmate Way and Bandicoot Drive shall be constructed to stencilcrete standard to the satisfaction of Council and in accordance with the plan marked 'Revised Plan' dated 1 April 2005, at the developers cost;**
- 10. All new pathways shall be a minimum of 2.4 metres wide;**
- 11. All car parking bays shall measure 5.5 by 2.8 metres in accordance with the provisions of Town Planning Scheme No 7 - Kununurra and Environs;**
- 12. Provision of a bin enclosure and bin washing facility to the satisfaction of Council.**
- 13. All side and rear fencing shall consist of solid panel type construction. All existing chain link fencing shall be removed.**
- 14. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon. It is the responsibility of the applicant to ensure the building setbacks including waste disposal facilities if appropriate correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. Council will take no responsibility for incorrectly located buildings.**

15. Compliance with all Council's health requirements, including, but not limited to, connection to the deep sewerage reticulation system.

16. The site shall be landscaped as indicated on the submitted plan and maintained thereafter to the satisfaction of Council.

17. Compliance with all the requirements of the appropriate Statutory Authorities.

18. All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of Council and the current Australian Rainfall and Run-off Manual.

Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application.

A drainage contribution fee may be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment if required and the amount, is to be confirmed by the Applicant with the Executive Manager of Engineering and Development Services prior to the submission of a building application.

19. Provision of evidence of suitable public liability insurance, to the value of ten million dollars, and removal of any Council liability for the use and development of Councils Road Reserve;

20. During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing.

21. Other standard conditions including footnotes in accordance with Council's Standard Conditions List.

CARRIED UNANIMOUSLY (8-0)

Cr B Barnes declared a Proximity interest in Item 12.1.3; Proposed Lime Kiln and Silo, and left the room at 6.17pm

Cr J Nelson declared a Proximity interest in Item 12.1.3; Proposed Lime Kiln and Silo, and left the room at 6.17pm

12.1.3 Proposed Lime Kiln and Silo - Lot 100 Mills Road (*Minute No 7099*)

DATE:	19 April 2005
PROPONENT:	M Northover
LOCATION:	Lot 100 Mills Road
ATLAS REFERENCE:	Map
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Steve Chadwick - Executive Manager Engineering & Development Services
FILE NO:	01.5233.02
ASSESSMENT NO:	5233

PURPOSE

For Council to consider granting planning consent for the extension of a non-conforming use for a Lime Kiln on Lot 100 King Location 428 Mills Road.

BACKGROUND

The applicant is seeking consent to develop a 'quicklime' processor on Lot 100 Mills Road to supplement a soil blending facility that enjoys non-conforming use rights.

Site and Surrounds

The subject site is located on the corner of Mills Road and Weaber Plain Road. The property has an area of 4.4 hectares.

Existing land uses on the site consist of soil blending and soil supplies. Natural Lime is currently one of the products supplied.

The surrounding land is used for a variety of uses, including light industrial and rural residential uses. The applicant owns an adjoining property.

Development Proposal

The application proposes to develop a Lime Kiln on the subject site. The lime kiln consists of a processor and a silo. It is understood that the processor is approximately 4 metres long and the silo is 4.5 metres high. The kiln would be located under a shade structure.

The non conforming use has an area of 2400 square metres, and the applicant has stated that the proposed development would occupy 400 approximately metres.

Plans of the proposed development are attached. Photos of the kiln and silo are available for viewing on request, and will be tabled at the Council meeting.

PLANNING FRAMEWORK

Strategic/Structure Plans

The Kununurra Structure Plan, which forms part of the Kununurra - Wyndham Area Development Strategy (KWADS), designates the subject land as being for Rural Residential purposes.

Town Planning Scheme No 7

The land is located within the Rural Living zone. Pursuant to Clause of Town Planning Scheme No 7 - Kununurra and Environs, the objectives of the Zone are:

5.20.1 Objective

- (a) *To provide for the provision of land for people wishing to reside on a small rural holding;*
- (b) *To prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;*
- (c) *To maintain the rural/residential character of the land;*
- (d) *To ensure adequate services are provided to sustain a rural residential community;*

As the existing use and development does not conform to the zoning of the land, the proposed use is considered to be a non-conforming use.

Part IV of the Scheme contains provisions relating to non-conforming uses. Clause 4.2 states that a non-conforming development must not be extended by more than 20% without first having obtained the consent of Council:

1.1. 4.2 EXTENSION OF NON-CONFORMING USE RIGHTS

- 4.2.1** *A person shall not alter or extend a non-conforming use or erect alter or extend a building more than 20% of the existing floor area of the building or buildings existing at the time of the gazettal of the scheme used in conjunction with a non-conforming use without first having applied for and obtained the Planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme and any relevant policy.*

Measurement of the 'floor area' of the development is difficult, as the use consists of no permanent development other than a shed and hardstand area.

It is not considered that the use will have a detrimental impact on the rural residential amenity of the locality as it is located a sufficient distance from the nearest adjoining owner.

The development complies with the development provisions of the Scheme, including setbacks.

Council Policies

The land is located in the Policy Area Precinct 19 - Mills Road Rural Living Area. The objective of the Precinct is:

To provide for rural residential subdivision and development.

The use of the land does not conform to the objectives of this policy; however, the development constitutes an extension to an existing non-conforming use. The development is unlikely to cause detrimental impacts on adjoining landowners.

Community Consultation

Town Planning Scheme No. 7 (Kununurra and Environs) does not require any community consultation for the proposal.

PHYSICAL ASSESSMENT

Land Capability

The land is flat and sandy and is zoned for development. There are no issues in relation to land capability.

Servicing

The subject site is currently serviced. Any additional servicing requirements would be the responsibility of the applicant.

Environmental Impact

The land is zoned for rural residential land uses. The development is unlikely to have any environmental impacts.

Design

It is not considered that the design of the development will have a detrimental impact. The proposed Kiln and Silo are located away from other properties, and can be screened by planting and a shade structure.

Social/Economic Implications

The proposed development will not have a detrimental impact on social or economic aspects of the locality.

FINANCIAL IMPLICATIONS

The applicant has paid the application fee of \$75.

CONCLUSION / COMMENT

Council can approve extensions to non-conforming uses where the extensions do not detrimentally affect the amenity of a locality, under Clauses 4.2 and 4.3 of Town Planning Scheme No 7 - Kununurra and Environs, and where the development otherwise complies with the provisions of the Scheme.

The proposed lime kiln is located away from adjoining owners, and is unlikely to have a detrimental impact on amenity. The kiln represents an extension to a non-conforming use.

The application is recommended for approval, subject to conditions to ensure appropriate landscape screening of the development.

Notwithstanding this, the development may have a detrimental impact if production volumes exceed reasonable amounts. The applicant has failed to provide information regarding production volumes, and it is proposed to condition the development to require confirmation that the kiln will produce low volumes of quicklime.

ATTACHMENTS

- 1 Site plan.
- 2 Development Plan.
- 3 Photographs will be tabled at the meeting of Council.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That Council grants Planning Approval to the M Northover for the use and development of Lot 100 Mills Road, in accordance with Clauses 4.2 and 4.3 of Town Planning Scheme No 7 - Kununurra and Environs, and subject to the following conditions:

- 1 Submission of a landscaping plan, demonstrating landscaping to Weaber Plain Road, Mills road and property boundaries;
- 2 Implementation of Landscaping in accordance with the approved landscaping plan;
- 3 Submission of confirmation of production volumes, to the satisfaction of Council.

MINUTE NO 7099

Moved Cr K Wright / Cr J Buchanan

That Council grants Planning Approval to M Northover for the use and development of Lot 100 Mills Road, in accordance with Clauses 4.2 and

4.3 of Town Planning Scheme No 7 - Kununurra and Environs, and subject to the following conditions:

1 Submission of a landscaping plan, demonstrating landscaping to Weaber Plain Road, Mills road and property boundaries;

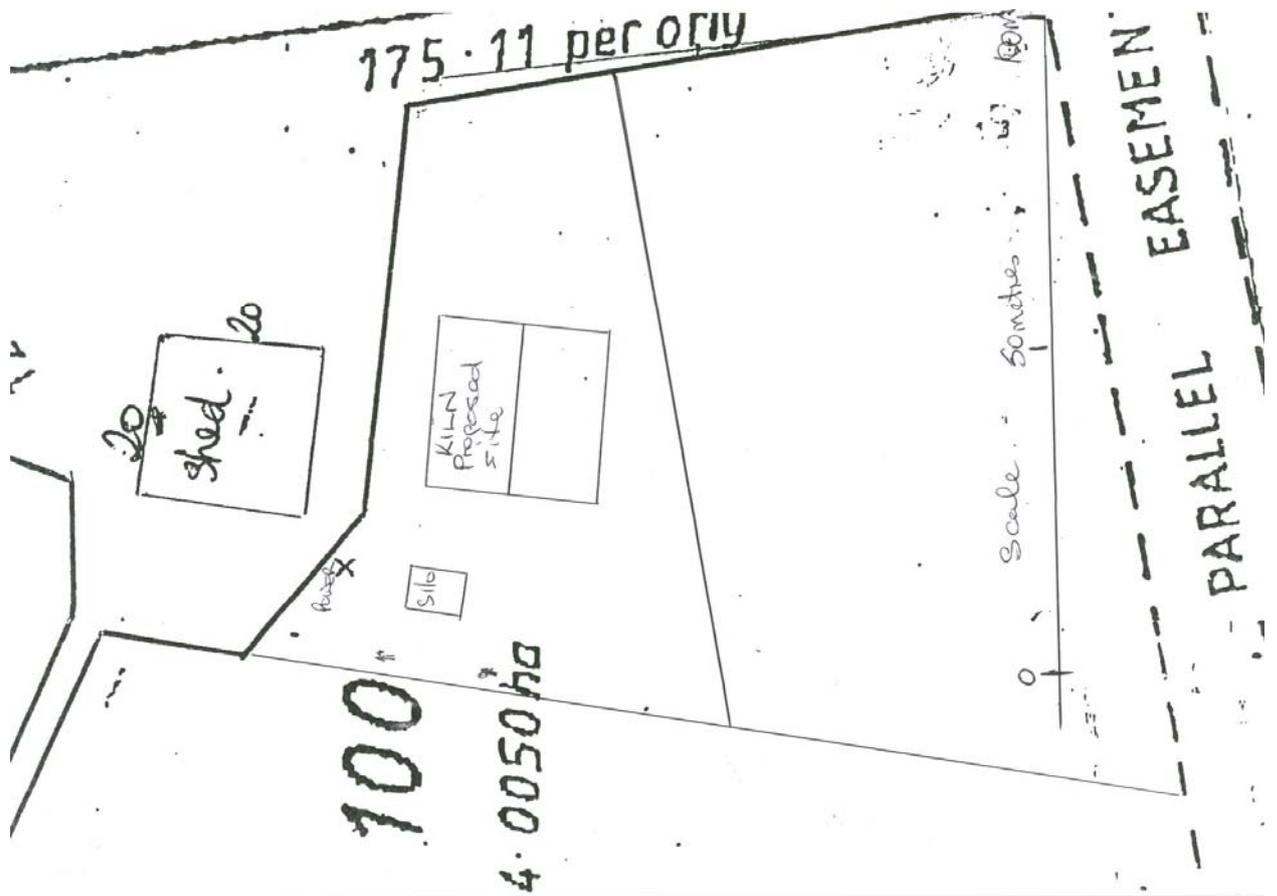
2 Implementation of Landscaping in accordance with the approved landscaping plan;

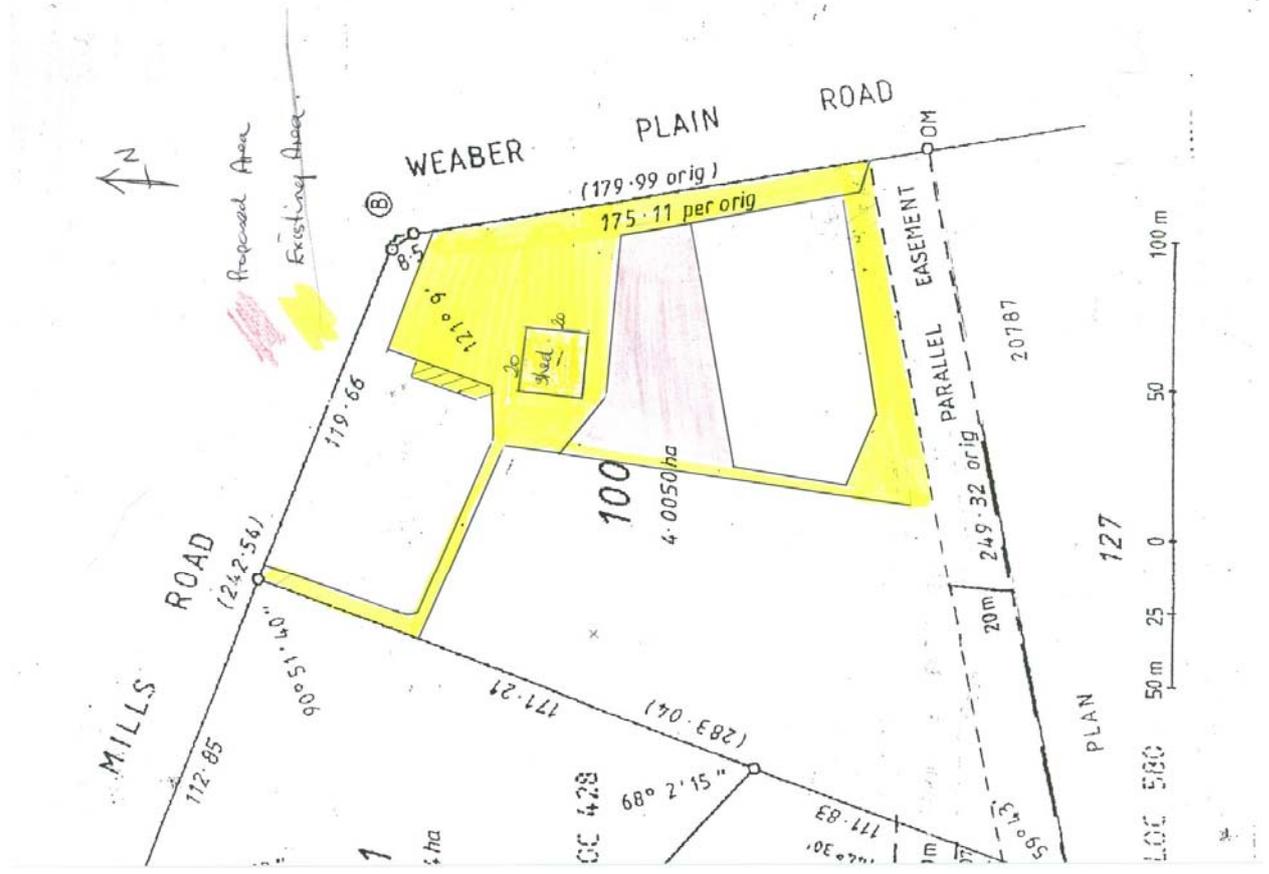
3 Submission of confirmation of production volumes, to the satisfaction of Council

4 EPA approval for this activity is required, copies of approval correspondence is required to be supplied to Council prior to commencement of the operation

5 Dust control management procedures to be issues and complied with to council..

(CARRIED UNANIMOUSLY 6-0)





Cr B Barnes and Cr J Nelson returned to room at 6.25pm

At the beginning of Item Cr B Johnson declared a Financial Interest in Item 12.1.4; Amendment 12 HCJB Development Guide Plan, and left the room at 6.26pm

Cr C Gore-Birch declared an Impartiality Interest in Item 12.1.4; Amendment 12 HCJB Development Guide Plan, and left the room at 6.26pm

Chief Executive Officer, Mr C Adams assumed the Chair.

Chief Executive Officer, Mr C Adams called for nominations.

Cr M Pucci nominated Cr J Buchanan for Chair.

MINUTE NO 7100

Moved by Cr M Pucci / Cr J Nelson

Cr J Buchanan to chair Item 12.1.4

CARRIED UNANIMOUSLY (6-0)

Cr J Buchanan assumes the Chair

12.1.4 Amendment 12 - HCJB - Development Guide Plan (Minute No 7101)

DATE:	19 April 2005
PROPONENT:	HCJB
LOCATION:	King Location 579 Packsaddle Road
ATLAS REFERENCE:	Map 39 E2
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Steven Chadwick - Executive Manager Engineering and Development Services
FILE NO:	01.0585.02
ASSESSMENT NO:	585

PURPOSE

For Council to consider adoption of a Development Guide Plan as per Amendment 12 to Town Planning Scheme No 7 - Kununurra and Environs.

BACKGROUND

In December 2002, Council resolved to prepare the above described Planning Scheme Amendment. In November 2003, Council initiated a Planning Scheme Amendment to modify the Town Planning Scheme for Kununurra by introducing additional uses for King Location 579 into Schedule 2A of Town Planning Scheme No 7 - Kununurra and Environs. The amendment was adopted by Council in July 2004,

and subject to modifications, was adopted by the Western Australian Planning Commission.

The amendment requires the implementation of a Development Guide Plan. The Development Guide Plan was required by the Western Australian Planning Commission, and is required to ensure development occurs in an orderly manner and complies with the objectives of the additional use amendment.

HCJB have now provided the Development Guide Plan. Copies of the plan are available on request or can be viewed at the Council meeting.

PLANNING FRAMEWORK

Town Planning and Development Act

The amendment has been undertaken in accordance with the procedures of the Town Planning and Development Act 1928 (as amended).

The Amendment requires the preparation and adoption of a Development Guide Plan to guide future development in accordance with the criteria and provisions of the amendment.

Strategic/Structure Plans

The Kununurra Structure Plan, which forms part of the Kununurra – Wyndham Area Development Strategy (KWADS), designates the subject land as “Rural - Agriculture”.

Town Planning Scheme No 7

The amendment has introduced development controls into Town Planning Scheme 7 relating to King Location 579. These controls limit development on the site to specific levels of development and standards accordingly.

The following provisions were inserted into the TPS:

No	Description of Land	Additional Use(s)	Conditions
2	King Loc 579 Packsaddle Road, Kununurra	Residential Accommodation and educational facilities associated with agricultural training and religious broadcasting facility purposes	i) No more than 8 single dwellings to be permitted on the site. ii) Only one residential building to be permitted on the site iii) Transient accommodation to be limited to a maximum of twelve habitable dwellings. iv) All development to occur in accordance with a Development Guide Plan approved by Council.

In accordance with condition 4 of the Additional Use amendment the Development Guide Plan needs to be considered by Council.

Council Policies

The proposed amendment does not affect any Council Policies.

External Policies

Not Applicable.

Community Consultation

Community consultation was undertaken in accordance with the Town Planning and Development Act 1928 during the amendment process.

PHYSICAL ASSESSMENT

Land Capability

The land has been developed for residential purposes. No detrimental impacts are expected from approval of the Guide Plan.

Servicing

The developer is responsible for providing services. Development Applications are required for the individual dwellings, and services such as waste water and water supply can be addressed during this process.

Environmental Impact

No detrimental environmental impacts are likely to arise from approval of the Guide Plan.

Design

The Development Guide Plan addresses all design issues such as floor levels, dwelling location and access.

The setbacks of one of the two dwellings closest to Packsaddle Road do not comply with the setback requirements of the Rural Agriculture 1 Zone, which requires setbacks of 20 metres to front, side and rear setbacks.

Notwithstanding this, the dwellings are located adjacent to UCL that forms a buffer to Packsaddle Road. It is unlikely that this land will be developed. It is recommended that the subdivision guide plan be approved subject to minimum setbacks of 10 metres to the front boundary. This would require moving one of the dwellings by 3.6 metres so that the verandahs are setback 10 metres.

Social/Economic Implications

Not Applicable

FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSION

An amendment to TPS7 containing specific development controls for development on King Location 579 was prepared and has received approval from Council and the Western Australian Planning Commission.

A Development Guide Plan has been prepared by the proponent. Subject to a minor modification relating to setbacks to one of the dwellings, it is recommended that Council adopt the Development Guide Plan.

ATTACHMENTS

Nil.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

That Council adopt the Development Guide Plan for King Location 579 lodged by HCJB subject to the following modifications:

1. Relocation of the dwellings on the front setback such that the minimum setback shall be 10 metres to verandahs.

MINUTE NO 7101

Moved Cr K Wright/Cr R Devenish-Mearns

That Council adopt the Development Guide Plan for King Location 579 lodged by HCJB subject to the following modifications:

- 1 Relocation of the dwellings on the front setback such that the minimum setback shall be 10 metres to verandahs.

CARRIED UNANIMOUSLY (6-0)

Cr B Johnson and Cr C Gore-Birch return to room at 6.27

Cr B Johnson resumes the Chair

12.1.5 Emergency Management Bill of 2004 Discussion Paper (Minute No 7102)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Steven Chadwick - Executive Manager Engineering & Development Services
REPORTING OFFICER:	Steven Chadwick - Executive Manager Engineering & Development Services
FILE NO:	65.13.01
ASSESSMENT NO:	N/A

PURPOSE

To provide Council with information relating to the Emergency Management Bill of 2004 and to ensure that Council is given an opportunity to provide a response on issues relevant to the Shire of Wyndham East Kimberley.

BACKGROUND

On 27 October 2004 the Minister for Police and Emergency Services introduced into the Legislative Assembly the Emergency Management Bill 2004 (the Bill).

The introduction of the Bill was a result of the recommendations of the Community Development and Justice Standing Committee which was contained in Report No. 2, "Emergency Services Legislation in Western Australia", tabled in November 2002. The principal recommendation of the Committee Report was that;

The Government give a high priority to an Emergency Management Act. The state's Emergency Management Act should be in accord with the Committees drafting instructions.

The LGA have advised that the Bill was developed based upon the Committee's drafting instructions which were reportedly prepared following hearings across the State.

STATUTORY IMPLICATIONS

To the extent that the provisions of this Act are inconsistent with those of any other Act, the provisions of this Act will prevail. Where the provisions of this Act are not inconsistent with those of another Act, they are in addition to (and do not detract from) those of the other Act.

The provisions of this Act are in addition to, and do not detract from, those in the Fuel, Energy and Power Resources Act 1972.

POLICY IMPLICATIONS

Council will be required to develop, implement and operate an Emergency Management Policy.

FINANCIAL IMPLICATIONS

Clause 33 of the Bill - *Functions of a Local Government*

A local government's functions are to:

- Ensure that effective 'local emergency management arrangements' are prepared and maintained for its district;
- Manage recovery following an emergency affecting a community in its district; and
- Perform any other functions given to the local government under this Act.

This clause creates the requirement that each Local Government will have to become involved in local emergency managements irrespective of whether it wishes to or not. The LGA reports that there is no evidence that this requirement will be accompanied by a suitable level of funding to offset the likely additional cost involved.

STRATEGIC IMPLICATIONS

Strategy 3 – Develop a comprehensive range of Council initiatives that contribute towards a safer environment.

Strategy 5 – Play an integral role in the operation of the Wyndham and Kununurra Emergency Management and Recovery Committees.

COMMENT

In accordance with the State Emergency Management Committee's (SEMAC) Western Australia Emergency Management Arrangements Policy Statement No.7, Council is required to chair the local area LEMAC committee. Council currently chairs the LEMAC committee in both Wyndham and Kununurra. Both LEMAC committees are currently auditing the local area Emergency Management procedures manual.

The LGA has identified several clauses of concern within the Bill that have potential to affect local government, a brief extract from the discussion paper is provided as follows;

Clause 3 – Interpretation

The definition of a public authority is silent as to whether it includes Local Government however there is power to prescribe by regulation organisations that may be classified as a public authority. In recent legislation Local Government has been classified as a public authority.

Clause 5 – Combat agencies and support organisations

It is considered that Local Government should be included as a combat and support organisation as they have a vital role to play in local management and recovery after emergencies. The community also looks to Local Government for support.

Clause 12 – State Emergency Management Committee (SEMAC)

It would seem with the increasing emphasis on the role of Local Government in Emergency Management that it would be appropriate for the SEMAC to have a representative of Local Government included as a member. It is not considered appropriate that this would be the Director of Local Government and Regional Development.

Clause 15 – Designation of cyclone areas

The clause is silent about what consultation is to be undertaken with Local Government before a decision is made. Considering that clauses 41 & 42 give certain powers to Local Government in affected areas, it is suggested that this clause should include a requirement that the SEMAC must consult with affected Local Governments before making a decision.

Clause 16 – State Emergency Management Policy

It is evident that the involvement of the SEMAC in developing strategic direction and roles and responsibilities which could impact on Local Government is another reason that requires the involvement of a Local Government representative as a member of SEMAC.

Clause 19 – Direction to public authorities

It would seem that whilst it is likely that a Local Government will be classed as a public authority this section appears to relate to more state wide requirements whereas later sections deal with the requirements of local management plans.

Clause 25 – Establishment of Emergency Management Districts

As the Bill requires that where possible the boundary of a Emergency Management District is to follow the boundary of Local Government districts it would be important that the Bill should contain a requirement that where this is not possible it would only be done in consultation with the affected Local Government.

Clause 32 – Specific public authority may exercise functions of local government

The exercise of the Local Government functions required by the Bill by a public authority other than the Local Government should only be done after consultation with the Local Government. This requirement should be written into the Bill.

It is not clear from the Bill the role that is expected of Local Government in emergency management arrangements for remote aboriginal communities which it is understood are currently managed by FESA. The expectations of Local Government in this area will need clarification before the Bill is finalised.

Clause 33 – Functions of a local government

This clause is the most significant one affecting Local Government in that it requires a level of involvement that has not been required in the past. In the past each Local Government has made their own judgement as to the level of support and involvement it would have with the emergency services in their community. This clause creates the requirement that each Local Government will have to become involved in local emergency managements irrespective of whether it wishes to or not.

There is not evidence that this requirement will be accompanied by a suitable level of funding to offset the likely additional costs involved.

Clause 34 – Local emergency management committees

There has been concern that the former Policy Statement 7 which required the Mayor/President to be appointed chairman would be included in the Bill. It would seem however that each Local Government is going to be able to use their judgment on who is best qualified to not only be the chairperson but also the other members of the Committee. This will give a Council autonomy in the appointment process.

Similar to the comments under Clause 32 there will need to be some consideration of the arrangements that will apply to remote communities.

Clause 38 – Emergency management arrangements for local governments

The requirements of this clause is an added responsibility that has not previously been required and many Councils would question that it is a cost shift as there are no indications whether funding will be provided to assist in the process of developing the initial plan. This clause should only be supported if there is a matching level of funding to enable Councils to take an active role.

Clause 39 – Reviewing and renewing local emergency management arrangements

An annual review is considered unnecessary and it is suggested that there should be a minimum of 2 years between reviews with possibly even 3 years. Obviously if a Council wishes to review annually that is their prerogative.

Clause 42 – Power of local government to destroy dangerous vegetation or premises in cyclone areas

This clause provides Council with power to make areas safe in the face of an expected cyclone.

Clause 43 – Local government may require owner or occupier of land to take action

This clause is similar to clause 42, it provides Council with power to take action to require people to make areas safe in the face of an expected cyclone.

Clause 78 – State Disaster Council

It is suggested that a clause should be built into the legislation ensuring that where a state of emergency is declared then a representative of Local Government should be involved in the SDC. If the emergency is confined to one Local Government area it should be a representative of that area whereas if it covers more than one area it should be a person who is agreed on by the affected areas Councils. As Local Government has a primary role in emergency management it is only right to have involvement in this important decision making process.

ATTACHMENTS

Emergency Management Bill 2004 Discussion Paper.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council direct the Executive Manager of Engineering and Development Services to provide the Local Government Association with Councils comments on issues related to the Emergency Management Bill 2005 - discussion paper.

MINUTE NO 7102

Moved by Cr R Devenish-Meares / Cr K Wright

That Council direct the Executive Manager of Engineering and Development Services to provide the Local Government Association with Councils comments on issues related to the Emergency Management Bill 2005 - discussion paper.

CARRIED UNANIMOUSLY (8-0)

**12.1.6 Proposed Park Homes and Boat Hire - Lot 2263 and Portion
Reserve 41812 Casuarina Drive (Minute No 7103)**

DATE:	19 April 2005
PROPONENT:	Ingle Pty Ltd
LOCATION:	Lot 2263 And Portion Of Reserve 41812 Casuarina Way
ATLAS REFERENCE:	Map 54 C4
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Steven Chadwick - Executive Manager Engineering and Development Services
FILE NO:	01.2860.02, 01.1736.02
ASSESSMENT NO:	1736 & 2860

PURPOSE

For Council to consider granting Planning Consent to Ingle Pty Ltd for the use and development of Lot 2263 for Park Homes and the use of Reserve 41812 for the mooring and hire of boats.

BACKGROUND

An application seeking consent for the use and development of portion of Reserve 41812 [vested in the Shire of Wyndham East Kimberley and Department of Environment] for a boat hire facility was received on 4 March 2005. An application seeking planning consent for the development of 11 Park Homes on Lot 2263 [Owned by Ingle Pty Ltd] was received on 23 March 2005.

Both applications were received from Ingle Pty Ltd, which has a lease over portion of Reserve 41812, and owns and operates a hotel and Caravan Park known as Lakeside Resort on Lot 2263 and the leased land.

Site and Surrounds

The subject site is located on the western side of Casuarina Way, and is surrounded by Lily Creek foreshore. Surrounding land is reserved for recreation and foreshore uses. Land across Casuarina Way is zoned for and has been developed for residential development.

Land proposed to be utilised for the hire of boats is portion of the foreshore reserve.

Development Proposal

The application proposes to use the land for mooring a single self drive hire vessel initially, with a total of 6 self hire boats proposed in total. The boats would be moored adjacent to the lease area. No plans or advice depicting the mooring have been included. Plans or details will be required for advertising of this proposal.

The proposed park homes consist of the development of a single park home initially, with a total of 11 to be developed in total. The park homes are intended to be constructed adjacent to the property boundary facing the foreshore reserve.

Plans of the initial development of one Park Home are available on request, and will be tabled at the Council Meeting. No plan depicting the overall development has been submitted.

PLANNING FRAMEWORK

Strategic/Structure Plans

The Kununurra Structure Plan, which forms part of the Kununurra - Wyndham Area Development Strategy (KWADS), designates the subject land as being for "Recreation and Foreshore Protection" and "Tourist Node - Existing" purposes.

Town Planning Scheme No 7

The land intended to be utilised for boat hire is located within the Special Foreshore Reserve. The Scheme states that purpose of the Reserve must be considered when granting approval for development Reserved under the Scheme:

2.2 MATTERS TO BE CONSIDERED BY THE COUNCIL

2.2.1 *Where an application for Planning Approval is made with respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its approval.*

The objectives of these Reserves are as follows:

2.4 OBJECTIVES FOR RESERVES

2.4.5 Special Foreshore Reserve

To identify and protect those foreshore areas that have special conservation values particularly in regard to flora and fauna values and ensuring that areas of significance are ultimately identified and recorded through appropriate studies.

It is proposed that this application will be advertised for public comment when revised plans are submitted.

Land intended to be developed for use for Park Homes is located within the Tourist Zone. The objectives of the Scheme relating to this zone are:

1.2. 5.23 TOURIST ZONE

5.23.1 Objective

- (a) *To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.*
- (b) *To encourage tourist uses on land adjacent to the existing town centre and forming the approach to the town centre of Kununurra.*

- (c) *To encourage a high standard of aesthetic quality, landscaping and presentation.*

5.23.2 Residential Use in the Tourist Zone

Council may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 30% of the number of units, rooms or caravans/cabins approved for the site.

Tourist accommodation is a P or Permitted use in the Tourist Zone.

Council Policies

The land is located within Precinct 9 Lakeside, the objective of this precinct is:

“To promote a range of densities with particular focus on the nearby Lake Kununurra foreshore.”

With the following policy statement applicable:

“Assess opportunities for greater connectivity between the Residential Precinct and lake foreshore areas.”

Community Consultation

Town Planning Scheme No. 7 (Kununurra and Environs) does not require any community consultation for the proposal, however, given the context of the site Council may consider advertising of any proposal once further details are available. It is recommended that the application for use of the Foreshore Reserve be advertised. This application will also be referred to the Ord River Waterways Management Group.

PHYSICAL ASSESSMENT

Land Capability

The land is flat and sandy, and has been developed for Tourist uses. There are no issues in relation to land capability.

Servicing

The subject site is currently serviced. Any additional servicing requirements would be the responsibility of the developer.

Environmental Impact

Given the scale of the proposed development and the development conditions that can be imposed on the development, it is not considered that the development will have a detrimental impact on the environment.

Design

The design of the development is not considered acceptable. No driveways, access ways or parking areas are shown on the submitted plans. This can be resolved via a condition requiring submission of appropriate traffic management and access plans.

Social/Economic Implications

The proposed development of Lot 2263 and the foreshore is unlikely to have a detrimental impact on social or economic aspects of the locality.

FINANCIAL IMPLICATIONS

The application fee of \$150 has been paid.

CONCLUSION

Use of Lot 2263 for development of Park Homes does not conflict with the purpose of the Zone or Reserve, or the objectives of the Scheme. The use and development of the land can be permitted, subject to conditions.

Insufficient information has been submitted regarding vehicular parking and access to the proposed park home, and no overall plan has been submitted. It is recommended that the development be conditioned to require submission of a plan demonstrating parking and access to the park home. An overall development plan should be submitted to Council for approval for the remaining proposed park homes.

It is considered that some landscaping should be implemented to ensure the impact of the proposed Park Homes on the foreshore reserve is minimised. This can be achieved via the submission and implementation of a landscaping plan.

It is recommended that the proposed use of Reserve 41812 and Lily Creek for Boat Hire be advertised and referred to the Ord River Waterways Management Group.

ATTACHMENTS

Plans of the proposed development will be tabled at the meeting of Council.

VOTING REQUIREMENT

Simple Majority.

RECOMMENDATION

1 That Council grant Planning Consent to Ingle Pty Ltd for the use and development of Lot 2263 for 1 park home in accordance with the submitted plans and subject to the following conditions:

1 Submission of a traffic management plan demonstrating access and parking for the proposed park home.

2 Submission of a landscaping plan, demonstrating landscaping to property boundaries;

3 Implementation of Landscaping in accordance with the approved landscaping plan; and

4 All fencing to all boundaries shall consist of visually permeable pool type safety fencing. No wire mesh fencing shall be constructed to any boundary.

5 Other standard conditions in accordance with Council' Standard Conditions List issued under delegated authority.

2 That an Development Guide Plan be submitted for Council approval demonstrating the design and layout of the proposed park homes development at Lot 2263 Casuarina Way, including parking and access provisions.

3 That after submission of development details from Ingle Pty Ltd, Council advertise the proposed use and development of Reserve 41812 for Self Drive Hire Boats in accordance with Clause 11.2 of Town Planning Scheme No 7 - Kununurra and Environs.

MINUTE NO 7103

Moved by Cr M Pucci / Cr J Nelson

1 That Council grant Planning Consent to Ingle Pty Ltd for the use and development of Lot 2263 for 1 park home in accordance with the submitted plans and subject to the following conditions:

1 Submission of a traffic management plan demonstrating access and parking for the proposed park home.

2 Submission of a landscaping plan, demonstrating landscaping to property boundaries;

3 Implementation of Landscaping in accordance with the approved landscaping plan; and

4 All fencing to all boundaries shall consist of visually permeable pool type safety fencing. No wire mesh fencing shall be constructed to any boundary.

5 Other standard conditions in accordance with Council' Standard Conditions List issued under delegated authority.

2 That an Development Guide Plan be submitted for Council approval demonstrating the design and layout of the proposed park homes development at Lot 2263 Casuarina Way, including parking and access provisions.

3 That Council on receiving a detailed development plan for one hire craft to the satisfaction of Council Officers - seek comment from ORWMG subject to no adverse comments and compliance with advice from the ORWMG give delegated authority to the CEO to approve the development application

4 Inform the proponent that approval for additional hire craft will require a detailed development plan submitted to Council. This will include an advertising process and consultation with appropriate agencies

CARRIED UNANIMOUSLY (8-0)

**Foreshadowed Motion
Moved by Cr B Barnes**

1 That Council grant Planning Consent to Ingle Pty Ltd for the use and development of Lot 2263 for 1 park home in accordance with the submitted plans and subject to the following conditions:

1 Submission of a traffic management plan demonstrating access and parking for the proposed park home.

2 Submission of a landscaping plan, demonstrating landscaping to property boundaries;

3 Implementation of Landscaping in accordance with the approved landscaping plan; and

4 All fencing to all boundaries shall consist of visually permeable pool type safety fencing. No wire mesh fencing shall be constructed to any boundary.

5 Other standard conditions in accordance with Council' Standard Conditions List issued under delegated authority.

2 That an Development Guide Plan be submitted for Council approval demonstrating the design and layout of the proposed park homes development at Lot 2263 Casuarina Way, including parking and access provisions.

3 That after submission of development details from Ingle Pty Ltd, Council advertise that proposed use and development of Reserve 41812 for Self Drive Hire Boats in accordance with Clause 11.2 of Town Planning Scheme No 7 – Kununurra and Environs.

The foreshadowed motion was not put to the meeting as it was considered ultravires

Mr C Adams declared a Financial Interest in Item 12.1.7; Application to Commence Development - Lot 533 River Farm Road, and left the room at 6.50pm

Cr K Wright declared a financial interest in Item 12.1.7 Application to Commence Development - Lot 533 River Farm Road and left the room at 6.50pm

Cr B Barnes declared a Impartiality Interest in Item 12.1.7 Application to Commence Development - Lot 533 River Farm Road and left the room at 6.50pm

12.1.7 Application to Commence Development - Lot 533 River Farm Road (Minute No 7104)

DATE:	19 April 2005
PROPONENT:	C & T De Meo
LOCATION:	Lot 533 River Farm Road
ATLAS REFERENCE:	Map 37 E4
AUTHOR:	Keith Williams
REPORTING OFFICER:	Steven Chadwick
FILE NO:	01.0068.02
ASSESSMENT NO:	0068

PURPOSE

To provide information to Council so that it can make an informed decision regarding an application for approval to commence development at Lot 533 River Farm Road.

BACKGROUND

Council officers investigated an unauthorised development at Lot 533 River Farm Road, and consequently undertook a site inspection on March 1 2005 and assessment to determine the validity of the use and development of the site. After verifying that the development has not been authorised, Council officers advised the landowner that consent would need to be applied for to obtain retrospective approval for the development.

Council subsequently received an application for approval to commence development at "Barra Barra" [Lot 533 River Farm Road] on 15 March 2005.

Site and Surrounds

Barra Barra is located on River Farm Road in the Ivanhoe area. The land is flat and has an existing dwelling and sheds constructed on it. The land has been cultivated and Pawpaws, Bananas and Mangoes are being grown on the property. Cultivation is supported by production of drinks, smoothies and chocolate coated fruits.

The surrounding land is zoned for residential and agricultural purposes and has been developed for these uses.

Development Proposal

The application seeks approval use of the land for a concert venue and retrospective use and development approval of a Restaurant.

Though the applicant was requested to submit plans of the development, none have been lodged with the application.

PLANNING FRAMEWORK

Strategic/Structure Plans

The subject land is outside the extent of the Kununurra Structure Plan, which forms part of the Kununurra - Wyndham Area Development Strategy (KWADS).

Town Planning Scheme No 7

The land is located within the Rural Agriculture 2 zone. Clause 5.29 of Town Planning Scheme No 7 - Kununurra and Environs outlines the objectives of this zone:

5.19 *RURAL AGRICULTURE 2 ZONE*

5.19.1 *Objectives*

- (a) *To ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*
- (b) *To promote the use of these lots for the production of horticultural crops and associated uses only;*

No planning approvals have been granted for the subject use or development.

The pizzeria use is determined as a Restaurant in accordance with the Scheme definition:

Restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988.

A Restaurant is **NOT PERMITTED** in the Rural Agriculture 2 zone. Notwithstanding this, Amendment 14 to Town Planning Scheme No 7 - Kununurra & Environs, and Councils Draft Local Planning Strategy may impact on the permissibility of the use of the land.

No appropriate use class exists for the Concert Venue. This use can be considered as a Use Not Listed, in accordance with clause 3.1.7 of Town Planning Scheme No 7 Kununurra and Environs, which reads as follows:

3.1.7 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:-*

- (a) *Determine that the use is not consistent with the objectives and purpose of the particular zone and policy statement and is therefore not permitted,*

or

- (a) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the particular zone and policy statement and thereafter the Council will consider the application as an "SA" use.*

If Council considers that the use does not conflict with the zoning, Council can determine the application. This requires that the proposed use be advertised.

Council Policies

The land is located in the Policy Area Precinct 17 – River Farm Rural Agriculture 2 Area. This policy statement states that the objective of the policy is to ensure that the area be retained for intensive agricultural use.

Community Consultation

Town Planning Scheme No. 7 - Kununurra and Environs requires community consultation for the proposed development if Council determines the Concert Venue use as a Use Not Listed. It is proposed to advertise the development if this occurs.

PHYSICAL ASSESSMENT

Land Capability

The land is currently developed and used for agricultural and residential uses. The land is capable of being used for the proposed use.

Servicing

The subject site is serviced. Any additional services would be the responsibility of the applicant.

Environmental Impact

The land is currently developed for agricultural uses. Noise and traffic may be required to be addressed, however, the frequency and scale of the concerts is unlikely to cause significant impact on adjoining properties.

Design

The design of the development is considered to be acceptable. Parking and access, however, will need to be addressed, especially for concert functions. These issues could be resolved by requiring a Development Plan. If this plan was unacceptable the plan would be referred to Council.

Social/Economic Implications

The proposed development is unlikely to have a detrimental impact on the social or economic viability of the locality.

FINANCIAL IMPLICATIONS

The application fee has been paid.

CONCLUSION

The applicant has lodged an application for development that has been constructed without obtaining any approvals. Council officers advised that consent is required and an application was duly submitted.

A Restaurant is currently NOT permitted under the provisions of Town Planning Scheme No 7 - Kununurra & Environs. Notwithstanding this, Amendment 14 to Town Planning Scheme No 7 - Kununurra & Environs contains provisions that may impact the assessment of the use and development of the land for a restaurant.

Determination of the application prior to finalisation of Amendment 14 may be premature. Should Council consider that it is appropriate to consider the impact of Amendment 14 on the application, assessment of the application can be deferred until such time as Amendment 14 to Town Planning Scheme No 7 - Kununurra and Environs is determined by the Honourable Minister for Planning and Infrastructure. Finalisation of the amendment is anticipated within the next few weeks.

It should be noted that Council recently deferred assessment of another application that is affected by Amendment 14 until the amendment is finalised. Further information can be presented to Council once Amendment 14 is determined.

The applicant was advised that approval is required to establish a restaurant at the site, and subsequently applied for an eating house license. Council's Health department has issued an Eating House license for the pizzeria, however, no planning or building applications were submitted. The applicant has advised that they were unaware that these approvals are required, and contends that they believed the Eating House License constituted Council approval for the use of the land.

Use of the land for a restaurant is not permitted, and issuance of an Eating House License does not imply tacit planning approval, however, the applicant may not have been aware of this requirement, and given that Council has issued an Eating House License and Amendment 14 will be finalised shortly, it may be pertinent to defer the application.

The concert venue can be approved as a Use Not Listed in accordance with Clause 3.1.7 of Town Planning Scheme No 7 - Kununurra & Environs, however, it is considered that the use should be restricted to 100 patrons and two events per annum, to ensure that this use remains subordinate to the permitted primary use of the site, and external impacts are minimised.

Alternately, Council may determine that the pizzeria development and use of the land as a concert venue does not comply with the objectives of the Scheme, and refuse the application.

ATTACHMENTS

N/A

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1 That Council defers the determination of the application for use and development of Lot 533 River Farm Road submitted by C & T De Meo for a Restaurant until such time as Amendment 14 to Town Planning Scheme No 7 - Kununurra and Environs is determined by the Honourable Minister for Planning and Infrastructure.

2 That Council advertises the application for a Concert Venue at Lot 533 River Farm Road in accordance with Clause 11.2 of Town Planning Scheme No 7 - Kununurra and Environs upon submission of a development plan detailing the concert venue and addressing traffic, parking, access and noise considerations.

MINUTE NO 7104

Moved by Cr M Pucci / Cr J Buchanan

1 That Council defers the determination of the application for use and development of Lot 533 River Farm Road submitted by C & T De Meo for a Restaurant until such time as Amendment 14 to Town Planning Scheme No 7 - Kununurra and Environs and the LPS is determined by the Honourable Minister for Planning and Infrastructure. that council advise the applicant that the application could be refused by council depending of the outcomes of Amendment 14 at the Local Planning Strategy

CARRIED UNANIMOUSLY (6-0)

Explanation

Second dot point removed as proponent is no longer interested in holding concerts at the venue.

Chief Executive Officer, Mr C Adams; Cr K Wright and Cr B Barnes returned to the room at 6.57pm

12.1.8 T17 & 18 04/05 Shire Cleaning Contract Kununurra/Wyndham (Minute No 7105)

DATE:	19 April 2005
PROONENT:	N/A
LOCATION:	Shire Buildings
ATLAS REFERENCE:	N/A
AUTHOR:	Sharon McLachlan - Building Surveyor / Inspector
REPORTING OFFICER:	Steven Chadwick - Executive Manager Engineering & Development Services
FILE NO:	66.12.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the selection criteria for the proposed Shire Cleaning contract for Kununurra and Wyndham public buildings.

BACKGROUND

The cleaning of the Shire's public buildings in Wyndham is currently undertaken by a contractor cleaning the administration centre, Peter Reid Memorial Hall and the Infant Health Clinic and Shire's own day labour cleaning the public ablutions. The cleaning of the Shire's public buildings in Kununurra is undertaken by contract awarded under T09 03/04 which is due to expire 30 June 2005. These works have progressively grown over time and now are a significant expense for the Shire. The total quantum of the works currently exceeds \$50,000 in value and formal contract/s are now legislatively required.

If all of the Shires cleaning works were amalgamated, it is unlikely that there would be sufficient interest in the tender as the scope would be too large for many local cleaning contractors.

The Shire's cleaning works is currently divided into three specific areas:

1. Kununurra Airport Cleaning – T05 02/03 expiry 31/12/05.
2. Kununurra Shire Office, Leisure Centre and Public Toilets – T09 03/04 expiry 30/06/05
3. Wyndham Shire Office, Civic Buildings and Public Toilets – Separate quotation process and day labour.

It is proposed to call the following tenders for the cleaning of Shire's buildings:

1. Kununurra Shire Office, Leisure Centre and Public Toilets –
Tender to be called in May 2005 with a proposed commencement date of 01/07/05 and proposed expiry date of 30/06/07
2. Wyndham Shire Office, Civic Buildings and Public Toilets –
Tender to be called in May 2005 with a proposed commencement date of 01/07/05 and proposed expiry date of 30/06/07

3. Kununurra Airport Cleaning –
Tender to be called in November 2005 with a proposed commencement date of 01/01/06 and proposed expiry date of 30/06/07.

It is proposed to make Cleaning of Civic buildings and Public Toilets in Kununurra and Wyndham a lump sum 2 year contract, commencing 1 July 2005 and the Kununurra Airport cleaning a lump sum 18 month contract to bring the expiry dates of all cleaning contracts into line.

A summary of the scope of cleaning works proposed is available upon request:

STATUTORY IMPLICATIONS

The Local Government Act requires Local Government authorities to tender all works that are likely to have a total contract value of over \$50,000. The tender regulations also require Council to endorse the tender selection criteria prior to advertising the contract.

POLICY IMPLICATIONS

Council does not have any policies in relation to the cleaning of its buildings.

FINANCIAL IMPLICATIONS

Councils cleaning costs for these buildings currently exceed \$50,000 per annum. It is proposed to enter into a lump sum 2 year contract. Under this arrangement Council has a high degree of certainty in relation to its cleaning costs for the upcoming 2 budgets.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

No specific community consultation has been taken on this issue. Community feedback received via the Strategic Plan Survey has indicated dissatisfaction with presentation and the level of cleanliness of the Shires Public Toilet facilities. Tender T09 03/04 attempted to address this matter by requiring more frequent cleaning of public toilets than was currently undertaken, however the scope of works was reduced to minimise costs.

COMMENT

While price should be the key determinant for the selection of a suitable contractor to undertake this service Council, experience in undertaking similar works needs to be considered. It is proposed to use a combination of lump sum price, hourly rate and previous experience as the selection criteria for this contract.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council endorse the following selection criteria for Tender T17 04/05 - Kununurra Cleaning Contract & T18 04/05 - Wyndham Cleaning Contract:

<u>Criteria</u>	<u>Weighting</u>
Lump Sum Tendered Price	70%
Hourly Rate for Additional Unspecified Cleaning Works (Labour only)	5%
Ability to do task	15%
Previous Experience	10%
TOTAL	100%

MINUTE NO 7105

Moved by Cr R Devenish-Meares / Cr K Wright

That Council endorse the following selection criteria for Tender T17 04/05 - Kununurra Cleaning Contract & T18 04/05 - Wyndham Cleaning Contract:

<u>Criteria</u>	<u>Weighting</u>
<i>Lump Sum Tendered Price</i>	<i>70%</i>
<i>Hourly Rate for Additional Unspecified Cleaning Works</i>	<i>5%</i>
<i>Ability to do task</i>	<i>15%</i>
<i>Previous Experience</i>	<i>10%</i>
TOTAL	100%

CARRIED UNANIMOUSLY (8-0)

12.1.9 Tender Award - T14 04/05 Airport Lighting Upgrade Kununurra & Wyndham **(Minute No 7106)**

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	Wyndham & Kununurra Airports
ATLAS REFERENCE:	N/A
AUTHOR:	Phil Harris - Manager Technical Services
REPORTING OFFICER:	Steve Chadwick - Executive Manager Development and Engineering Services
FILE NO:	66.53.14
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider Tender T14 04/05 for the Airport Runway Tender Upgrade.

BACKGROUND

Council currently owns and operates the Kununurra and Wyndham Airports. The Australian regulatory agency, the 'Civil Aviation Safety Authority' (CASA) continually monitors and accesses safety standards across the industry. Recently changes to lighting standards will require that Council upgrade runway lighting at both the Kununurra and Wyndham Airports.

The lighting upgrade requires the installation of new cabling, lighting and associated infrastructure. Installation must comply with the Manual of Standard, Part 139 – Installation of an Instrument Runway Lighting System.

Council officer's prepared specifications and arranged for the advertising of Tender T14 04/05 Airport Runway Lighting Upgrade in "The West Australian" on 19 March 2005. Tenders closed at 1400 on 6 April 2005. Tenders were opened in the presence of Councillor Jon Buchanan, Chief Executive Officer, Chris Adams and Engineering & Development Services Support Officer, Rachel Lines.

Conforming tenders were received from Air Services Australia and Trick Electricks Pty Ltd.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Shire of Wyndham East Kimberley Policy F5 – Supply of Goods and Services

FINANCIAL IMPLICATIONS

Council has allocated a total of \$90,000 for the lighting upgrade in the 2004 / 2005 budget.

STRATEGIC IMPLICATIONS

Not Applicable

COMMENT

Assessment of the tenders has been completed in accordance with the evaluation criteria endorsed by Council at its meeting of Tuesday, 15 March 2005 (Minute 7062).

Price (EC1)	65%
Experience (EC 2)	10%
Resources (eg. plant & equipment to undertake task (EC 3)	10%
Demonstrated understanding of required tasks (EC 4)	10%
Local Supplier (EC 5)	5%
Total	100%

Company Name	Net Cost GST (ex)	Price EC 1 65 %	EC 2 10%	EC 3 10%	EC 4 10%	EC 5 5%	Total 100%
Air Services Australia	\$209,099.50	NA	10	7	10	0	NA
Trick Electricks	\$295,146.50	NA	10	7	10	0	NA

The tendered prices exceed the budgeted allowance for the work by significant amounts and are deemed by officers as being unrealistic and not a true representation of the real cost of the project. Prior to going to tender officers had obtained preliminary quotes, which placed the works within 10% of the budgetary allowance.

Officers believe that alternate methods of delivery of the project should be pursued to eliminate or reduce the contractors' allowances for risk and or profit. In this instant Council is in a position to directly purchase the items of equipment required for the upgrade and arrange for the installation by direct management.

ATTACHMENTS

Copies of Tender Schedules

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council

1. Advises the two tenderers that no tender bids have been accepted for Tender T14 04/05
2. Instruct Officers to investigate alternate methods of delivering the project. For the Council approved budget.

MINUTE NO 7106

Moved by Cr K Wright / Cr J Buchanan

That Council

1. advises the two tenderers that no tender bids have been accepted for Tender T14 04/05

2 instruct Officers to investigate alternate methods of delivering the project. Within the Council approved budget with a report to Council on this matter.

CARRIED UNANIMOUSLY(8- 0)

12.2. CORPORATE & COMMUNITY SERVICES

12.2.1 Monthly Corporate and Community Services Report (Minute No 7107)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Corporate and Community Services Team
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council information.

BACKGROUND

Corporate and Community Services Monthly Report to Council.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

As part of the Strategic Plan.

Key Result Area 5 - Governance Goal 1 - Strategic Leadership:

Strategy 4 - Produce succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.

COMMUNITY CONSULTATION

Nil

COMMENT

That Council acknowledge the attached report.

ATTACHMENTS

Corporate and Community Services Report.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Corporate and Community Services Reports for March 2005.

MINUTE NO 7107

Moved Cr K Wright/R Devenish-Meares

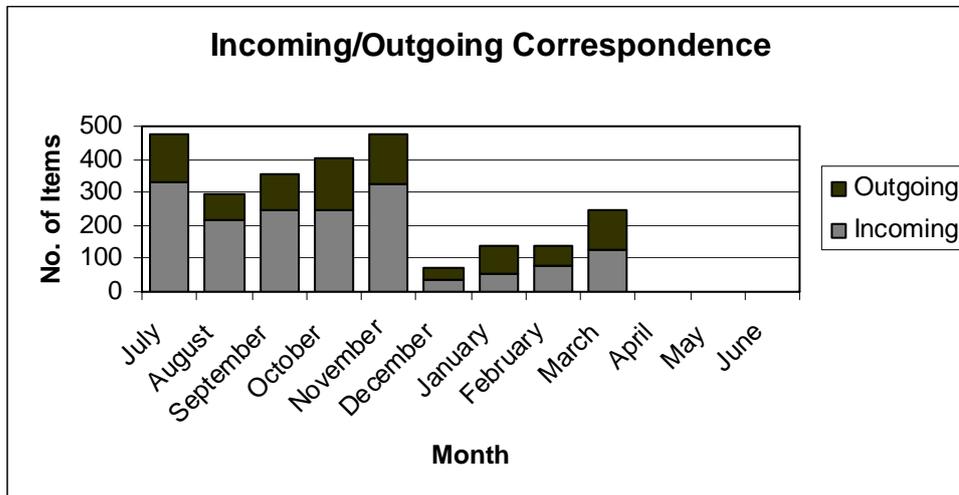
That Council receive the Corporate and Community Services Reports for March 2005

CARRIED UNANIMOUSLY (8-0)

INFORMATION COORDINATORS REPORT

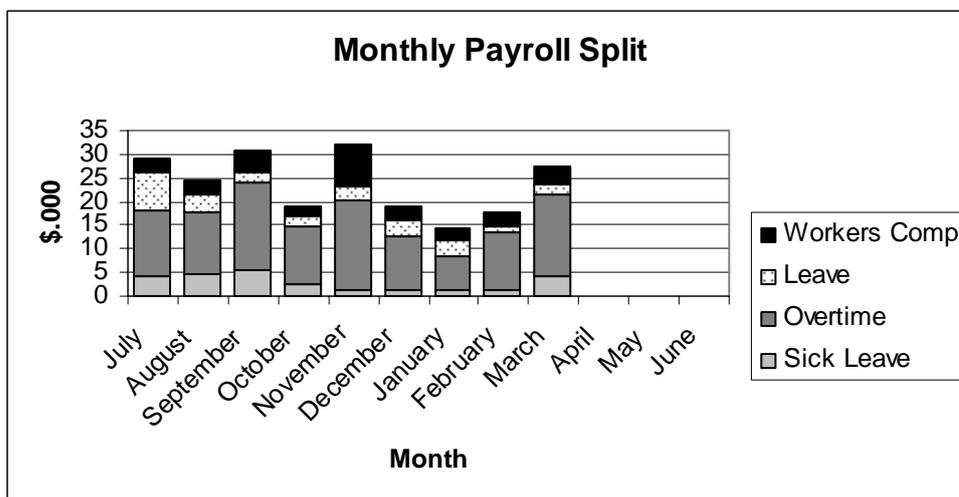
Correspondence

Attached for Council's information is a graph indicating the incoming and outgoing correspondence during the financial year.



ACCOUNTANTS REPORT

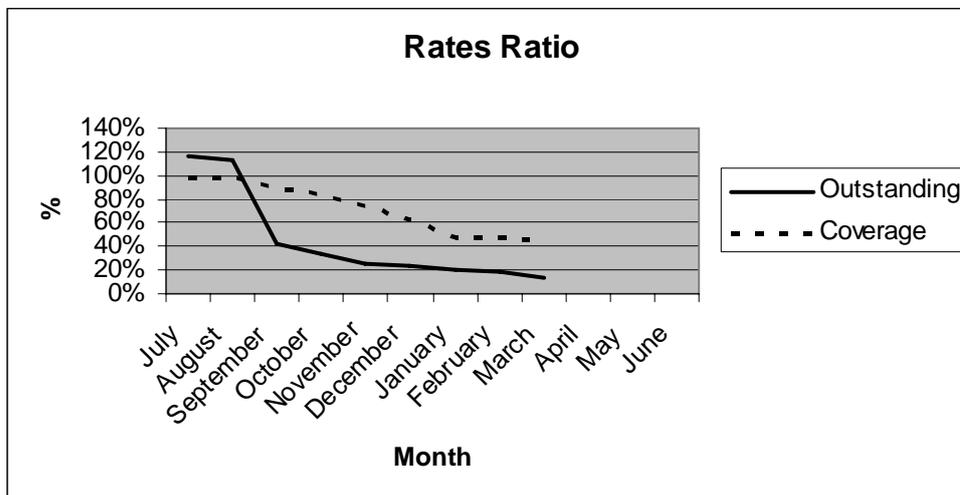
Human Resources



Rates

Outstanding rates ratio – ratio represent the amount of outstanding rates over the total amount of the rates collectable for the year (excluding interims).

Rate coverage ratio – is the ratios of the net rate revenue over the operating revenue.

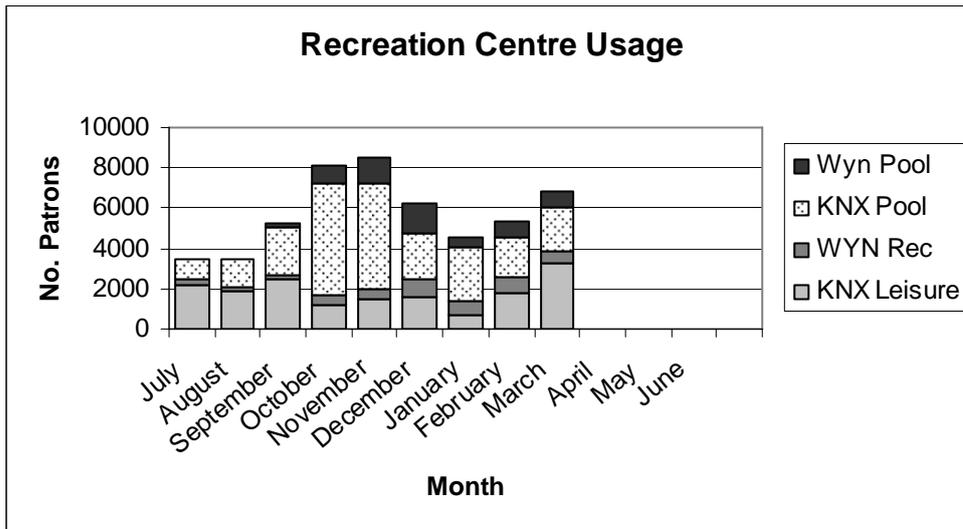


Community Services Monthly Report

Community Development

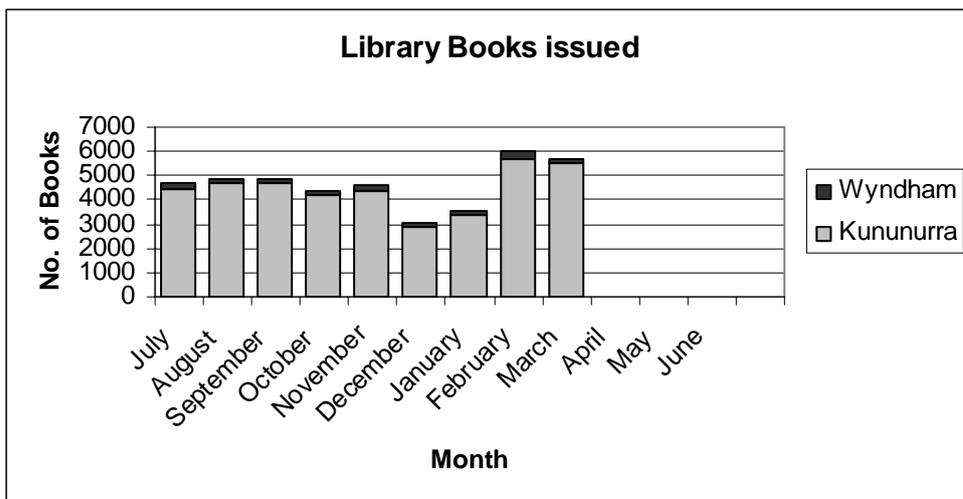
Significant Events:

- Volunteer Expo
 - Volunteer Workshops
1. Funding:
 - Successful application to Independent Living Centre of WA for \$9,500
 - Application to Y Culture for \$3,000.
 - Application to Youth Grants for \$5,000.
 2. Youth:
 - YAC Activity Day
 3. Conference
 - Attending the Local Government Community Services Association State Conference

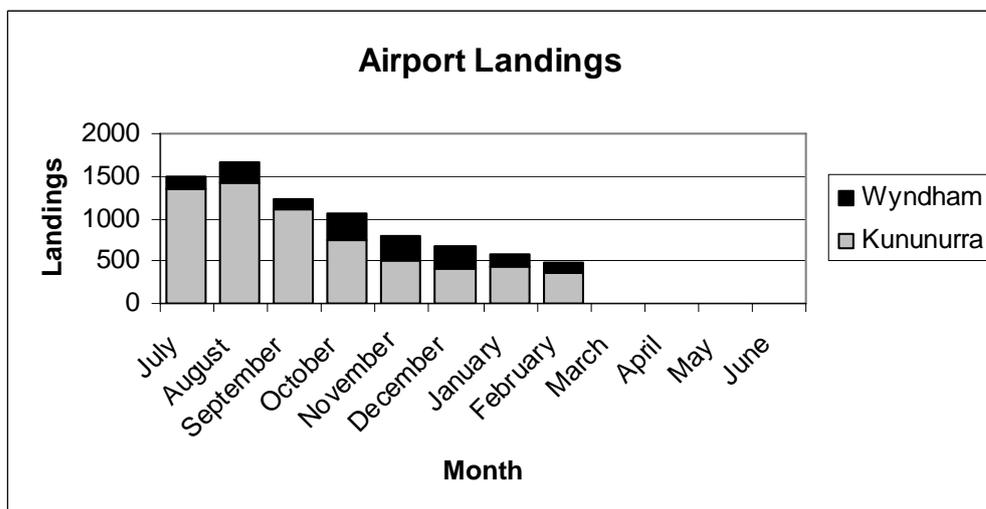
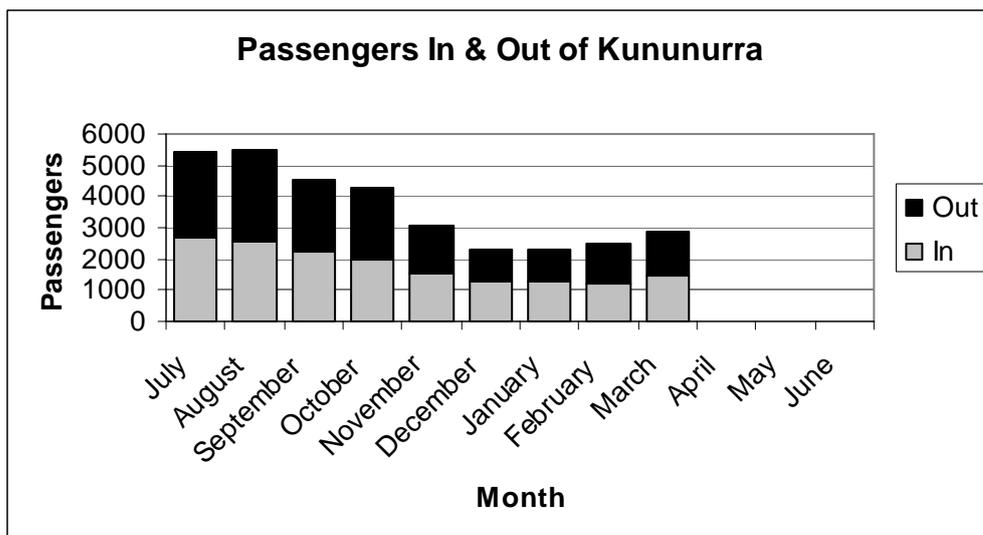


Note: The Pump motor for the Wyndham Pool fused at the end of March, resulting in the pool being closed.

Libraries



AIRPORT MANAGER'S REPORT



Note: Avdata will release the March Airport Landings in the second week of April.

12.2.2 Community Funding

(Minute No 7108)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	Shire Of Wyndham East Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Michelle Plume, Community Development Officer
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate & Community Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to nominate a member, to be part of the panel that assess and prioritises community requests for funding, prior to Council consideration.

BACKGROUND

The Shire on an annual basis advertises for community groups wishing Council to consider budget allocations for their projects in the new financial year, to submit in writing an application for funding prior to April 30 2005.

As per the Policy Manual F3 – Distribution of Funds to Community & Sporting Bodies, a panel consisting of the Manager of Community Services, Community Development Officer, Recreation Co-ordinator and one Councillor is required to assess and prioritise applications for funding from community and sporting organisations prior to these requests going to Council for consideration.

STATUTORY IMPLICATIONS

There are no statutory implications relating to this matter.

POLICY IMPLICATIONS

As per policy F3 Finance – Distribution of Funds to Community & Sporting Bodies.

FINANCIAL IMPLICATIONS

The amount of \$10,000 was allocated in the 2004/2005 budget for Community Funding.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this matter.

COMMUNITY CONSULTATION

All community groups and organisations are invited to apply for funding at any time of the year for \$1,000 or less. Community Groups and organisations are also invited to apply for larger amounts as part of Council's budget process.

COMMENT

Through the provision of Community Funding, Council provides the opportunity for not for profit organisations, sporting, cultural and service groups, and associations based with the shire of Wyndham East Kimberley, financial assistance to foster high quality programs, community events, facilities and services that provide benefit to the wider community. Examples of where this money was contributed to in 2004/2005 are Kununurra Progress Association and the Halls Creek fishing Club.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Cr _____ be selected to the panel for the assessment and prioritisation of community organisation's applications for annual funding.

MINUTE NO 7108

Moved Cr J Nelson/J Buchanan

That Cr M Pucci be selected to the panel for the assessment and prioritisation of community organisation's applications for annual funding.

CARRIED UNANIMOUSLY (8-0)

12.2.3 Community Development Plan

(Minute No 7109)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	Shire of Wyndham East Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Michelle Plume, Community Development Officer
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate & Community Services
FILE NO:	34.04.02
ASSESSMENT NO:	

PURPOSE

For Council to consider the Community Development Plan.

BACKGROUND

The Shire of Wyndham East Kimberley's Strategic Plan 2005-2008 includes a strategy to develop and implement a Community Development Plan.

Council officer has carried out a number of tasks to determine strategies for inclusion

- Briefing session to Council – September 2004
- Looked at other Local Government's Community Service Plans
- Looked at the summary of Council's Community Survey
- Looked at the Council's 2005/06 Strategic Plan

STATUTORY IMPLICATIONS

There are no statutory implications relating to this matter.

POLICY IMPLICATIONS

There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

The plan if adopted, has events / activities within it that will need to be considered by Council during its normal budget process.

STRATEGIC IMPLICATIONS

Key Result Area 2 – Community Development

Goal 2 – Youth and Family

Strategy 6 – Develop and implement a Shire Community Development Plan

COMMUNITY CONSULTATION

The information gathered for the Community Development Plan came from Council's 2004 Community Survey and from the Strategic Plan 2005/06 document. Where necessary further community consultation will be engaged to process individual strategies.

COMMENT

Community development is the planned evolution of all aspects of community well-being (economic, social, environmental and cultural). The scope of community development can vary from small initiatives with a small group, to large initiatives that involve the whole community. The primary outcome of community development is improved quality of life and effective community development results in mutual benefit and shared responsibility among community members.

The Shire's Strategic Plan in effect, is a community development plan, covering all areas being economic, social, environment and culture, the focus of this plan however, on social capital – the strength of our community networks and opportunities to interact.

The plan provides Council with a broad direction or picture of the types of activities and programs that will be undertaken over the next twelve months.

ATTACHMENTS

The proposed Community Development Plan is attached.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

That Council seek community input into the draft 2005/06 Community Development Plan

MINUTE NO 7109

Moved Cr K Wright/J Nelson

That Council seek community input into the draft 2005/06 Community Development Plan

CARRIED UNANIMOUSLY (8-0)

Council would like to acknowledge the work put into the Community Development Plan by the Community Development Team



Shire of Wyndham East Kimberley

Community Development Plan Community Development Plan 2005 - 2006

Michelle Plume
Community Development Officer

WHAT IS COMMUNITY DEVELOPMENT?

Community development is the planned evolution of all aspects of community well-being (economic, social, environmental and cultural). It is a process whereby community members come together to take collective action and generate solutions to common problems. The scope of community development can vary from small initiatives within a small group, to large initiatives that involve the whole community.

It is also a “grassroots” process by which communities;

- Become more responsible;
- Organise and plan together;
- Develop healthy options;
- Empower themselves;
- Reduce ignorance, poverty and suffering;
- Create employment and economic opportunities; and
- Achieve social, economic, cultural and environment goals.

The primary outcome of community development is improved quality of life. Effective community development results in mutual benefit and shared responsibility among community members and recognises:

- The connection between social, cultural, environmental and economic matters;
- The diversity of interests within a community; and
- Its relationship to building capacity.

HOW DOES THE CD PLAN ALIGN WITH SWEK'S STRATEGIC PLAN

The Shire of Wyndham East Kimberley's Strategic Plan provides direction to the Shire and other local organisations to work together to develop and resource programs, services and facilities that give all community members choice and opportunities to participate, interact and feel a part of the community.

The plan includes areas of economic, environmental and social aspects with Community Development falling into Key Result Area 2.

This Key Result Area has 5 Goals being –

1. Recreation & Leisure;
2. Youth and Family;
3. Community Safety;
4. Health; and
5. Community Pride

The development and implementation of a Shire Community Development Plan is Strategy 6 under Goal 2 – Youth and Family.

The goals and strategies that form the Strategic Plan are developed from community consultation (Community Survey 2004) as well as officers and councillors. The outcomes of the Strategic Plan will assist the Shire to be a strong, socially sustainable community.

HOW WILL A COMMUNITY DEVELOPMENT PLAN WORK

The development of a sustainable community requires a balance between economic, social and environmental elements all of which are covered in the Shire's Strategic Plan. The focus of this plan however, is on social capital – the strength of our community networks and opportunities to interact, and will work utilising the following elements of social sustainability -

- Connection: interaction between individuals, community groups and each other
- Engagement: involvement in local decision making
- Participation: contributing to community activities and projects
- Innovation: support for unique ideas and creative solutions
- Partnerships: collaboration between organisations and community groups to achieve common goals
- Advocacy: support encouragement for local values
- Learning: access to information and knowledge.

MEASUREMENT

Council's success in achieving its outcomes in relation to this plan will be measured through the increase in community satisfaction with the quality of life in the Shire as measured through the Council's community survey.

Community Development Plan 2005 – 2006

Key Action Areas	Timeline	Financial Resources	Outcomes
1. ENTIRE COMMUNITY – INVOLVING INDIVIDUALS (Including Indigenous people, people from diverse cultures and people with a disability) To foster activities that provide opportunities for social inclusion and community pride			
Assist in the Coordination of the following celebrations: <ul style="list-style-type: none"> • Top of the West Festival – Wyndham • Indigenous eg Naidoc - Wyndham / Kununurra • Australia Day – Kununurra 	TBA TBA Jan 06	\$8,000	Increased opportunities to interact and celebrate. Increased sense of cultural identity.
Support community events and projects: <ul style="list-style-type: none"> • Ord Valley Muster • Kununurra Agricultural Show • Race Round – Wyndham / Kununurra • Kununurra Arts Council – Various Shows 	May 05 July 05 Aug 05 TBA	Officer in kind	Increased community spirit and pride. Opportunities to interact and celebrate
Ensure that appropriate community meeting space is available in Kununurra and Wyndham <ul style="list-style-type: none"> • Determine current available meeting space • Determine needs of community organisations • Advertise & promote available meeting space • Advise Council if more meeting space is required 	March 05 April 05 Bi monthly June 05	Officer in house	Residents have access to appropriate community services and facilities
Implementation of the Shire's Disability Access & Inclusion Plan <ul style="list-style-type: none"> • Give copy of plan to department Execs for inclusion in Budget • Officers to implement dependent on budget allocations • Review Plan for 2006 calendar year • Council to adopt 2006 plan 	March 05 June 06 Sept 05 Dec 06	Officers in house / Dept budget inclusion	Increased access for all residents to services and facilities provided by the Shire
Promote the Shire's Funding Program which provides funding for the provision of externally managed community services / programs: <ul style="list-style-type: none"> • Invite community organisations to request funding as part of budget 	April 05	15,000	Increased socially sustainable outcomes from funded projects

process <ul style="list-style-type: none"> • Promote the Shire's Grant Funding • Promote the Shire's Grant Funding 	Sept 05 Feb 06		
Investigate the development of a Tidy Community Award for the Shire's Indigenous Communities <ul style="list-style-type: none"> • Liaise with Shire's AEHO • Consult with Indigenous communities • Determine criteria / prizes / judging dates or nomination to State Awards 	April 05	\$2,000	Increase community pride

Please note all activities / programs will seek funding prior to implementation

Community Development Plan 2005 – 2006

Key Action Areas	Timeline	Financial Resources	Outcome
2. YOUTH (12 – 25 YEARS NOT AT RISK) To foster and facilitate the support, skills development and equitable access to community facilities and services for Youth			
Facilitate the Kununurra YAC to plan and implement a range of activities: <ul style="list-style-type: none"> • Planning Session • Develop ideas from planning session • Develop timeline and implementation of activities 	Feb 05 April 05 June 06	\$5,000	Increased opportunities for young people to interact celebrate, and volunteer in the community.
Assist the Kununurra YAC to coordinate specific youth focused events: <ul style="list-style-type: none"> • Ord Valley Muster Youth Day • Workshops – Circus Skills • Kimberley Youth Gathering • 351 Camp 	May 05 May 05 Sept 05 TBA	\$5,000	Increased opportunities for young people to interact and learn about the positives of being a participant and leaders in the community
Provide leadership development opportunities for young people: <ul style="list-style-type: none"> • Involvement in the organisation / funding of local events • Motivation / Leadership Workshop 	TBA	\$5,000	Increase opportunities for young people to gain leadership skills
Ensure youth participation is continued in the development of the proposed Youth Centre – Kununurra <ul style="list-style-type: none"> • Provide YAC with monthly updates • Ensure YAC representatives meet with Designer 	Monthly TBA	Officer in house	Young people will have access to appropriate youth and community services and facilities
Re –establish the Wyndham Youth Advisory Council <ul style="list-style-type: none"> • Form partnership with the Officer from Office of Children and Youth • Meet with interested young people • Facilitate a planning session • Develop ideas and timeline for implementation 	May 05 May 05 June 05 July 05	\$5,000	Increased opportunities for young people to learn about the positives of being a participant in their community, to interact and celebrate.

• Kimberley Youth Gathering	Sept 05		
Develop a Youth plan to ascertain needs, future demands and identify opportunities to engage with existing agencies		\$5,000	Increased planning and provision for young people

Please note all activities / programs will seek funding prior to implementation

Community Development Plan 2005

Key Action Areas	Timeline	Financial Resources	Social Sustainability Outcome
3. VOLUNTEERS <p style="text-align: center;">To foster and support volunteering within the community</p>			
To assist in the development of community organisations. <ul style="list-style-type: none"> • To facilitate / organise appropriate workshops as required • Volunteer Expo 	TBA	\$2,000	Fosters support and increases the capacity of groups to embrace the future
Implement and develop Acknowledgement of Volunteers. <ul style="list-style-type: none"> • Thank a volunteer celebrations Wyn / Knx • Volunteer of the Year Awards • Premier's Active Citizenship Awards 	Dec 05 Dec 05 Jan 06	\$3,500	Increase the opportunities to acknowledge and celebrate volunteerism
Regularly inform community groups: <ul style="list-style-type: none"> • Continuation of VolNews newsletter • President's Breakfast (Kununurra) • Community Meetings (Wyndham) 	bi monthly TBA TBA	\$3,000	
Financial support / assistance for community groups: <ul style="list-style-type: none"> • Promote the Shire's Funding Program to support community group activity • Inform Community groups of available outside funding • Assist in the preparation of funding applications 	As required	Officer in kind	Increases the capacity of groups to embrace the future

Please note all activities / programs will seek funding prior to implementation

12.2.4 Sponsorship - Westcare Inc.

(Minute No 7110)

DATE:	19 April 2005
PROPONENT:	Westcare
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Vaughan Davies, Manager Community Services
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	36.19.01
ASSESSMENT NO:	N/A

PURPOSE

To advise Council of a request by Westcare Inc. for funding towards providing support and assistance for people with disabilities.

BACKGROUND

Correspondence has been received from Westcare Inc. seeking a \$100,000 contribution, over four years (\$25,000 per year), to assist in providing support to people with disabilities.

Westcare is one of Western Australia's oldest not-for-profit organisations and helps individuals with special needs acquire the skills and attributes they require to function effectively as contributing members of society. Their purpose is to give people with disabilities assistance, to achieve their potential, build their self esteem, and enhance their community involvement.

Westcare achieve their goals through providing the following services:

- Accommodation;
- Meals and cleaning;
- Independent living and training; and
- Employment and training.

Westcare currently operates four accommodation facilities for people with disabilities in Western Australia:

- The Florence Hummerston Village;
- Girrawheen Group Home;
- Margaret Rickard Units; and
- Neighbourcare Glendalough

STATUTORY IMPLICATIONS

There are no statutory implications relating to this matter.

POLICY IMPLICATIONS

There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

Should Council approve the request from Westcare Inc, \$25,000 will need to be included in the annual budget for the next four years.

STRATEGIC IMPLICATIONS

There are no strategic implications that relate to this matter.

COMMUNITY CONSULTATION

There has been no community consultation in regard to this matter.

COMMENT

The Shire of Wyndham East Kimberley contributes to the overall support of people with disabilities through the management of the Disabilities Services Plan and a commitment to ensuring that strategies in the plan are completed.

It is the officer's opinion that the Shire should not enter into funding partnership with Westcare Inc. as it is not consistent with the Disability Access Plan and has not been identified as a priority in the Shire's Strategic Plan.

ATTACHMENTS

There are no attachments; however the sponsorship proposal is available on request.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council does not enter into a funding partnership with Westcare Inc.

MINUTE NO 7110

Moved Cr R Devenish – Meares\K Wright

That Council does not enter into a funding partnership with Westcare Inc.

CARRIED UNANIMOUSLY (8-0)

12.2.5 Seasonal Oval Hire Fees Policy

(Minute No 7111)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	Map 51, G4
AUTHOR:	Melanie King, Kununurra Leisure Centre Coordinator
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	60.02.01: 01.1160.01
ASSESSMENT NO:	1160

PURPOSE

For Council to consider the proposed Policy Number R4 – Seasonal Oval Hire Fees.

BACKGROUND

In the past, Shire oval hire fees have been determined on an ad hoc basis with no apparent method involved in the calculation of hire amounts. There is an identified need for Council to implement a charging system that ensures the fees and charges for ovals are equitable between users and based on a clear system of objectives and principles.

Currently Council only recoups around 4% of the overall maintenance costs of the three ovals within the Shire, well below the industry standard of 15%. The introduction of clear and equitable user pays system for oval use would assist in increasing the total percentage cost recouped by the Shire over a period of time and decrease ratepayer subsidy of these facilities.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy Number R2 – Council Facilities states that *Fees and Charges shall be in accordance with schedule of fees as adopted by the Council.*

FINANCIAL IMPLICATIONS

In 04/05 Council budgeted \$89,000 on oval maintenance for the three ovals within the Shire. As outlined in the Background of this report, to date Council has currently recouped only \$2,438.39 on hire of these facilities which represents 3% of the maintenance cost.

The proposed fee structure takes into consideration the following variables when determining the fee to be charged for a given sport:

- The length of the booking;
- The number of players/participants;

- The number of sessions per week oval is required for; and
- Half use or full use of the oval;

By taking these considerations into account when determining seasonal oval charges will ensure that fees are determined on an equitable basis between all sports.

An example is provided below demonstrating how the proposed new seasonal fee structure would increase the income amount for oval hire for a single competition:

Currently the East Kimberley Football Competition pays \$2,900 for the combined use of all three oval facilities within the Shire. The Association pays a set seasonal charge plus the four Shire based clubs within the competition each pay the same seasonal charge. With the new policy, the cost of oval hire for the same competition would be calculated as follows:

No of Shire based teams in competition (4)
 X
 No of players in standard team (22)
 X
 No of weeks required (22)
 X
 No of sessions per week (including training and games) (10)
 X
 \$0.25
 =
 \$4,840.00

The proposed Policy recommends a progressive increase in fees to achieve an increased return over the next five years as follows:

05/06 - \$4,840.00
 06/07 - \$5,808.00
 07/08 - \$6,776.00
 08/09 - \$7,744.00
 09/10 - \$8,712.00

Lights for night usage will be charged additionally as per the current Schedule of Fees and Charges adopted by Council.

STRATEGIC IMPLICATIONS

The following Strategy within the Shire Strategic Plan relates directly to this issue:

Goal 1 – Recreation and Leisure

Strategy 4 - Reduce ratepayer subsidy of Shire Recreational Facilities by 10%.

COMMUNITY CONSULTATION

No consultation has been undertaken at this stage but if Council agrees, feedback will be sought from sporting and other user groups on the proposed policy.

COMMENT

The following comparisons with other Local Government Authority fees in the Northwest have been made for the same size football competition as illustrated in the above example:

Broome:

A set fee is charged per player per game for each sport.

Football - \$3.50 per player per game

Soccer - \$1.30 per player per game

Touch - \$1.30 per player per game

Cricket - \$2.50 per player per game

Juniors receive a 50% discount.

Based on the same football competition in Broome (numbers based on four teams as we charge only for teams based in our Shire as it would be assumed that the association is paying fees for use of grounds within other municipalities) – the Shire would receive \$7,163.20 per season.

Shire of Ashburton:

Currently use the same formula as the proposed policy with a variable of \$0.25. An income of \$4,840.00 would be received for the same competition in the Shire of Ashburton.

Shire of Derby West Kimberley:

There are no seasonal fees listed as part of their Fees and Charges Schedule however they have a user agreement with the Football Association that they pay no Hire Fees for their competition only light fees. A normal fee of \$10 per hour is charged for other community, sporting and not for profit groups.

Town of Port Hedland:

There are no seasonal fees listed as part of their Fees and Charges Schedule however they have accepted temporary charge of \$15 per person per season for all sports. This is currently being reviewed as part of their budget process. An oval hire income of \$1,320.00 would be received by the Town of Port Hedland for the same competition under their current arrangement.

All of the above Local Governments add lighting charges at an hourly rate for use of the facilities at night.

Whilst the example in the Financial Implications section of this report shows a considerable increase in hire fees for that particular competition, other user groups may not experience such. For example a social touch football competition which has two teams competing once a week for a 12 week competition will only be required to pay \$60 for their competition whilst a similar competition run over the same period of time with 6 teams would be required to pay \$180 for the season.

Under the proposed fee structure, sports who have higher numbers of participants who are using the oval more than once a week are going to be paying considerably more to use the same section of oval as sports with smaller teams playing on a less regular basis. One would assume that high participation rate sports would have a greater capacity to generate income through their own weekly or seasonal fees to assist in covering facility use charges than would social or low participation sports.

ATTACHMENTS

Proposed Seasonal Oval Hire Fees Policy.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council seek feedback from sporting groups regarding the proposed policy R4 - Seasonal Oval Hire Fees.

MINUTE NO 7111

Moved Cr K Wright M Pucci

That Council seek feedback from sporting groups regarding the proposed policy R4 - Seasonal Oval Hire Fees.

CARRIED UNANIMOUSLY (8-0)

Council would like to compliment Melanie King on the the work put into this policy.

POLICY No:	R4
DIVISION:	Recreation
SUBJECT:	Seasonal Oval Hire Fees
REPORTING OFFICER:	Executive Manager Corporate and Community Services
ENABLING LEGISLATION:	Local Government Act

OBJECTIVE:

To outline the principles and process used for determining Seasonal Fees and Charges for Ovals within the Shire.

POLICY:

The Shire of Wyndham East Kimberley will implement a charging system that ensures the fees and charges for oval use are equitable between users and based on a clear system of objectives and principles. Amounts will be set in accordance with the schedule of Fees and Charges adopted by Council on an annual basis.

Charging Principles

In order to ensure equity in charging throughout the Shire, the fee is charged with the following principles:

- Users should contribute something towards the operating and maintenance cost of the recreational facilities they are using so that ratepayers do not bear the total cost;
- Fee concessions will be provided for promotion of the following:
 - Junior sports (50% discount);
 - Newly formed sports groups (25% discount);
- A percentage of the total cost of operating and maintenance expenditure should be recouped;
- The charging system should encourage optimal use of facilities/grounds; and,
- That charges relate directly to usage.

Charging System

The system for oval hire fees is based on:

- The length of the booking;
- The number of players/participants;
- The number of sessions per week oval is required for;
- Half use or full use of the oval;
- The cost of providing the facility/service.

The following formula is used to calculate the seasonal oval hire fee for use of half an oval within the Shire of Wyndham East Kimberley:

No of Teams

X

No of players/participants in standard team

- X**
No of weeks required
- X**
No of sessions per week including training and games
- X**
Individual Usage Fee
- X**
Applicable Discount

Individual Usage Fee is the fee determined by Council which is charged for every player/participant that uses the oval on every session. In order for Council to work towards an increased cost recovery on its ovals within five years, and provided that the operation and maintenance costs of the ovals remain relative, the Individual Usage Fee within the formula will increase as follows:

- 2005/06 - \$0.25
- 2006/07 - \$0.30
- 2007/08 - \$0.35
- 2008/09 – \$0.40
- 2009/10 - \$0.45

Applications for use of Shire facilities must be made seasonally on the appropriate booking forms available from Council. Seasonal allocation entitles teams of the approved club or association to the number of sessions per week as stated on their booking form (training or competition) for the period of their booking season only. Bookings outside the normal “season” will be charged at a casual use rate, unless another seasonal booking is made.

Seasonal allocation entitles teams of the approved club or association to use of half of the Kununurra Town Oval, Kununurra Agricultural Oval or the Wyndham Town Oval for training (unless otherwise booked) and full oval usage for games. Appropriate booking applications must be completed for all oval usage.

Light fees for night usage will be charged in addition as per the Shire Schedule of Fees and Charges adopted by Council.

ADOPTED:
REVIEWED:
AMEMDED:

12.2.6 Appointment of Authorised Officers

(Minute No 7112)

DATE:	19 April 2005
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Hayley McKeen, Corporate and Community Services Support Officer
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	65.01.07
ASSESSMENT NO:	N/A

PURPOSE

To ensure that appropriate Council Officers have authorisation to perform their duties in accordance with relevant legislation and Council Local Laws.

BACKGROUND

There has been substantial movement in Council's employ since the Appointment of Authorised Officers and Inspectors were advertised in the Government Gazette on the 8 April 2003. The list of Officers needs to be updated with the appropriate gazettals being sought.

STATUTORY IMPLICATIONS

Local Government (Miscellaneous Provisions) Act 1960
Local Government Act 1995
Health Act 1911
Litter Act 1979
Dog Act 1976
Bush Fires Act 1954
Environmental Protection Act Sections 87 and 88
Control of Vehicles (Off road vehicles) Act 1978
Caravan Park and Camping Grounds Act 1995
Building Regulations 1989
Council Local Laws
Town Planning Development Act 1928

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Government Gazette Advertising Costs.

STRATEGIC IMPLICATIONS

Council's 2005-2006 Strategic Plan identifies in its Key Result Area 5 – Governance:

- Goal 6 – Legislation
That Council has established appropriate responses to Legislative and Local Laws Issues.

The appointment of appropriate Registered and/or Authorised Officers is in order to meet Council's obligations in accordance with legislative requirements and is in keeping with Council's strategic direction.

COMMUNITY CONSULTATION

Nil

COMMENT

Given the number of staff changes since Council's resolution to appoint Authorised Officers on the 11 March 2003, it is recommended that Council delete all past employees and appoint the appropriate staff where necessary.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. appoint John Gault, Matthew Scott, Hayley McKeen, Amanda Trengove, Jeanne Harris, Gillian Old, Vaughan Davies, Yale Bolto, Steven Chadwick, Rachel Lines, Brent Christianson, Keith Williams, Roger Feely, Phillip Harris, Darryl Williams, Francis Cox and Ken MacDonald as Authorised Officers under the provisions of the Local Government Act 1995;
2. appoint Roger Feely, Steven Chadwick and Chris Adams under the provisions of the Health Act 1911
3. appoint Ken MacDonald, Maria Lines, Jeanne Harris, Grahame Gould, Gillian Old, Rachel Lines, Amanda Trengove, Nicole O'Conner, Beverley Ozanne, Amanda Quartermaine, Yale Bolto, Margaret King as Registration Officers in accordance with the Dog Act 1976;

4. appoint Steven Chadwick, Rachel Lines, Ken MacDonald and Roger Feely as Authorised Persons under the provisions of the Dog Act 1976;
5. appoint Matthew Scott, Steven Chadwick, Phillip Harris, Kevin Lipscombe, Rachel Lines, Leslie King, Brian Bateman and Ken MacDonald as Authorised Persons under the provisions of the Control of Vehicles Act (ORV);
6. appoint Roger Feely as Authorised Persons and Inspector under the provisions of the Environmental Protection Act, Sections 87 and 88;
7. appoint Steven Chadwick, Phillip Harris, and Ken MacDonald as Authorised Officer under the provisions of the Caravan Parks and Camping Grounds Act 1995;
8. Appoint Sharon McLachlan under the provisions of the Local Government (Miscellaneous Provisions) Act 1960.
9. Appoint Steven Chadwick under the provisions of the Bush Fires Act 1954.
10. Appoint Keith Williams under the provisions of the Town Planning Development Act 1928.
11. cancel the gazetted appointments for the following persons:
 - Leanne Wattchow
 - Sarah Parker
 - Bree Burrows
 - Fiona Dent
 - Lee-Anne Jones
 - Dacre Alcock
 - Jennine Brown
 - David Burt
 - Tizi Bonora
 - Brian Wall
 - David Goodwin
 - Craig Dunster
 - Peter Royce
 - Jon Jones
 - Wendy Cooke
 - Marius Olsen
 - Richard Duke

MINUTE NO 7112

Moved Cr K Wright\J Nelson

That Council:

- 1. appoint John Gault, Matthew Scott, Hayley McKeen, Amanda Trengove, Jeanne Harris, Gillian Old, Vaughan Davies, Yale Bolto, Steven Chadwick, Rachel Lines, Brent Christianson, Keith Williams, Roger Feely, Phillip Harris, Darryl Williams, Francis Cox and Ken MacDonald as Authorised Officers under the provisions of the Local Government Act 1995;**
- 2. Appoint Roger Feely, Steven Chadwick and Chris Adams under the provisions of the Health Act 1911**
- 3. appoint Ken MacDonald, Maria Lines, Jeanne Harris, Grahame Gould, Gillian Old, Rachel Lines, Amanda Trengove, Nicole O'Conner, Beverley Ozanne, Amanda Quartermaine, Yale Bolto, Margaret King as Registration Officers in accordance with the Dog Act 1976;**
- 4. Appoint Steven Chadwick, Rachel Lines, Ken MacDonald and Roger Feely as Authorised Persons under the provisions of the Dog Act 1976;**
- 5. Appoint Matthew Scott, Steven Chadwick, Phillip Harris, Kevin Lipscombe, Rachel Lines, Leslie King, Brian Bateman and Ken MacDonald as Authorised Persons under the provisions of the Control of Vehicles Act (ORV);**
- 6. Appoint Roger Feely as Authorised Persons and Inspector under the provisions of the Environmental Protection Act, Sections 87 and 88;**
- 7. Appoint Steven Chadwick, Phillip Harris, and Ken MacDonald as Authorised Officer under the provisions of the Caravan Parks and Camping Grounds Act 1995;**
- 8. Appoint Sharon McLachlan under the provisions of the Local Government (Miscellaneous Provisions) Act 1960.**
- 9. Appoint Steven Chadwick under the provisions of the Bush Fires Act 1954.**
- 10. Appoint Keith Williams under the provisions of the Town Planning Development Act 1928.**
- 11. Cancel the gazetted appointments for the following persons:
Leanne Wattchow
Sarah Parker
Bree Burrows
Fiona Dent
Lee-Anne Jones
Dacre Alcock
Jennine Brown
David Burt**

***Tizi Bonora
Brian Wall
David Goodwin
Craig Dunster
Peter Royce
Jon Jones
Wendy Cooke
Marius Olsen
Richard Duke***

CARRIED UNANIMOUSLY (8-0)

12.2.7 Kununurra Riding Club

(Minute No 7113)

DATE:	19 April 2005
PROPONENT:	Kununurra Riding Club
LOCATION:	Lot 77 Coolibah Drive Kununurra
ATLAS REFERENCE:	Map 51 E5
AUTHOR:	Mathew Scott
REPORTING OFFICER:	Mathew Scott
FILE NO:	01.2153.01
ASSESSMENT NO:	2153

PURPOSE

For Council to approve the termination of the lease between the Shire and the Kununurra Riding Club over a portion of the Agricultural Oval grounds.

BACKGROUND

The Shire leased a portion of Reserve 29799 to the Kununurra Riding Club in 1991. In 1996 the Club informed Council that it would be going into recess until further notice and Council resolved to waiver any lease payments for 3 years. From 1996 to the present, there have been a number of arrangements made between the Shire, the Riding Club and other organisations for the use of the lease area. These arrangements were made on the basis that the Riding Club had ceased completely and the lease had been terminated.

According to the Department of Justice, who regulates and registers incorporated associations, the Club is still registered, though no returns have been lodged for a number of years. Investigations show that the Council has never formally agreed to terminate the lease since its decision to waiver the lease payments.

The lease area is still used for equestrian pursuits, by both the Kununurra Agricultural Society and the Polo Cross Club. Given the confusing nature of ownership/control, these organisations are now experiencing major insurance concerns.

Mrs Elaine Gardiner, the only remaining Kununurra Riding Club board member, has now written to Council (letter attached) requesting that the lease lapse. This now provides Council with an opportunity to formally terminate the lease and possibly negotiate a new lease with another organisation.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995

Disposing of property

3.58. Disposing of property

(1) In this section —

“**dispose**” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“**property**” includes the whole or any part of the interest of a local government in property, but does not include money.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives Statewide public notice of the proposed disposition —
- (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has received no lease payments since the Kununurra Riding Club went into recess. By terminating the lease the Council may be able to negotiate a new lease with another organisation.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Meetings have been held with representatives from the following interested community organisations:

- Kununurra Riding Club Inc
- Kununurra Agricultural Society Inc
- Kununurra Polo Cross Club

COMMENT

As suggested earlier in this report, Council now has an opportunity to formally terminate the lease, which for all intents and purposes, has lapsed. Once the lease has been terminated, negotiations can be made with the other users of the lease area to finally resolve other issues related to the tenure and/or use of this land.

After meeting with representatives of the Polo Cross Club and the Kununurra Agricultural Society Inc, there was unanimous support for the lease area to be leased to the Kununurra Agricultural Society Inc. The Disposal of this land (by way of lease) could be achieved by public advertisement, once the lease conditions have been negotiated. The lease area will need to be re-valued; however given the past use of the area, a market/commercial rent is probably not relevant. Traditionally, community type leases are either pepper-corn or, at least, significantly less than market valuation. Further negotiations need to occur with the Kununurra Agricultural Society to determine lease terms. Once these terms have been negotiated, a summary will be presented to Council for consideration

ATTACHMENTS

Letter – Mrs Elaine Gardiner 16/1/05

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

- 1) Formally terminate the Lease between the Shire of Wyndham East Kimberley and the Kununurra Riding Club Inc.
- 2) That the Manager, Community Services be given delegated authority to commence negotiations for a new lease with the Kununurra Agricultural Society Inc.
- 3) That the results of these negotiations be presented to Council, prior to entering into any formal agreement and progressing to dispose of the property (by way of lease).

MINUTE NO 7113

Moved Cr R Devenish-Meares/J Nelson

That Council:

- 1)Formally terminate the Lease between the Shire of Wyndham East Kimberley and the Kununurra Riding Club Inc.***
- 2)That the Executive Manager of Corporate and Community Services be given delegated authority to commence negotiations for a new lease with the Kununurra Agricultural Society Inc.***
- 3)That the results of these negotiations be presented to Council, prior to entering into any formal agreement and progressing to dispose of the property (by way of lease).***

CARRIED UNANIMOUSLY (8-0)

Elaine Gardiner
Box 898
Kununurra

Doc No.	048899
Date	20 JAN 2005
Officer	ACS
Response	NR
File	01 AN 09

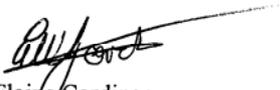
Shire of Wyndham East Kimberly
P O Box 614
Kununurra

Dear Matthew,

Regarding your letter of the 5th of November we have decided to let the lease lapse, and hopefully allow the issue of the lease to be resolved between yourselves and the Agricultural Society.

As you may be aware there is a clause in the Agricultural Society's lease that sets aside land for Equestrian Sport. This land encompasses some of the lease in question and a simple solution would be for the whole area to come under the umbrella of the Agricultural Show Society.

Yours sincerely


Elaine Gardiner
16/1/05

12.2.8 Spot Rating

(Minute No 7114)

DATE:	19 April 2005
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Matthew Scott, Executive Manager Corporate and Community Services
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	61.22.03
ASSESSMENT NO:	N/A

PURPOSE

For Council to resolve how spot rating is to be determined and implemented

BACKGROUND

At the April Briefing Session, Council was advised on the process to implement spot rating. Spot rating is a form of differential rating where Council can charge a different rate in the dollar based on how the land (or portion of land) is used. For example, Council could charge a different rate on piece of land used for tourism accommodation, even though the entire property is currently being rated as pastoral, under the relevant town planning scheme.

Spot rating is seen as a way to remove current inequities in rating based purely on zoning, instead of land use. It must however be stressed, that any spot rating also needs to be applied fairly across the Shire, to ensure that new rating inequities are not created.

The process to implement spot rating is as follows:

1. Identify a purpose and reason for the new differential (spot) rate.
2. Identify the area(s) the spot rate will be applied.
3. Seek public comment (21days)
4. Consider any submissions.
5. Resolve to impose new rate

Developing/implementing Spot Rating has been on the Shire's Strategic Plan for the last 2 years, and may result in creating a broader rates base, and therefore increase funds available to deliver the shire's services and activities.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned under a town planning scheme in force under the *Town Planning and Development Act 1928*;
- (b) the predominant purpose for which the land is held or used as determined by the local government;

- (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
- (a) Specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1) (a) applies.

POLICY IMPLICATIONS

There are no policies specifically related to Spot Rating

FINANCIAL IMPLICATIONS

As Council is yet to impose a spot, it is difficult to quantify the amount of additional revenue. However it is believed that Council's rates could increase by \$100,000 (conservatively) per annum.

There will be some initial cost council will need to incur before spot rating can be implemented, these include survey, mapping, and professional consultancy.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Before any spot rates can be implemented, there will need to considerable community consultation, especially with all affected ratepayers.

COMMENT

The Local Government Act 1995 allows Council's to rate properties based on land use, therefore in some instances, different parts of one property could be rated differently. The motivation of differential rating (which includes spot rating) is that different land uses can have significant impact on what services a local government must deliver, which directly affects the local authority cost structure. Local Authorities have only limited means to raise funds, with Rates being the primary source of funds. It therefore imperative that Council's maximise rate income (where possible) as these are realistically the source of revenue it's has control over.

As Council is aware, there a numerous rating inequities, due to rates being levied based on the zoning of land, as opposed to what or how the land is being used for. For example, over recent years a number of tourism ventures and activities have been developed within pastoral stations. However due to zoning, these properties are rated as if they were being run as traditional pastoral stations, at a significantly lower rate in the dollar and land valuation. This causes inequities in cost structures for

tourist operators who are based in townsites, with higher land values and rates in the dollar.

Spot Rating needs to be investigated and implemented extremely carefully, so not to create any new inequities. It needs to apply fairly and transparently, as this will increase the amount of rates certain rate payers will be required to pay, without any direct increase in service or service quality. The Council, through the Audit Committee can further investigate the spot rating proposal, to ensure that no new inequities are created or minimised. Should Council decide to discontinue looking at ways to broaden the Shire's rate base, significant shire wide rate increase will become a regular requirement, as other funding sources reduce over time.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

- (1) That Council resolves, in principle, to implement spot rating as a means to broaden the Shire's Rate base.
- (2) That Council resolves undertake further investigate spot rating
- (3) That the Audit Committee undertakes this further investigation into spot rating with the objective of recommending to Council:
 - a. The Purpose and Reason for new differential (spot) rate
 - b. The area(s) or portion(s) of land the spot rating will be applied.

MINUTE NO 7114

Moved Cr K Wright/J Buchanan

(1)That Council resolves, in principle, to implement spot rating as a means to broaden the Shire's Rate base.

(2)That Council refers this to the audit committee for investigation and development

CARRIED UNANIMOUSLY (8-0)

**12.2.9 Payments and Debtors for the period ended 31 March 2005
(Minute No 7115)**

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Gillian Old, Finance Officer
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	61.23.01
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of Accounts for Payment and Sundry Debtors for the period ended 31 March 2005, in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

A detailed list of all accounts and sundry debtors has been appended as a separate attachment to the Agenda.

BACKGROUND

The List of Payments presented for endorsement covers;

• Municipal cheques numbered 036205 to 036245	\$	46,456.36
• EFT payments numbered EP5926 to EP6082	\$	497,921.61
• Direct bank debits	\$	235,754.20
Total Payment of Accounts totalling	\$	780,132.17
Total cancelled cheques for the month	\$	2,395.00
Outstanding Invoices at month end	\$	72,587.06
Outstanding over 90 days Sundry Debtors as at month end	\$	65,129.58

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4 (2)

The financial report is to:

- (a) Be prepared and presented in the manner and form prescribed; and
- (b) Contain the prescribed information.

Local Government (Financial Management) Regulations 1996 – Clause 34 (1) (b) (2)
Clause 35(1) –

“A quarterly financial report is to be in the form that sets out and includes an operating statement and supporting notes.”

POLICY IMPLICATIONS

Policy F7 – Significant Accounting Policies

Objectives: To provide the basis for Council's accounting concepts and annual reporting guidelines. To maintain accounting reporting procedures that will comply with statutory requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds.

STRATEGIC IMPLICATIONS

5.5 Key Result Area 5 – Governance
Goal 2 – Financial Management

That the Shire's finances are well managed, user friendly with expenditure reflecting expressed community priorities.

Strategy 1 – Refine the Shire's monthly and quarterly financial statements to make them more simple and user-friendly

COMMUNITY CONSULTATION

N/A

COMMENT

The accounts for payment, direct debits and sundry debtors are presented for endorsement by Council.

That the proceeding debtors be written off for the specified reasons.

ATTACHMENTS

1. Accounts for Payment, Direct Debits, Cancelled Cheques and Outstanding Unpaid Invoices.
2. Outstanding Sundry Debtors over 90 days.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That the Accounts for payment as at 31 March 2005 totalling \$780,132.17 (ex GST) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 31 March 2005 totalling \$65,129.58 be received.

MINUTE NO 7115

Moved Cr M Pucci/J Nelson

1. That the Accounts for payment as at 31 March 2005 totalling \$780,132.17 (ex GST) be received.

2. That the Outstanding Sundry Debtors' over 90 days as at 31 March 2005 totalling \$65,129.58 be received.

CARRIED UNANIMOUSLY (8-0)

Council complimented the Finance team on their efforts in reducing debts within the Shire.

LIST OF ACCOUNTS PAID BY COUNCIL SUBMITTED TO THE COUNCIL MEETING ON 19TH APRIL 2005					
CHEQUE	EFT	CREDITOR	DETAILS	MUNI	TRUST
36205	4/03/05	PRITCHARD BOOK BINDERS	RECOVER AND BIND WYNDHAM BURIAL BOOK	259.60	EMEDS
36206		DEPARTMENT OF LAND ADMINISTRATION	TITLE SEARCH	19.40	EMCCS
36207		WESTERN POWER CORPORATION	ELECTRICITY ACCOUNTS	3267.05	EMCCS
36208		KUNUNURRA AMCAL PHARMACY	RECHARGABLE BATTERY	149.00	EMEDS
36209		ALL BARCODES AUSTRALIA PTY LTD	BARCODE SCANNER DLC TOUCH65 WYNDHAM	231.20	EMCCS
36210		JUST FRAMED KUNUNURRA	PHOTO & FRAME GIFT	100.00	EMCCS
36211		SHIRE OF DERBY WEST KIMBERLEY	KIMBERLEY ARCHIVE PROJECT CONTRIBUTION	5500.00	CEO
36212		EWIN CENTRE CHILDREN SERVICES	LOSS OF FEES DUE TO CLOSURE	5000.00	EMCCS
36213		ABACUS	ADOBE ACROBAT & LICENCE	3538.97	EMCCS
36214		MCKINLAY, BETTY	REIMBURSE POLICE CLEARANCE	44.00	EMCCS
36215		KIMBERLEY GOURMET	CATERING BRIEFING SESSION & COUNCIL MEETING	336.00	EMCCS
36216	11/03/05	DEPARTMENT OF LAND ADMINISTRATION	TITLE SEARCHES	32.80	EMCCS
36217		BCITF	BCITF LEVY	776.64	EMCCS
36218		WESTERN POWER CORPORATION	ELECTRICITY ACCOUNTS	8882.55	EMCCS
36219		MAGABALA BOOKS ABORIGINAL CORPORATION	" WINDS " BY ALF TAYLOR (LIBRARY)	10.95	EMCCS
36220		PARKES PUBLIC SCHOOL	BIRTH TO KINDERGARTEN KIT	209.00	EMCCS
36221		ANGUS & ROBERTSON	PUBLICATIONS & FREIGHT (LIBRARY)	54.46	EMCCS
36222		DYMOCKS	" THE REEF " (LIBRARY)	34.90	EMCCS
36223		WATER CORPORATION	WATER ACCOUNT	14.45	EMCCS
36224		KUNUNURRA HISTORICAL SOCIETY	WIRRAWAY CHALLENGE GRANT	1000.00	EMCCS
36225		MCLACHAN, SHARON	REIMBURSE ELECTRICITY ALLOWANCE	431.52	EMEDS
36226		GLOBALSTAR AUSTRALIA PTY LTD	SATELLITE PHONE ACCOUNT	178.99	EMEDS
36227	18/03/05	PRITCHARD BOOK BINDERS	BINDING (LIBRARY)	132.18	EMCCS
36228		WESTERN POWER CORPORATION	ELECTRICITY ACCOUNTS	19.75	EMCCS
36229		REBECCA HULANDS	REIMBURSE TRAINING EXPENSES	93.35	EMCCS
36230		BOAB BOOKS	LIBRARY SUPPLIES	54.90	EMCCS
36231		KUNUNURRA CRUISES	CATERING 28 FEB 05	127.50	CEO
36232		TELSTRA	TELEPHONE ACCOUNTS	1603.98	EMCCS
36233		RUMOURS PATISSERIE	CATERING EAST KIMBERLEY YOUTH COORDINATING NETWORK	59.40	EMCCS

36234		CALCUTT WATSON & ASSOCIATES	AAA CONVENTION SPRY/BARNES (REPLACEMENT OF LOST CHEQUE)	2395.00	EMCCS
36235	24/03/05	CORAL GORE-BIRCH	THIRD QUARTER ALLOWANCES	1250.00	EMCCS
36236		DEPARTMENT FOR PLANNING & INFRASTRUCTURE	ANNUAL LICENCES BOAT RAMPS	81.00	EMEDS
36237		INDUSTRIAL RELATIONS & ADVOCACY SERVICES	REVIEW OF EBA DRAFT	270.00	EMCCS
36238		CHILD EDUCATION SERVICES	BOOKS (LOCAL COLLECTION) / FELTBOARD	277.01	EMCCS
36239		FREER, WAYNE	REIMBURSE FUEL EXPENSES YAC SKI DAY	138.73	EMCCS
36240		TELSTRA	MOBILE PHONE ACCOUNTS	324.13	EMCCS
36241		CASH - PETTY CASH WYNDHAM OFFICE	PETTY CASH REIMBURSEMENT	175.35	EMCCS
36242		AUSTRALIA POST (KNX)	POST OFFICE BOX RENEWALS (BOXES 614,186,454,666)	124.00	EMCCS
36243		SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	1210.00	EMCCS
36244		COUNCILLOR MICHELE PUCCI	THIRD QUARTER ALLOWANCES	1250.00	EMCCS
36245	30/03/05	DEPARTMENT OF PLANNING & INFRASTRUCTURE	VEHICLE REGISTRATIONS 2005/2006	6798.60	EMEDS
			TOTAL OF CHEQUES	46456.36	
4/03/05	EP005926	GREER ASHBY	REIMBURSE ELECTRICITY ALLOWANCE	492.80	EMEDS
	EP005927	KIMBERLEY WASTE SERVICES	CONTRACT REFUSE COLLECTION JAN05	36153.17	CEO
	EP005928	FESA - ESL	ESL LEVY MAR 05	539.60	EMCCS
	EP005929	SADANIK PTY LTD	IT CONTRACT JAN 05	4852.50	EMCCS
	EP005930	NETWORK DRAFTING	DRAFTING SERVICES	2750.00	EMEDS
	EP005931	DIAMONDTECH PLUMBING & GAS	REPLACE CHLORINATOR VALVE / SERVICE TOILET WYNDHAM POOL	393.07	EMCCS
	EP005932	KIMBERLEY MOTORS	JERRY CANS, FUEL (WYNDHAM)	1835.40	EMEDS
	EP005933	WYNDHAM TOURIST INFORMATION CENTRE	TOURIST INFORMATION WYNDHAM	476.66	EMCCS
	EP005934	KUNUNURRA DISTRICT HIGH SCHOOL	0.4 FTE TEACHER JAN-JUL 05 (LIBRARY)	14250.00	EMCCS
	EP005935	COURIER AUSTRALIA	FREIGHT FEB 05 WYNDHAM	81.91	EMCCS
	EP005936	BARNYARD TRADING	FLOW SWITCH AIRPORT & CREDIT INV # 3139 PAID TWICE	200.14	EMCCS
	EP005937	GARRATT, SARAH	AEROBIC CLASSES	285.00	EMCCS
	EP005938	AUSTRAL INSULATIONS	25% DEPOSIT PANELS SES UNIT	1130.00	EMEDS
	EP005939	TOLL WEST	FREIGHT FEB 05	569.06	EMCCS
	EP005940	TRAVELWORLD KUNUNURRA	TRAVEL ADAMS, JOHNSON, PUCCI	2469.66	EMCCS
	EP005941	BEV OZANNE	AEROBIC CLASSES	190.00	EMCCS

	EP005942	BUSH CAMP SURPLUS STORES	SAFETY BOOTS, UNIFORM (SHORTS) AIRPORT	735.95	EMCCS
	EP005943	FRANMORE CONSTRUCTIONS PTY LTD	RECONSTRUCT NETBALL SEATING, SQUASH COURTS REPAIRS	6924.98	EMCCS
	EP005944	CABCHARGE	SERVICE FEE	6.00	EMCCS
	EP005945	STATE LIBRARY OF WESTERN AUSTRALIA	RURAL FACT SHEETS / FARM NOTES (LIBRARY*	13.20	EMCCS
	EP005946	KIMBERLEY MARKETING	TOILET PAPER,DISINFECTANT,WATER & CREDIT NOTE OVERPAYMENT	215.93	EMCCS
	EP005947	FERTEIS, ELAINE	AEROBIC CLASSES	65.00	EMCCS
	EP005948	COVINGTON REMOVALS PTY LTD	RELOCATION NEIL LAVERS	10890.00	EMCCS
11/03/05	EP005949	ROGERS MACHINERY SERVICE	SERVICE TRACTOR WY10434, FUEL FILTER WYNDHAM BACKHOE WY9901	509.20	EMCCS
	EP005950	HASTED, CATHY	EWIN CENTRE ACCOUNTING CONTRACT	550.00	EMCCS
	EP005951	ARMANDO'S SPORTS UNIT	SQUASH BALLS FOR SALE (LEISURE CENTRE)	74.80	EMCCS
	EP005952	BOAB CARPENTRY MAINTENANCE SERVICE	VARIOUS REPAIRS LOT 1230 KOOJARRA STREET, WYNDHAM	3847.07	EMEDS
	EP005953	EAST KIMBERLEY HARDWARE	HARDWARE SUPPLIES	4424.53	EMEDS
	EP005954	NETWORK DRAFTING	DRAFTING SERVICES	1375.00	EMEDS
	EP005955	KIMBERLEY METAL RECYCLERS	CONTRACT LANDFILL MANAGEMENT FEB 05 & LITTER COLLECTION	24051.50	EMEDS
	EP005956	KIMBERLEY MINI DIGGER	DOG POUND LEVEL GRAVEL, BOBCAT & EXCAVATOR HIRE	990.00	EMEDS
	EP005957	DELRON CLEANING PTY LTD	CONTRACT CLEANING FEB05 (AIRPORT, GENERAL, DEPOT)	12526.92	EMEDS
	EP005958	W.C CONVENIENCE MANAGEMENT PTY LTD	NEW LOCK PAPER DISPENSER EXELOO	115.50	EMEDS
	EP005959	FRONTIER POST & NEWS	POSTAGE & NEWSPAPERS	71.85	EMCCS
	EP005960	EAST KIMBERLEY PLUMBING	SOLAR HWS L1270B BEEFWOOD, VARIOUS OTHER PLUMBING REPAIRS	3211.40	EMEDS
	EP005961	JSW HOLDINGS PTY LTD	TRANSPORT PIPE KUNUNURRA TO WYNDHAM PORT	484.00	EMEDS
	EP005962	KUNUNURRA SECURITY SERVICE	SECURITY CALLOUTS	264.00	EMEDS
	EP005963	GUERINONI & SON	DELIVERY CONCRETE GROTTO ROAD	1321.30	EMEDS
	EP005964	TNT AUSTRALIA PTY LTD	FREIGHT JAN / FEB 05	185.67	EMCCS
	EP005965	JORRITSMA H & CO	PLUMBING SUPPLIES	1419.30	EMEDS
	EP005966	TOP END MOTORS	SERVICE 1BOC882 & WY9821, REPAIRS TRACTOR 1TBZ908	1944.81	EMEDS
	EP005967	AUSTRALIA POST, ACCOUNT RECEIVABLE TEAM	POSTAGE FEB 05	922.33	EMCCS
	EP005968	VALUERS GENERAL'S OFFICE	VALUATIONS	199.75	EMCCS
	EP005969	BLACKWOODS ATKINS PTY LTD	PVC ELBOWS DEPOT	241.96	EMEDS

	EP005970	I J & S A THORLEY	FREIGHT WYNDHAM/KUNUNURRA FEB 05	272.80	EMCCS
	EP005971	KUNUNURRA REFRIGERATION	REPAIR AIRCONDITIONERS WYNDHAM OFFICE & L1230 KOOJARRA ST	330.00	EMEDS
	EP005972	WYNDHAM SUPERMARKET	GROCERIES WYNDHAM CHILDCARE	97.89	EMCCS
	EP005973	ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	BLADES DEUTCHER MOWER	40.00	EMEDS
	EP005974	THE KIMBERLEY ECHO	ADVERTISEMENTS VACANT POSITION & TREE PLANTING DAY 05	443.55	EMEDS
	EP005975	CROCODILE SIGNS	MAGNETIC RANGER SIGNS	105.60	EMEDS
	EP005976	ARGYLE IRRIGATION PTY LTD	POLY PIPE DEPOT	5615.94	EMEDS
	EP005977	TANAMI EARTHMOVING	SHOULDER RECONDITIONING WEABER PLAINS ROAD	16830.00	EMEDS
	EP005978	GULLIVERS TAVERN	CATERING 25/2/05	50.00	EMCCS
	EP005979	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 109 REPAYMENT	10468.74	EMCCS
	EP005980	ORD RIVER ELECTRICS	REPAIR OUTSIDE LIGHT AIRPORT, ELECTRICAL REPAIRS WYNDHAM OFFICE	791.89	EMEDS
	EP005981	COUNCILLOR KEITH WRIGHT	REIMBURSE ELECTRICAL REPAIRS COST CROSSING FALLS BFB	225.67	EMCCS
	EP005982	KIMBERLEY COMMUNICATIONS	RELOCATE RADIOS & TRIP METER, RESET RECEIVERS	767.80	EMEDS
	EP005983	TOLL WEST	FREIGHT FEB 05	197.28	EMCCS
	EP005984	YORK BARBELL (AUST) PTY LTD	WEIGHTS LEISURE CENTRE	760.98	EMCCS
	EP005985	TUCKERBOX/RETRAVISI ON	TUCKERBOX CONSUMABLES FEB 05	826.15	EMCCS
	EP005986	KIMBERLEY STEEL	CORNER FLASHING PACKSADDLE BUSHFIRE BRIGADE	762.13	EMEDS
	EP005987	BUSH CAMP SURPLUS STORES	UNIFORM WORKBOOTS	160.00	EMEDS
	EP005988	FRANMORE CONSTRUCTIONS PTY LTD	REPAIR WINDOWS KUNUNURRA INFANT HEALTH & LEISURE CENTRE	1007.55	EMEDS
	EP005989	TROPICAL PEST CONTROL & HEALTH SERVICE	TERMITE TREATMENT TOWN TREES	1100.00	EMEDS
	EP005990	VANDERFIELD MACHINERY PTY LTD	HOSE EMULSION SPRAYER (AIRPORT)	41.05	EMCCS
	EP005991	BEAUREPAIRS () KUNUNURRA)	TYRES TRACTOR 1AKA 930, TYRE REPAIR 1BJN958	2937.90	EMCCS
	EP005992	MODERN TEACHING AIDS	BRUSHES ART & CRAFT (LIBRARY)	32.89	EMCCS
	EP005993	STANLEY GRADER & CONTRACTING PTY LTD	GRADER HIRE FORMATION KALUMBURU	14520.00	EMEDS
	EP005994	KUNUNURRA NEWSAGENCY	PAPERS / STATIONERY / DRYCLEANING	170.15	EMCCS
	EP005995	COVINGTON REMOVALS PTY LTD	RELOCATION NEIL LAVERS KUNUNURRA TO WYNDHAM	1430.00	EMCCS
	EP005996	NORTHERN INFORMATION TECHNOLOGY	UPDATE SYNISOFT SOFTWARE 4.1.41	99.00	EMCCS

		SERVICES			
	EP005997	KIMBERLEY BUSINESS MACHINES	COLOUR PHOTOCOPYING, COLOUR TONER	533.20	EMCCS
18/03/05	EP005998	ROGERS MACHINERY SERVICE	AIRCLEANERS/FUEL FILTER WYNDHAM BACKHOE	132.60	EMEDS
	EP005999	PARDOE-BELL, ALLAN	CONTRACT CLEAN WYNDHAM	885.00	EMEDS
	EP006000	KIMBERLEY INDUSTRIES METALAND	NUTS, BOLTS, WASHERS & STEEL P BINBUSU	993.50	EMEDS
	EP006001	EAST KIMBERLEY HARDWARE	HARDWARE SUPPLIES	231.00	EMEDS
	EP006002	KIMBERLEY METAL RECYCLERS	LITTER CONTROL	4796.00	EMEDS
	EP006003	OFFICE NATIONAL KUNUNURRA	STAMP, PRINT CARTRIDGE, WORKSTATION & CABINETS PACKSADDLE BFB	2113.39	EMEDS
	EP006004	ZERO DOWNTIME COMUTING	IT SUPPORT LIBRARY ADMINISTRATION COMPUTERS	385.00	EMEDS
	EP006005	CIVIL AVIATION SAFETY AUTHORITY	2 CASA CDROMS AIRPORT	432.00	EMCCS
	EP006006	WRIDGWAYS THE REMOVALISTS	RELOCATION EXPENSES K MCDONALD	9065.10	EMEDS
	EP006007	COTTONBAGS	COTTON BAGS (LIBRARY)	361.50	EMCCS
	EP006008	DELRON CLEANING PTY LTD	CARPET CLEAN MANAGERS OFFICE AIRPORT	88.00	EMCCS
	EP006009	JSW HOLDINGS PTY LTD	CULVERTS/CROSSOVERS/DR AINS PONCIANA STREET	34262.80	CEO
	EP006010	KUNUNURRA SECURITY SERVICE	SECURITY LEASE & INSTALL SMOKE ALARMS WYNDHAM	1020.51	EMEDS
	EP006011	ORD RIVER DIST CO-OP	POLY TANK 5400LT DOG POUND	1105.50	EMEDS
	EP006012	TNTAUSTRALIA PTY LTD	FREIGHT FEB 05	191.37	EMCCS
	EP006013	SHELF SUPPLY	DOG FOOD/DISHES/CHAINS, UNIFORM WORKBOOTS	190.00	EMEDS
	EP006014	WYNDHAM SUPERMARKET	FLURO GLOBES & STARTERS (WYNDHAM CHILDCARE)	22.12	EMCCS
	EP006015	ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	REPAIR POLE PRUNER, NEW HANDLE POST HOLE DIGGER	276.30	EMEDS
	EP006016	THE KIMBERLEY ECHO	PRINTING BUSINESS CARDS, RECEIPTS, COMPLIMENTS SLIPS, ADVERT	2349.90	EMCCS
	EP006017	AUSTRALIAN FUEL DISTRIBUTORS	FUEL FEB 05	10642.32	EMEDS
	EP006018	GULLIVERS TAVERN	REFRESHMENTS VISITING AUTHOR	227.60	EMCCS
	EP006019	KUNUNURRA RURAL TRADERS	TRESTLE TABLE (COMMUNITY)	97.50	EMCCS
	EP006020	BEV OZANNE	AEROBIC CLASSES	185.00	EMCCS
	EP006021	KIMBERLEY PROPERTY VALUERS	PROPERTY VALUATIONS	1980.00	EMCCS
	EP006022	STATE LIBRARY OF WESTERN AUSTRALIA	DAMAGED BOOKS (LIBRARY)	139.10	EMCCS
	EP006023	KUNUNURRA DIESEL SERVICES	VEHICLE SERVICES WY11160 & WY9719, REPAIRS 1APW393	1445.40	EMEDS
	EP006024	ARGYLE MOTORS	NEW TOYOTA HILUX DUALCAB WY11194 (AFTER	16456.60	EMCCS

			TRADE)		
	EP006025	SPORTSWORLD OF WA	SHOES FOR SALE (LEISURE)	130.35	EMCCS
	EP006026	BROADCAST AUSTRALIA PTY LTD	POWER RECOVERY GWRN & SBS MT ALBANY	565.32	EMEDS
24/03/05	EP006027	S & K KNICKEL GARDENING SERVICES	CONTRACT MOWING AND ADDITIONAL WORKS JAN05	52272.77	CEO
	EP006028	ROGERS MACHINERY SERVICE	VEHICLE REPAIRS WY9901	305.50	EMEDS
	EP006029	KIMBERLEY WASTE SERVICES	CONTRACT REFUSE COLLECTION FEB05, SKIP EMPTIES (LEISURE)	34514.28	CEO
	EP006030	COUNCILLOR IVAN THORLEY	THIRD QUARTER ALLOWANCE	1562.50	EMCCS
	EP006031	COUNCILLOR JULEE NELSON	THIRD QUARTER ALLOWANCE	1250.00	EMCCS
	EP006032	COUNCILLOR JOHN BUCHANAN	THIRD QUARTER ALLOWANCE	1250.00	EMCCS
	EP006033	COMMANDER AUSTRALIA LIMITED	INTERCOM RENTAL WYNDHAM AIRPORT	30.80	EMCCS
	EP006034	SADANIK PTY LTD	I.T. CONTRACT FEB 05, ANNUAL ASSET REPLACEMENT REPORT	2332.00	EMCCS
	EP006035	KIMBERLEY METAL RECYCLERS	WASTE OIL DISPOSAL KUNUNURRA LANDFLL, DRUM MUSTER	195.65	EMEDS
	EP006036	KP PUMPS & IRRIGATION	LEAF RAKE (LEISURE)	32.89	EMCCS
	EP006037	WORKING RELATIONSHIPS	COUNSELLING SERVICES	110.00	EMCCS
	EP006038	KIMBERLEY SPECIALISTS IN TOURISM	CONTRIBUTION CANE TOAD FORUM	1000.00	EMCCS
	EP006039	TOTAL AVIONICS SUPPORT P/L	TWO HANDHELD RADIOS (AIRPORT)	1273.80	EMCCS
	EP006040	NORTHERN AIRPORT SERVICES	KUNUNURRA AIRPORT LOCKUP	330.00	EMCCS
	EP006041	BRANKO BP MOTORS	FUEL FEB 05, GREASE/DEGREASER/RIVETS /BRUSH, REPAIR 1ACI665	1352.72	EMEDS
	EP006042	EAST KIMBERLEY PLUMBING	INSTALL PLUMBING PACKSADDLE BFB, NEW SINK & CISTERNS (LESIURE)	11356.40	EMEDS
	EP006043	JSW HOLDINGS PTY LTD	DRUM ROLLER HIRE (AIRPORT), TRANSPORT POLY & STEEL TO WYNDHAM	836.00	EMEDS
	EP006044	KUNUNURRA SECURITY SERVICE	SECURITY PATROLS	1108.36	EMEDS
	EP006045	KIMBERLEY STOCK OLIVER	RETICULATION & HARDWARE SUPPLIES	1600.77	EMEDS
	EP006046	TNT AUSTRALIA PTY LTD	FREIGHT FEB 05	63.95	EMCCS
	EP006047	MINTERELLISON	LEGAL ADVICE	1495.45	EMCCS
	EP006048	ZIPFORM PTY LTD	PRINTING INVOICES/STATEMENTS	819.50	EMCCS
	EP006049	KUNUNURRA REFRIGERATION	INSTALL AIRCON WYNDHAM, REPAIR AIRCON KNX ADMIN & 16B BEEFWOOD	5515.40	EMEDS
	EP006050	THE ROYAL LIFE SAVING SOCIETY AUST	SHORTS (LEISURE)	588.15	EMCCS

	EP006051	ARGYLE ENGINEERING	PRESS METAL DOG TRAPS	529.87	EMEDS
	EP006052	ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	PULL START CORD/CHAIN, BLADE KITS MOWERS	438.35	EMEDS
	EP006053	JASON SIGNMAKERS LTD	SIGNAGE	136.40	EMEDS
	EP006054	GULLIVERS TAVERN	REFRESHMENTS VISITING AUTHOR	20.97	EMCCS
	EP006055	KUNUNURRA RURAL TRADERS	RETICULATION & HARDWARE SUPPLIES	217.35	EMEDS
	EP006056	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 111 & 112 REPAYMENTS	20016.40	EMCCS
	EP006057	HOT WIRE ELECTRICS	INSTALL POWER SUPPLIES & ELECTRICAL REPAIRS	1133.00	EMEDS
	EP006058	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION PAYMENT	23500.78	EMCCS
	EP006059	L.G.R.C.E.U	PAYROLL DEDUCTIONS	71.50	EMCCS
	EP006060	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	190.80	EMCCS
	EP006061	ORD RIVER ELECTRICS	REPAIR LIGHT SWITCH CHAMBERS, REPAIR AUTO TOILET PAPER FEED	196.35	EMEDS
	EP006062	COUNCILLOR KEITH WRIGHT	THIRD QUARTER ALLOWANCES	1250.00	EMCCS
	EP006063	ORD RIVER CONTRACTING	GRAVEL PACKSADDLE BUSHFIRE BRIGADE SHED	750.20	EMEDS
	EP006064	A.T.O CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	263.44	EMCCS
	EP006065	LAKESIDE BLINDS & MACHINERY	SUPPLY/FIT BLINDS PACKSADDLE BUSHFIRE BRIGADE	543.86	EMEDS
	EP006066	BOBS BRUSH STROKES	PART INTERIOR REPAINT 3B DRYANDRA ST	869.00	EMEDS
	EP006067	BUSH CAMP SURPLUS STORES	UNIFORM SHORTS	307.00	EMEDS
	EP006068	FRANMORE CONSTRUCTIONS PTY LTD	REPAIR WINDOW LEISURE CENTRE, EXTENSIONS KUNUNURRA AIRPORT	18028.46	EMCCS
	EP006069	VANDERFIELD MACHINERY PTY LTD	AIRLINE HOSE & FITTINGS WYNDHAM	101.53	EMEDS
	EP006070	COUNCILLOR BARBARA JOHNSON	THIRD QUARTER ALLOWANCES	3375.00	EMCCS
	EP006071	DEVENISH, ANNE	REIMBURSE TRAVEL EXPENSES	100.64	EMCCS
	EP006072	CORPORATE EXPRESS	GREEN FILES, CORRECTION TAPE, CANNON TONERS	1361.80	EMCCS
	EP006073	COUNCILLOR ROCH DEVENISH-MEARES	THIRD QUARTER ALLOWANCES	1250.00	EMCCS
	EP006074	WA LOCAL GOVERNMENT ASSOCIATION	MARKETFORCE ADVERTISING (TENDERS & VACANT POSITIONS)	3122.49	EMCCS
	EP006075	CORPORATE PROFILE CLOTHING PTY LTD	UNIFORM SHIRTS	477.00	EMCCS
	EP006076	KUNUNURRA VOLUNTEER FIRE BRIGADE	CLEAN NETBALL COURTS	165.00	EMCCS
	EP006077	BARNES, WILLIAM	THIRD QUARTER ALLOWANCES	1250.00	EMCCS

	EP006078	NORTHERN INFORMATION TECHNOLOGY SERVICES	CONTRACT ADSL FEBRUARY & MARCH 05	239.90	EMCCS
	EP006079	SPORTSWORLD OF WA	ITEMS FOR SALE, BASKETBALLS/NETS (LEISURE CENTRE)	291.02	EMCCS
	EP006080	CORRECTIVE EXERCISE SYSTEMS	FITBALLS KUNUNURRA LEISURE CENTRE	346.75	EMCCS
	EP006081	G & J TOMKIN	BITUMEN KUNUNURRA AIRPORT	484.00	EMCCS
	EP006082	SHIRE OF MURRAY	PAYROLL DEDUCTIONS	56.00	EMCCS
			TOTAL OF EFT PAYMENTS	497921.61	
			TOTAL PAYMENTS	544377.97	

DIRECT DEBITS - MARCH 2005

		20/33 KONKERBERRY DRIVE		975.00	
		BANK FEES		457.79	
		MOBIL OIL AUSTRALIA - WYNDHAM AIRPORT FUEL		4693.04	
		MERCHANT FEES		253.17	
		SALARY AND WAGES		228646.77	
		VISA PAYMENT		728.43	
				235754.20	

OUTSTANDING INVOICES AS AT 31ST MARCH 2005

		WESTERN POWER CORPORATION	ELECTRICITY ACCOUNTS	17103.45	
		ROGERS MACHINERY SERVICE	PARTS FOR SPRAY RIG	54.60	
		HASTED, CATHERINE	EWIN CENTRE ACCOUNTING CONTRACT	319.00	
		PARDOE-BELL, ALLAN	CONTRACT CLEANING WYNDHAM	885.00	
		KIMBERLEY INDUSTRIES METALAND	FABRICATE PLATE AIRPORT	52.80	
		DE CARPENTERS PTY LTD	HIRE CHERRY PICKER	220.00	
		STITCHED UP EMBROIDERY SERVICES	UNIFORM SWEK LOGOS	39.60	
		KIMBERLEY METAL RECYCLERS	CONTRACT LANDFILL MANAGEMENT MARCH 05	21103.50	
		KIMBERLEY OUTBACK CRAFTS	MATERIAL FOR CYCLONE FLAGS	20.80	
		KUNUNURRA UNIT STATE EMERGENCY SERVICE	SES OPERATING GRANT 2004/05	6957.50	
		JSW HOLDINGS PTY LTD	EXCAVATOR & TIP TRUCK	1947.00	

			HIRE		
		KUNUNURRA SECURITY SERVICE	SECURITY CALLOUTS	198.00	
		TOP END MOTORS	VEHICLES SCHEDULED SERVICING	1041.82	
		WESTRAC EQUIPMENT PTY LTD	SCHEDULED SERVICE CAT GRADER	1643.80	
		COUNTRY CLUB HOTEL	ACCOMMODATION Y BOLTO	175.00	
		KUNUNURRA RURAL TRADERS	GAS BOTTLE	43.50	
		AERODROME MANAGEMENT SERVICES	INSPECTIONS/SURVEYS/TRAINING	7788.00	
		JAB INDUSTRIES	CLEAN WEABER PLAINS DRAIN & SWIM BEACH VEGETATION	4488.00	
		KIMBERLEY COMMUNICATIONS	RELOCATE RADIOS & PHONE AND PA SYSTEM	1296.13	
		TOLL WEST	FREIGHT MAR05	224.53	
		TRAVELWORLD KUNUNURRA	TRAVEL Y BOLTO & C ADAMS	2556.05	
		BUSHCAMP SURPLUS STORES	UNIFORM SHORTS	165.00	
		TROPICAL PEST CONTROL & HEALTH SERVICES	PEST TREATMENT KUNUNURRA ADMINISTRATION & AUTO TOILET	374.00	
		CABCHARGE	SERVICE FEE FEBRUARY 05	6.00	
		BEAUREPAIRES (KUNUNURRA)	BATTERIES, PUNCTURE REPAIRS, REPLACE TYRES	1000.80	
		CORPORATE EXPRESS	STATIONERY MARCH 05	1004.28	
		KUNUNURRA CAR CARE	SUPPLY & FIT WINDSCREEN	352.00	
		DAVEY TYRE AND BATTERY SERVICE	CREDIT NOTE OVERPAYMENT OF INVOICE	-0.01	
		NORTHERN INFORMATION TECHNOLOGY SERVICES	REPAIR COMPUTER POWER SUPPLY	98.00	
		BISLAND LIBRARY CONSULTANTS	ATHENA TRAINING COURSE	120.00	
		KIMBERLEY BUSINESS MACHINES	COLOUR PHOTOCOPIES AND PHOTOCOPIER COPY COUNT AGREEMENT	1308.91	
			TOTAL OUTSTANDING	72587.06	
CANCELLED CHEQUES					
35782		CALCUTT WATSON & ASSOCIATES	REPORTED LOST. PAYMENT STOPPED & REISSUED (REFER CHEQUE 36234)	1490.00	
35975		CALCUTT WATSON & ASSOCIATES	REPORTED LOST. PAYMENT STOPPED & REISSUED (REFER CHEQUE 36234)	905.00	
			TOTAL CANCELLED CHEQUES	2395.00	

Sundry Debtor	Amounts Over 90 Days Outstanding	Balance @ 31st March	Debt Collection Status for Debts over 90 Days
AIRNORTH	41,018.21	149,963.00	Since paid \$52206.25. Officer liaising with debtor to sort the account further.
BIRD HEATHER	2,303.09	2,303.08	Debt with collection agency - Debtor continuing to pay \$50 per fortnight, additional received in April
BLUE LIGHT DISCO	310.00	310.00	Investigating Debtor's query of account. Checking hire agreement with leisure Centre Staff. (ongoing)
ROBERT CARROLL	283.11	283.11	Debtor has made part payment. Officer to check why full payment not received & send Final Notice in February. Correspondence returned to sender.
CAVANAGH PAUL & NORMA	3,530.00	3,530.00	Officer to proceed as per Debt Collection Policy
KALUMBURU ABORIGINAL CORP	246.00	246.00	Reminder Notice sent and officer to contact Debtor.
KIMBERLEY COMMUNICATIONS	30.00	30.00	Phone debtor again and they have advised they will check it is not already paid and pay within 2 weeks.
KIMBERLEY GREEN CONSTRUCTION	40.00	40.00	Debtor has since made part payment of invoice. Officer to follow up on why not full payment. Misunderstanding - will pay.
KUNUNURRA REGION ECONOMIC ABORIGINAL CORP	5,423.00	5,453.00	Debtor has started to make payments. Officer continuing to work with Debtor.
LAKE ARGYLE CARAVAN PARK	10.00	10.00	Unable to contact by phone - awaiting response from correspondence. Debtor has since advised he will pay.
LAKESIDE BLINDS & MACHINERY HIRE	175.00	465.00	Reminder Notice sent and officer to contact Debtor.
CRAIG MARKHAM	2.42	47.63	Paying on next statement.
MCKINLAY BETTY	695.98	1,966.86	No more deductions being made through payroll. Debtor to settle shortly.
SOSBY JOHN	130.00	130.00	Intention to summons returned unopened. Debt given to Credipac to collect.
ST JOSEPHS SCHOOL	150.00	150.00	Will send a letter cancelling the minutes and pay the pro rata amount.
STARS AT LEISURE	2,844.65	3,669.65	Debtor has replied in writing and extension is granted until 16/03/05
MARTIN TATCHELL	216.16	216.16	Officer to send to Debt Collector.
WYNDHAM BUSINESS ENTERPRISE CENTRE	75.00	75.00	Have spoken to debtor again and have been advised that the person I need to speak to is away. Will phone before 10/03/05 and issue summons if no suitable reply has been given.
WYNDHAM COMMUNITY CLUB	7,763.12	7,763.12	Ozzie Henry has recently taken over management of club and is looking into payments. Officers looking into details of loan.
	65,245.74	176,651.61	

12.2.10 Waiver of Outstanding Lease Fees - Stars at Leisure (Minute No 7116)

DATE:	19 April 2005
PROPONENT:	Anthony & Caron Brown, Stars at Leisure
LOCATION:	Shire Of Wyndham East Kimberley Leisure Centre Kiosk, Kununurra
ATLAS REFERENCE:	Map 53, A5
AUTHOR:	Matthew Scott
REPORTING OFFICER:	Matthew Scott
FILE NO:	01.4998.01
ASSESSMENT NO:	4998

PURPOSE

For Council to consider the request from the owners of the Stars at Leisure to waive the early termination fee on their lease.

BACKGROUND

This item was initially presented to Council on the 15th March 2005 (Item Attached), however Council decided to:

“That this item be deferred until the next meeting of Council”, minute 7072

The reason for this deferral was that it was believed that this item had already been dealt with by Council. On investigation, the officers were unable to find any Council minutes confirming this, dating back to May 2003. It is believed however that this may have been discussed at a Briefing Session, however never actually formally resolved by Council.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* *Absolute majority required.*

(2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

POLICY IMPLICATIONS

Council Financial Policy F15 Sundry Debt Collection Policy

FINANCIAL IMPLICATIONS

The early termination fee is consideration for agreeing to terminate the lease. This is a regular means to terminate a lease, basically so the Lessor receives some compensation for having to find and sign up another lessee. Three months rental in lieu of notice is believed not to be an unreasonable request.

Should Council agree to waive this debt, there will be a reduction in Lease income equivalent to the debt. This does not cover the time and resources spent by Council staff attempting to recover the debt.

STRATEGIC IMPLICATIONS

There are no strategic implications concerning this matter

COMMUNITY CONSULTATION

Nil

COMMENT

As there is no additional information relating to Mr & Mrs Brown request, the commentary remains unchanged from the 15th March 2005 item (Attached)

ATTACHMENTS

Item 12.2.7, OCM Agenda, 15th March 2005.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council reduces the current outstanding debt by \$743.83(ex GST), being 50% of the rent due between 2 May 2003 to 30 October 2003, to compensate the Stars at Leisure owners, during the period the Kununurra Pool closure; or

MINUTE NO 7116

Moved Cr J Nelson/R Devenish-Meares

That Council reduces the current outstanding debt by \$743.83(ex GST), being 50% of the rent due between 2 May 2003 to 30 October 2003, to compensate the Stars at Leisure owners, during the period the Kununurra Pool closure;

CARRIED BY ABSOLUTE MAJORITY (8-0)

Stars in the Kimberley



4 Papuana Street
PO Box 435
KUNUNURRA 6743

Phone: 08 9168 1122
Fax: 08 9168 1722
stars@kimberleyinfo.com.au
ABN 57 221 469 762

28 June 2004

Mr Chris Adams
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Doc No.	047005
Date	28 JUN 2004
Officer	CSO
Response	N
File	30.15.10

Dear Chris

KUNUNURRA LEISURE CENTRE KIOSK

Further to our recent conversation, regarding our lease on the above premises we wish to cease the agreement due to the following reasons:

1. We initially took on the lease to supplement our kitchen at Stars to do functions and make cakes while trading for the Leisure Centre patrons at the same time. We believed it was the ideal situation to cut our cost of sale with cakes, rather than buying them in and at the same time use the income from the Kiosk to cover the Staffing costs. In short, we were happy just to break even as long the kitchen was serving its purpose for our main business activity in Stars in the Kimberley.
2. Our first problem with the Leisure Centre Kiosk was the kitchen itself. The oven, rangehoods and stovetops were all faulty and not sufficient under health regulations to support a commercial kitchen. (See attached correspondence). After much debate, the oven, rangehood and grease trap were installed by the Shire.
3. After spending a considerable amount of time and money in getting the kiosk up and running, the pool was closed. We believed it to be about an 8 week period and made the decision to continue to operate throughout the duration, to avoid having to build up the business again. This was a serious error in judgement for us, as you are aware the pool was in fact closed for several months as opposed to 8 weeks. The loss we incurred during this period was quite considerable.

4. In summary, as a business and in keeping in the opening terms within the lease agreement, we need to turnover at least \$250.00 per day to break even. For the past couple of months, our turnover is somewhere in the vicinity of \$50 to \$100.00 a day. This works out to be somewhere around \$1000.00 per week that we are losing. It would be foolish of us to continue to trade and we are no longer in a position to put money into a venture that is in fact, competing with our main operation – especially in the off season. We believe that with the current population in Kununurra we cannot afford to operate both businesses successfully year round.

After operating the Kiosk for the period that we have, we believe the best scenario for you would be to operate it utilizing your current staff at the Leisure Centre and hire out the Kitchen to outside parties such as ourselves when functions are held in the Centre or where extra commercial kitchen space is required.

We are disappointed that the arrangement has not worked for both you and us, however we make the decision to terminate based on the history and current situation. We would like this to be effective ASAP.

We hope the Council is understanding of the situation and thank you for allowing us the business opportunity initially and your continued support. We would also like to thank Richard Duke and all the staff at the Leisure Centre for their professionalism and help over the duration.

Please do not hesitate to contact me if you have any further queries.

Yours sincerely



ANTHONY & CARON BROWN

1 April 2003

Mr Chris Adams
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Chris

RE: LEASE - LEISURE KIOSK, KUNUNURRA LEISURE CENTRE

In relation to the above, we would like to make the following comments and requests.

In order for us to make this a viable proposition a number of works are required to bring the commercial kitchen up to the correct health standards. We were unaware that the oven and exhaust fans are not able to handle a commercial level of cooking and also that no grease trap exists within the complex. As you may be aware there is a problem in that you can smell the fat we use in our deep fryer as you enter the building and flies are becoming a problem for us in the kitchen area.

We would like to see a commercial range hood that takes the exhaust outside together with a free standing gas fired oven with gas cooktop, a commercial deepfryer and 90 second dishwasher which would all be situated under the rangehood. A 500 litre grease trap would also need to be installed.

Considerable works need to be done to get the gas connected, old equipment removed and new equipment installed. We would be happy to provide the oven, deepfryer and dishwasher if you could provide the installation of the new and removal of the old. The grease trap is something we also think would be the Shire's responsibility if this kitchen is to continue as a commercial entity.

In addition to these works, a hole needs to be cut in the kitchen window to enable us to view the servery and the entire servery and kitchen needs repainting. We would like this done in our "Stars" colours as in our Restaurant in Papuana Street.

15 September 2003

Mr Chris Adams
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Chris

**LEASE – LEISURE CENTRE KITCHEN
STARS AT LEISURE**

Further to our numerous correspondence and meetings, as our first proposal for the kitchen seems unworkable for the Shire, we would like to suggest the following.

We sign the lease as is, on the condition that the oven in the kitchen is replaced so we can actually use it and the range hoods replaced or repaired to your own health standards. The installation of a grease trap would also be at your discretion and cost providing we comply with the necessary health standards.

Chris, as previously stated, we took on the kitchen at the Leisure Centre as a commercial kitchen and in its current state it is not financially viable for us to staff it to the levels required and open as the lease demands when we cannot use the kitchen.

Please let us know at your earliest convenience whether the appliances stated will be repaired/replaced and the time frame so we can immediately sign and remit the first installment for payment of such.

Yours sincerely

**CARON BROWN
PROPRIETOR**

Waiver of Outstanding Lease Fees – Stars at Leisure

DATE:	15 March 2005
PROPONENT:	Anthony & Caron Brown, Stars at Leisure
LOCATION:	Shire of Wyndham East Kimberley Leisure Centre Kiosk
ATLAS REFERENCE:	Map 53, A5
AUTHOR:	Matthew Scott, Executive Manager, Corporate and Community Services
REPORTING OFFICER:	Matthew Scott, Executive Manager, Corporate and Community Services
FILE NO:	30.15.10
ASSESSMENT NO:	4998

PURPOSE

For Council to consider the request from the owners of the Stars at Leisure to waive the early termination fee on their lease.

BACKGROUND

On the 1st November 2002, the Shire entered into a lease agreement with Anthony and Caron Brown, of Stars in the Kimberley, to operate the kiosk at the Shire's Kununurra Leisure Centre for 3 years, at \$3,000 per annum. On the 28 June 2004, Anthony and Caron Brown wrote to Council (letter attached), requesting an early termination of the lease due to:

1. issues associated to the condition of the Kitchen and Kitchen equipment; and
2. losses associated with the extended closure of the pool, between May and October 2003; and
3. competition between Stars at Leisure and Stars in the Kimberley, their own restaurant.

After some negotiation, the Chief Executive Officer wrote to Stars at Leisure agreeing to terminate the lease on the 16th September 2004. This agreement was based on a payment of early termination fee equivalent of 3 months rent in lieu of notice. Shortly afterwards, the Browns sold their other restaurant, Stars in the Kimberley, and other interests in the Shire, and moved to Perth.

Since 12th February 2004, Stars at Leisure have been billed for 12 months rent (Nov'03 to Oct'04 payable in advance), stamp duty on the lease, and the early termination fee, totalling \$4169.65 (in GST), of which only \$500 has been paid. All debts are now significantly overdue, and Finance has applied the Council's Policy F15 Sundry Debt Collection Policy to collect this debt. In attempting to collect this debt, the Finance staff has:

1. sent invoices and monthly statements;
2. contacted the Browns to discuss the non payment; and
3. sent an intention to summons notice.

In December 2004, Mr Anthony Brown contacted the Shire to request a summons on the outstanding rates of his Packsaddle property be lifted so the sale of property could be settled. During this discussion, Anthony stated that the outstanding sundry

debt would also be settled, once this property was sold. The summons was lifted, the property sold, the outstanding rates paid, but the sundry debt was not.

On the 24 January 2005, Anthony and Caron Brown wrote to the Shire, after receiving an intention to summons notice, requesting the debt be waived. They argued that after agreeing to terminate the lease:

1. they had not received an explanation regarding the condition of the kitchen;
2. that they had not been informed of the total debt; and
3. that the losses they had incurred were more than the rent owed.

This letter was responded to on the 7th February 2005 (attached). In this letter, they were given until the 25th February 2005 to settle the debt or legal action would commence without further notice.

On the 25th February 2005, the Council received another letter from Mrs Caron Brown (attached), requesting the early termination fee is waived, and that this be referred to Council. The letter only requests the early termination fee to be waived, and does not address the remaining \$2,844.65 outstanding, which at the time of writing this report remains unpaid.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

POLICY IMPLICATIONS

Council Financial Policy F15 Sundry Debt Collection Policy

FINANCIAL IMPLICATIONS

The early termination fee is consideration for agreeing to terminate the lease. This is a regular means to terminate a lease, basically so the Lessor receives some compensation for having to find and sign up another lessee. Three months rental in lieu of notice is believed not to be an unreasonable request.

Should Council agree to waive this debt, there will be a reduction in Lease income equivalent to the debt. This does not cover the time and resources spent by Council staff attempting to recover the debt.

STRATEGIC IMPLICATIONS

There are no strategic implications concerning this matter

COMMUNITY CONSULTATION

Nil

COMMENT

The owners at the Star at Leisure are requesting that the early termination fee be waived, so to compensate them for their losses incurred during the extended period the Kununurra pool was closed for repairs. They contest that if the fee is not waived, they will submit a loss of income claim. A loss of income claim could be based on Clause 5.5, Abatement of rent (attached), which basically suspends payment of rent (and outgoings) during a period when the premises (the kiosk) is destroyed or damaged, until such time the premises is repaired and operational. Though the Kiosk was never destroyed (or damaged as to render the premises unfit for occupation) the closure of the pool would have caused a loss of business. This would not be a complete loss of business, as the Kiosk continued to have access to patrons using the Leisure Centre.

The Kununurra Pool was closed between the 2nd May and 30th October 2003. Based on their annual rent, this equates to \$1,487.67 (181/365 x \$3,000). This amount should be reduced by half, to recognise continued access to Leisure Centre patrons, reducing the possible claim to \$743.83. The early termination fee is \$750 (1/4 x \$3,000). This clause also suspends "outgoings"; however this does not include losses. During and after the closure, Stars at Leisure chose to continue trading, though they were incurring losses, until they made arrangements to relocate to Perth.

Given that this is the first time that Stars at Leisure have formally asked to be compensated for the losses incurred during the pool closure, this request must be viewed with some scepticism. There have been numerous agreements and discussions to settle this debt, however it remains unpaid. The actions taken to collect this debt are based on the fact that the Lease is a commercial arrangement.

Council has 3 options to resolve this debt. It can either:

1. waive the debt;
2. reduce the debt by \$743.83 in recognition of the extended closure of the pool;
or
3. Resolve to collect this debt.

The amount \$750 does not significantly affect the Shire's financial position; however the Shire does have an obligation to ratepayers to pursue and collect all legitimate debts.

ATTACHMENTS

Letter from Stars in the Kimberley – 28 June 2004

Response from the Executive Manager Corporate and Community Services, - 7 February 2005

Letter from Caron Brown – 25 February 2005

Copy of Clause 5.5 Abatement of Rent – Star at Leisure lease document

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

Resolves to write off the debt of \$750, being the early termination fee, to Stars at Leisure; or

reduces the current outstanding debt by \$743.83(ex GST), being 50% of the rent due between 2 May 2003 to 30 October 2003, to compensate the Stars at Leisure owners, during the period the Kununurra Pool closure; or

Does not waive the early terminate fee, and authorises the Executive Manager Corporate and Community Service to continue to recover the debt, including the use of legal action if required.

attachment

5.5 Abatement of Rent

If the Premises during the Term are destroyed or so damaged as to render the Premises unfit for occupation or use then (unless the damage or destruction was caused by any act or default of the Lessee or any insurance policy in respect of the Premises has been forfeited or payment of any policy moneys refused in consequence of any act or default of the Lessee) the Rent and Outgoings or a fair and just proportion according to the nature and extent of the damage sustained will from the date of the damage or destruction and until the Premises are reinstated and made fit for occupation and use be suspended and cease to be payable and any dispute concerning this provision shall be determined by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985 PROVIDED THAT the Rent and Outgoings must be paid by the Lessee until the date of the award of the arbitrator or agreement between the parties (whichever is the earlier) whereupon the Lessor will refund to the Lessee any Rent and Outgoings

12.2.11 Public Art Pieces

(Minute No 7117, 7118)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	Shire of Wyndham East Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Michelle Plume, Community Development Officer
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate & Community Service4s
FILE NO:	34.13.02
ASSESSMENT NO:	N/A

PURPOSE

To inform Council of the progress of the proposed public art project.

BACKGROUND

The Shire of Wyndham East Kimberley was successful in its submission to Lotterywest for the sum of \$10,000 to design, create and install a public art piece(s) as part of the State Government's Year of the Built Environment. The funding would be released on presentation of the artworks to Lotterywest, providing the art works reflected the impact of the built environment on community life.

Letters were sent out on the 1 December 2004, to the various artists within Kununurra, including the school, TAFE & Waringarri Arts inviting them to submit a proposal for the art works.

Two proposals were received, one from Waringarri Arts and a joint submission from two local artists and Youth Services. Lotterywest was not supportive of either proposal saying that neither fitted their guidelines for the project i.e. depicting the built environment. The proposal from Youth Services was subsequently withdrawn. Officers thought that this proposal should be part of the new youth centre development.

Discussion then took place between Waringarri Arts and Lotterywest to determine ways that the art work could be modified to fit the guidelines. Lotterywest felt that *"the proposed artwork images focus on traditional country and not the (non-traditional) built environment,"* Can the group consider a juxtaposition of the traditional country and the built environment perhaps, the link between the two or the tension between the two". However the Artists involved were not happy with the proposed changes.

The proposal from Waringarri Arts involves the building of a curved wall tiled with the images of a combined artwork that represents the areas of "traditional country and story" surrounding Kununurra. The tile designs would be applied to both sides of the wall and will include Kimberley slate, etched zinc plate and etched and ochre glazed ceramic tiles.

The proposed artwork represents the areas of “traditional country and story” surrounding Kununurra. The many artists working at Waringarri Arts intended to collaborate on this “image of country” to give to the community an artwork that represents the indigenous aspects of Kimberley culture. The project development will involve elders, Waringarri artists and young people. The tiles will reflect individual artist’s “traditional country” and associated dreamtime stories. Some tiles juxtaposed within the overall design and made from etched zinc plate would include written story as a way of explaining the artwork images.

STATUTORY IMPLICATIONS

There are no statutory implications relating to this matter.

POLICY IMPLICATIONS

There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

The current proposed project cost is **\$12,025**

Wall materials and installation	2,800
Installation of tiles	2,500
Weatherproof anti vandalism coating	125
Tile production workshop & materials	2,500
Zinc plate production workshop & materials	1,100
Artists fees	3,000
Sub total	\$12,025
Less contributions from Waringarri sourced Grant	3,600
Shire or other contribution	\$8,925

The amount of \$2,000 was allocated in the 2004/2005 budget for this project.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this matter.

COMMUNITY CONSULTATION

It is suggested that the proposed Art work should be presented to the Aboriginal Social and Economic Impact Assessment Group for their consideration and comment.

COMMENT

The review panel fully supported the proposed artworks by Waringarri. However as Lotterywest funding is no longer an option there is a budget deficit and funding sources both externally and internally from the current works program are being investigated.

It is the officer’s opinion that the proposed artwork is supported as it is believed that the artwork will develop cultural identity and a sense of local identity for the traditional land owners as well as presenting tourism opportunities in respect to attracting people.

ATTACHMENTS

A copy of the Waringarri Art Project is attached to this report.

VOTING REQUIREMENT

Simple majority.

RECOMMENDATION

That Council receives the information and supports the investigation of alternative funding

MINUTE NO 7117

Moved Cr K Wright/

That Council receives the information

LAPSED FOR WANT OF A SECONDER

MINUTE NO 7118

Moved Cr M Pucci/J Nelson

That Council write to Waringarri Arts informing them of Councils support for the sign however the proposed funding is no longer available and therefore Council is unable to undertake the project. Additionally advise Waringarri arts that Council would be happy to discuss the project further if Waringarri arts is able to access an alternative funding source

CARRIED UNANIMOUSLY (8-0)

12.3. CHIEF EXECUTIVE OFFICER

12.3.1 Common Seal

Minute No 7119)

DATE:	19 April 2005
PROPONENT:	SWEK
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	John Gault, Executive Support Officer
REPORTING OFFICER:	Chris Adams, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 14 March 2005 – 19 April 2005.

BACKGROUND

Information is presented monthly to inform Council on what documents the Shire Common Seal has been used. In the time period specified above, the following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

- Contract T08 04/05 Kununurra Litter Collection, Awarded to Kimberley Waste
- Contract of Employment – Manager of Financial Services
- Bill Express Agreement
- Contract T10 04/05 Construction of Road Diversion and Parking Area – School Complex, Coolibah Drive
- Enterprise Bargaining Agreement 2005

STATUTORY IMPLICATIONS

Local Government Act 1995

Council's Standing Order Local Law makes reference to the application of the Common Seal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Goal 2 – Decision making within the Governance KRA of the Strategic Plan includes a strategy which is relevant to this item:

Strategy 3:

Establish succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.

As does Goal 6 – Legislation:

Strategy 3:

Ensure continued compliance with all relevant legislation through

COMMENT

It is the Officers' recommendation that Council formally receive a report on use of the Shire Common Seal.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the report on the application of the shire of Wyndham – East Kimberley Common Seal from 14 March 2005 – 19 April 2005

MINUTE No 7119

Moved by Cr R Devenish-Meares / Cr K Wright

That Council receive the report on the application of the shire of Wyndham – East Kimberley Common Seal from 14 March 2005 – 19 April 2005

CARRIED UNANIMOUSLY (8-0)

12.3.2 Gambling Local Law – Adoption

(Minute No 7120)

DATE:	19 April 2004
PROPONENT:	N/A
LOCATION:	Whole of Shire
ATLAS REFERENCE:	N/A
AUTHOR:	Chris Adams – Chief Executive Officer
REPORTING OFFICER:	Chris Adams – Chief Executive Officer
FILE NO:	66.01.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider adopting a local law making it an offence to gamble in public places or on Local Government property.

BACKGROUND

At its meeting on 15 February 2005 Council considered a report on a proposal to adopt a local law making it an offence to gamble in a public place or on local government property. Council unanimously agreed to proceed with the proposal. Statutory processes necessary to proceed with this matter have been undertaken and Council is now in a position to formally consider the adoption of the Local Law

STATUTORY IMPLICATIONS

Section 3.12 of the Local Government Act prescribes the process that must be followed to enact a Local Law. The following extract from the Act explains the process:

Process	Date Completed
(2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.	15 February 2005
(3) The local Government is to <ul style="list-style-type: none"> (a) On at least two days, give Statewide public notice stating that: <ul style="list-style-type: none"> (i) The local Government proposes to make a local law the purpose and effect of which is summarised in the notice; (ii) A copy of the proposed local law may be inspected or obtained at any place specified in the notice. (iii) Submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the first notice is given. (b) As soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that Minister; and 	Publicised in The West Australian on the 19 th and 26 th February 2005. Also placed in Kimberley Echo on 24 th February 2005. Letters sent on 21st February 2005.

<p>(c) Provide a copy of the local law, in accordance with the notice to any person requesting it.</p> <p>(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.</p> <p>(5) After making the local law the local government is to publish it in the Gazette and give a copy to the Minister and if another Minister administers the Act under which the local law is proposed to be made to that other Minister.</p> <p>(6) After the local law has been published in the Gazette, the local government is to give Statewide public notice:</p> <p>(a) Stating the title of the local law.</p> <p>(b) Summarising the purpose and effect of the local law (specifying the day in which it comes into operation – usually 14 days after gazettal)</p> <p>(c) Advising that copies of the local law may be inspected or obtained from the local government's office</p>	<p>No requests received. Local law was available at Kununurra and Wyndham offices.</p> <p>Topic of this agenda item.</p> <p>Aim to have local law gazetted on 25 April 2005.</p> <p>Aim for publishing on April 30th with local law coming into effect from May 16th.</p>
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POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

To date the costs of the local law implementation have consisted of advertising costs of approximately \$1,000. A further \$1,000 could be expected to be incurred in advertising and gazettal costs if Council resolves to proceed. These costs can be absorbed within existing operational budgets.

STRATEGIC IMPLICATIONS

While there is no specific strategy listed within the Strategic Plan that relates to this matter, the plan includes the following Goal that is relevant to this matter:

That Council has established appropriate responses to legislative and local law issues.

COMMUNITY CONSULTATION

Prior to Council's initial consideration of this matter in February 2005 there were a range of consultations undertaken with the government agencies and traditional owners regarding this matter. Additionally the matter was the subject of considerable community comment in the local media.

The statutory community consultation processes have been undertaken on this matter with no community submissions being received. Several phone calls were received by the Shire administration on this matter. All were supportive of the proposed local law and encouraged Council to enact it as soon as possible.

COMMENT

From the number of public complaints that have been received it is clear that the general community believes that the Shire and/or other agencies should be doing more to address the issue of gambling in public places and the associated anti-social 'spin-offs' of the gambling activity.

While acknowledging that the development of a Local Law that makes gambling in public places an offence is not the total solution to the issue, it is one strategy that may assist in addressing the problem. Other strategies will also need to be developed and implemented to comprehensively address this issue.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Special Majority Decision (75% of Councillors)

RECOMMENDATION

That Council publish the following in the next available Government Gazette:

LOCAL GOVERNMENT ACT 1995
Shire of Wyndham East Kimberley
**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING
AMENDMENT LOCAL LAW 2005.**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Wyndham East Kimberley, resolved on the 19th day of April 2005 to make the following local law.

Citation

This local law may be cited as the "Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2005."

Principal Local Law

In this local law, the Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2003 as adopted by the Council of the Shire of Wyndham East Kimberley by notice published in the Government Gazette on the 3rd of December 2003 is referred to as the principal local law.

Principal Local Law Amended

The principal local law is amended by –

1. Adding section 2.3[1] *No gambling in a public place or on local government property* stating: A person shall not undertake any

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- gambling related activity in a public place or on local government property unless –
- a. The gambling activity is permitted under the Gaming and Wagering Commission Act (1987) or under another written law; or
 - b. The person is doing so in accordance with a permit from the Shire.

2. Adding the following in Schedule 1 Prescribed Offences.

Clause	Description	Penalty
2.3[1]	Gambling in public place or on local government property	\$100

Adopted at an ordinary meeting of Council of the Shire of Wyndham East Kimberley held on the 19th day of April 2005.

Dated the 20th day of April 2005.

The Common Seal of the Shire of Wyndham East Kimberley was hereunto affixed by authority of Council

C. J. ADAMS, Chief Executive Officer
S. W. CHADWICK, Authorised Officer

MINUTE NO 7120

Moved by Cr B Johnson / Cr J Buchanan

That Council publish the following in the next available Government Gazette:

**LOCAL GOVERNMENT ACT 1995
Shire of Wyndham East Kimberley
ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING
AMENDMENT LOCAL LAW 2005.**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Wyndham East Kimberley, resolved on the 19th day of April 2005 to make the following local law.

Citation

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Principal Local Law

In this local law, the Shire of Wyndham East Kimberley Activities in Thoroughfares and Public Places and Trading Local Law 2003 as adopted by the Council of the Shire of Wyndham East Kimberley by notice published in the Government Gazette on the 3rd of December 2003 is referred to as the principal local law.

Principal Local Law Amended

The principal local law is amended by –

- 2. Adding section 2.3[1] No gambling in a public place or on local government property stating: A person shall not***

*undertake any gambling related activity in a public place or on local government property unless –
a. The person is doing so in accordance with a permit from the Shire.*

3. Adding the following in Schedule 1 Prescribed Offences.

Clause	Description	Penalty
2.3[1]	Gambling in public place or on local government property	\$100

Adopted at an ordinary meeting of Council of the Shire of Wyndham East Kimberley held on the 19th day of April 2005.

Dated the 20th day of April 2005.

The Common Seal of the Shire of Wyndham East Kimberley was hereunto affixed by authority of Council

*C. J. ADAMS, Chief Executive Officer
W M SCOTT, Authorised Officer*

CARRIED SPECIAL MAJORITY(8-0)

EXPLANATION

Council was made aware that Social Gambling was acceptable under the Gaming and Wagering Commission Act (1987)

12.3.3 Proposed Kimberley WALGA Zone Strategic Plan (Minute No 7121)

DATE:	19 April 2005
PROPONENT:	Kimberley WALGA Zone
LOCATION:	Whole of Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Chris Adams – Chief Executive Officer
REPORTING OFFICER:	Chris Adams – Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	

PURPOSE

For Council to consider the Proposed Kimberley Zone of Council's 2005 -2010 Strategic Plan.

BACKGROUND

The Kimberley WALGA Zone is an informal grouping of the four Kimberley Councils and Christmas Island Council. Over past years the Zone has met on 3-4 occasions per year to discuss issues of commonality and to consider projects that could be undertaken on a regional basis. The Zone's primary roles have been

- Networking between Councils
- Establishing a central point for the information re legislative change to be discussed
- Some lobbying effort on a regional basis.
- Regional partnership projects (including regional procurement of resources)

The effectiveness of the zone has been somewhat limited due to a lack of definition of what the core business of the zone is. Items that have been discussed at the meetings have been somewhat ad hoc in nature and the benefit of zone meetings has been questioned by some participants.

In response to this, at the most recent Zone meeting it was decided to hold a Strategic Planning session to identify the proposed role and direction of the group for the future. A planning session was held in Derby in early March with each of the four Shires being represented by two Council delegates and their respective CEO's. The planning session was facilitated by a consultant with extensive experience in local government affairs.

At the end of the session the group had formed the basis of a Strategic Plan for the Zone (see attachment). The Plan outlines to the role of the zones, stipulates the values and principals by which the zone will operate and articulates the outcomes that the four Kimberley Shires are striving to achieve through participation in the zone. The Plan identifies the four core business areas of the Zone as being Environment, Economic Development, Social Development and Governance. Within each of these areas, outcomes, actions, timelines and performance measures have been suggested.

In addition to establishing the draft direction of the Zone, the Strategic Planning session discussed the administrative and governance functions of the zone. The proposed model of operation (including meeting regularity, office bearers, voting rights and administration) are included as Attachment 1 of the Draft Strategic Plan.

STATUTORY IMPLICATIONS

At this stage the Zone is not planning on establishing itself as a Regional Council under the Local Government Act. The Zone is proposing to continue operating as an informal grouping of Councils rather than spend time, effort and resources establishing formal structures. The structure and statutory responsibilities of the Zone will be reviewed from time to time.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

For the Zone to implement the proposed Strategic Plan effectively resources will be required from each of the four Kimberley Shires. As yet the quantum of resources has not been identified.

STRATEGIC IMPLICATIONS

The Shire of Wyndham East Kimberley's Strategic Plan includes the following statements within the Strategic Leadership goal that are relevant to this matter:

Goal: That the Shire of Wyndham East Kimberley is recognised as providing effective and accountable leadership and effective control of Shire services.

Strategy: Continue to be actively involved in Regional Partnership Projects that benefit the region.

COMMUNITY CONSULTATION

The draft Plan was developed by representatives of each of the four Kimberley Councils. The plan is being presented to each of the four Shire Councils for consideration and comment.

COMMENT

Evidence has shown that well organised and focused groups of Councils can have significant impact on the development of regions through the ability to influence change in a range of fields. The effectiveness of the Kimberley WALGA Zone has been somewhat compromised in the past through a relative lack of direction and/or common understanding of the role and function of the Zone. The Draft Strategic Plan clarifies these issues and sets a clear direction for zone activity for the upcoming 5 years.

ATTACHMENTS

Draft 1: Kimberley Zone of Councils Strategic Plan 2005-2010.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council endorse the Kimberley Zone of Councils Strategic Plan 2005-2010.

MINUTE No 7121

Moved by Cr J Nelson / Cr R Devenish-Meares

That Council endorse the Kimberley Zone of Councils Strategic Plan 2005-2010.

CARRIED UNANIMOUSLY (8-0)

KIMBERLEY ZONE OF COUNCILS
STRATEGIC PLAN 2005 – 2010

*Working collectively for the benefit of the
Kimberley*

Draft 1: 21st March 2005

OUR ROLE AS A ZONE:

**WORKING COLLECTIVELY FOR THE BENEFIT OF
THE KIMBERLEY**

OUR PRINCIPLES AND VALUES:

- **Equity for the interests of each Shire**
- **Mutual respect for different points of view.**
- **Integrity, openness and trust.**
- **Commitment to achieve.**
- **To have the interests of the Kimberley at heart in everything we do.**

THE OUTCOME WE SHARE:

**For the Kimberley to be a model for the world
reflecting the values of social integrity, economic opportunity
and environmental preservation and enhancement**

The Opportunities for the Kimberley:

We will work together as a Zone to ensure all the people of the Kimberley benefit from:

- **Economic development** opportunities, especially relating to:
 - The resources boom and the potential for major developments in minerals and offshore gas.
 - The tourism boom including the increased potential for Indigenous tourism and eco experiences.
 - The “anti-urban drift” and the potential to attract new people to the Kimberley from those searching for a different lifestyle.
- The spotlight of government and community on **the environment**, and the opportunity to bring focus and resources to the challenges of the Kimberley, especially fire, water, the coast and biodiversity.
- The opportunity to demonstrate how the Kimberley is leading the way in building relationships with **Indigenous groups** to tackle health and social problems.
- The size, structure, stability, community respect and common issues that enable the **four Councils of the Zone** to be the voice of the Kimberley and work collaboratively to address major opportunities and challenges.

THE ZONE’S CORE BUSINESS AREAS:

The delivery of the Strategic Plan is based on four Core Business Areas:

1. Environment
2. Economic Development
3. Social Development
4. Governance

CORE BUSINESS AREA 1:

THE ENVIRONMENT

SCOPE:

The natural environment, the built environment and waste management

OUTCOMES:

- Sustainability, with appropriate balance between development and the environment.
- Uniform policy and a consistent approach for the benefit of all interacting with the Kimberley (especially developers, investors, tourism operators and tourists).
- A shared philosophy and a Zone position on key issues relating to the natural and built environment.

PERFORMANCE MEASURE FOR THE ZONE:

- Endorsed principles and position statements in place in priority areas, and considered in each Shire's policies and plans.

THE ENVIRONMENT

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
<p>1.1 Natural Environment:</p> <p>Develop the Zone Position on:</p> <ul style="list-style-type: none"> • NRM • Sustainable Tourism • Water 	Commence 2005/06	Work on these progressively at Zone strategic planning workshops.
<p>1.2 Fire:</p> <p>Carry out the Fire Management Review focusing on responsibilities and resources across the Kimberley.</p>	2005/06	Coordinated by the Shire of Wyndham-East Kimberley.
<p>1.3 Regional Planning:</p> <p>Develop Regional Planning Principles to be considered in Shire District Planning Schemes and other planning initiatives.</p>	Commence 2005/06	Work on these progressively at Zone strategic planning workshops.
<p>1.4 Waste Management:</p> <ul style="list-style-type: none"> • Develop shared projects (eg recycling). • Share information on Shire policies and strategies. 	2007/08	Technical Officers to develop opportunities for cooperation, coordinated by CEO, Derby / West Kimberley.
<p>1.5 Kimberley Calendar:</p> <p>Develop a Kimberley-wide calendar to enable coordination of environmental events (eg clean up days).</p>	2005/06	Develop at a Zone meeting.

CORE BUSINESS AREA 2:

ECONOMIC DEVELOPMENT

SCOPE:

Tourism, resource industries, land availability, major infrastructure (roads, ports, airports), education and training.

OUTCOMES:

- Increased economic growth resulting from cooperation.
- Proactive attraction of development and investment, Kimberley-wide.
- An increased percentage of local employment.
- Increased cash flow into the region.

PERFORMANCE MEASURE FOR THE ZONE:

- Assessment of the Zone's impact on economic development.

ECONOMIC DEVELOPMENT

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
<p>2.1 Education and Training:</p> <p>Develop a Zone Position and relationships in order to achieve a Regional Strategy for Education and Training focusing on:</p> <ul style="list-style-type: none"> • Creating local employment. • Addressing labour market shortages (eg difficulties in attracting and retaining Shire staff and associated family issues). • Apprenticeships (as part of the national challenge). • Indigenous employment. • Schools, including attracting private secondary schools. • Regional alliance with the tertiary sector. • Hostels. 	<p>Commence 2005/06</p>	<p>Zone Councillors who are KDC Board members to identify KDC's scope and progress.</p> <p>Explore the potential of a NW scope and focus with the Pilbara Regional.</p> <p>Develop the Zone Position and strategy regarding relationships at Zone strategic planning workshops.</p>
<p>2.2 Promote Regional Living:</p> <p>Develop a Zone Position and the relationship with the KDC to attract and retain people in the region.</p>	<p>2005/06</p> <p>Define roles and relationships of KDC and Zone</p>	<p>Develop the Zone Position at Zone strategic planning workshops.</p> <p>Progress dialogue and agreement with the KDC via Board members.</p>
<p>2.3 Tourism:</p> <p>As a Zone, support and monitor Australia's North West Tourism (ANW), including:</p> <ul style="list-style-type: none"> • Developing a Position so that our representative can speak on behalf of the Zone. • Build the relationship with ANW, including considering Zone membership. 	<p>Commence 2005/06</p>	<p>Develop the Zone Position at Zone strategic planning workshops.</p> <p>Progress the relationship with ANW.</p>

<p>2.4 Town Planning in relation to Tourism:</p> <p>Share information and develop a network of contacts (including Broom experiences and ideas from elsewhere). Include issues such as:</p> <ul style="list-style-type: none"> • Short stay accommodation. • Bed & breakfasts. 	<p>2005/06</p>	<p>Broome CEO to provide position papers on short stay accommodation and B&Bs.</p>
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ECONOMIC DEVELOPMENT

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
<p>2.5 Resource Industry:</p> <p>a) Resource Development Studies: Promote resource development studies, including links on Shire websites. Engage with the respective government departments to keep the plans alive.</p> <p>b) Exploration Projects: Liaise with the Minister and influence KDC to address issues of power, roads and ports as core business.</p> <p>c) Local Benefits: Develop a Position Statement to achieve local benefits from resource industry developments, including job creation and local cash flow.</p> <p>d) Attracting Development and Investment: Develop a Position Statement re our focus on attracting development and investment, including:</p> <ul style="list-style-type: none"> • What we will promote. • Types of incentives (and the viability of a consistent approach). <p>e) Regional Development Plan: Develop an overall Regional Plan identifying locations for development.</p>	<p>Commence 2005/06</p> <p>Commence 2005/06</p> <p>2006/07</p> <p>2006/07</p> <p>By 2009/10</p>	<p>All Shires coordinated by Zone President.</p> <p>All Shires coordinated by Shire of Wyndham-East Kimberley.</p> <p>Develop the Zone Position at Zone strategic planning workshops.</p> <p>Develop the Zone Position at Zone strategic planning workshops.</p> <p>Seek funding.</p>

ECONOMIC DEVELOPMENT

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
2.6 Infrastructure a) Develop a Regional Ports Plan. b) Develop a Regional Plan for Infrastructure to achieve a collective view of essential regional infrastructure for economic development.	2007/08 2007/08	Seek funding via the KDC. In partnership with the KDC.

CORE BUSINESS AREA 3:

SOCIAL DEVELOPMENT

SCOPE:

All areas of community services, especially relating to youth, aged, Indigenous communities, health, recreation, housing, drugs, alcohol and social behaviour.

OUTCOMES:

- Recognition at all levels of government of the special needs of the people of the Kimberley and achievement of resources to address these.
- Improved quality of life for all in the Kimberley.

PERFORMANCE MEASURE FOR THE ZONE:

- A regional plan in place in each of the key areas.
- A measurable increase in resources provided to the region.

SOCIAL DEVELOPMENT

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
<p>3.1 Regional Plans:</p> <p>a) Achieve Zone commitment to part fund the development of regional plans.</p> <p>b) Prepare proposals for the development of regional plans, involving key Ministers (eg Kimberley Minister).</p> <p>c) Prepare Zone proposals for Federal funding (via Regional Partnerships or ACC) for a project to hold a Forum to develop a Kimberley Zone position on key social issues.</p> <p>d) Progress, project-by-project using Alcohol Abuse as a model, followed by Youth.</p> <p>Other key areas are:</p> <ul style="list-style-type: none"> • Aged housing and services. • Availability of affordable housing (and its maintenance). • Short-term accommodation (eg for the Broome hospital). • Itinerants. 	<p>2005/06</p> <p>2005/06</p> <p>2005/06</p> <p>2006/07 onwards</p>	<p>.</p> <p>For a) to d):</p> <p>CEO's group to scope and allocate tasks, coordinated by CEO Broome.</p> <p>Access grant funding to pay for consultants for specific projects.</p>
<p>3.2 Archives Project:</p> <p>Monitor the Archives Feasibility Study and once complete make decisions regarding implementation.</p>	<p>2006/07</p>	<p>Project managed by Shire of Derby / West Kimberley.</p>
<p>3.3 Department of Sport & Recreation</p> <p>Prepare CSRFF program applications on a regional basis.</p>	<p>Annually</p>	<p>Coordinated by CEO's group.</p>

CORE BUSINESS AREA 4:

GOVERNANCE

SCOPE:

Regional projects relating to management of Local Government resources and assets, customer service, councillor support, compliance and audit.

Zone administration and operations.

OUTCOMES:

- Economies of scale and resource sharing across the four Local Governments.
- A more efficient and effective way of working together as a Zone, with clear and relevant protocols.

PERFORMANCE MEASURE FOR THE ZONE:

- Increased capacity and savings for each Local Government.
- Achievement of the Zone's strategic plan.

GOVERNANCE

PRIORITY PROJECTS 2005 – 2010

Project	Timeframe	Approach
<p>4.1 Resource Sharing:</p> <p>Share resources in relation to:</p> <ul style="list-style-type: none"> • Audit. • Principal Activity Plans (joint tendering, project management). • Staff and elected member training. • Staff exchanges. 	2005/06	CEO's group.
<p>4.2 Website:</p> <p>Establish and maintain a Zone website.</p>	2006/07	Coordinated by Shire of Broome.
<p>4.3 Grant Submissions:</p> <p>Introduce a regional approach to grant submissions.</p>	Annual	Include as an agenda item at Zone meetings.
<p>4.4 Shared Projects:</p> <p>a) Develop education and awareness programs on the role and activities of Local Government (including for Aboriginal communities).</p> <p>b) Share survey design and results for community satisfaction surveys.</p> <p>c) Address the Local Government boundary review.</p>	2007/08 2007/08 2005/06	CEO's group. CEO's group. Coordinated by Shire of Derby/West Kimberley
<p>4.5 Public Relations</p> <p>Create a Public Relations role for the Zone.</p>	2006/07	CEO's group.
<p>4.6 Zone Operations</p> <p>Implement the operational model for the Zone as identified in Attachment 1.</p>	2005/06	Coordinated by Zone President and Secretary.

ATTACHMENT 1 OPERATIONAL MODEL FOR THE ZONE

The following operational model was agreed:

1. Meetings

- CEOs will meet 2-monthly to progress Strategic Plan projects. (These meetings will be scheduled on weekdays.)
- CEOs and the 2 elected members from each Local Government will confer each 2 months via videoconference to:
 - Address WALGA items.
 - Review progress and make decisions regarding the Zone Strategic Plan.

(These videoconferences will be held on weekdays.)

- 2 x strategic planning workshops will be held each year. These will focus on:
 - Development of Position Statements and Principles (involving Zone delegates and invited experts as required).
 - Forums (with open attendance).

(These may be held on weekends.)

2. Office Bearers

- The Secretariat will rotate between the 4 Shires every 2 years.
- The President will be elected for 2 years.
The role will be to Chair meetings and be the spokesperson for the Zone.
- The State Councillor will be elected for a 2-year period.
The role will be to represent the Zone, provide feedback to the Zone, and participate in the governance of WALGA (as defined in the role).

The above matters will form part of the Zone's June agenda each year.

- 2 elected members will represent each Shire, together with the CEO. One of these elected member positions does not have to be the Shire President.

3. Voting

- There will be one vote per Council, with proxies allowed.
- Potential conflicts of interest (Shire perspective) will be declared.

4. Administration

- A Terms of Reference or Constitution will be developed for the Zone. (The CEO's group to evaluate the Pilbara constitution, and the benefits of the Zone becoming an incorporated body).
- Common stationery will be introduced, incorporating the 4 Shire logos.
- A lump sum budget allocation will be sought from each Council for the Zone, with delegated authority to the Zone for its expenditure.

12.3.4 Skywest – Request for Fee Reduction

(Minute No 7122)

DATE:	19 April 2005
PROPONENT:	Skywest Airlines
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Chris Adams – Chief Executive Officer
REPORTING OFFICER:	Chris Adams – Chief Executive Officer
FILE NO:	20.12.03
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a request from Skywest to reduce landing fees and/or head tax costs to the company for flights into Kununurra.

BACKGROUND

Skywest commenced twice weekly flights to Kununurra on 8th of April 2005. Argyle Diamond Mine has underwritten the cost of the service provision to some degree by guaranteeing the use of 25 seats on each flight. Having said that, the service is an RPT service rather than a contract/charter service. The service has been guaranteed on a year round basis until at least October 2007.

As a component of the preparations for the commencement of the flights, Skywest's Chief Operating Officer has written to the Shire requesting that Council consider providing concessions to the company. The letter reads (in part):

Given the high cost of operating airline services to regional WA, Skywest would be grateful for any assistance possible that the Shire may be able to provide. We believe similar concessions are currently given to Qantas Airlines and we would hope that these would be passed onto Skywest.

As Skywest will be operating services year round we also request that the Shire provide further concessions of airport charges during the wet season, and also consider contributing towards a joint marketing campaign to promote travel to the East Kimberley

The Qantas concessions referred to in the letter relate to the decision of Council of Council in October 2003 which stated:

That Council advise Qantas and Skywest that the Shire of Wyndham East Kimberley is willing to reduce airport landing fees for RPT Jet Aircraft to 50% of the normally scheduled fee for a period of 12 months for the second and subsequent flights per week for jet services to Kununurra.

In 2004 Qantas took advantage of the concession being offered when they operated the Sunday flight into Kununurra. In addition to the Qantas concessions, Council did offer a 50% landing fee reduction to Airnorth for the period from January 2002 to January 2004. It is clear that the current Skywest management is not aware of the concession previously offered by Council to Skywest.

In relation to the request for funds for a joint marketing campaign, Council has committed funds for the GO WILD Campaign in both of the last two budgets.

STATUTORY IMPLICATIONS

Council set the fees and charges for Head Tax and landing Fees as a component of the 2004/05 budget process. If Council wishes to reduce fees from those established in the budget process, an absolute majority decision of Council is required.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

While it could be argued that any reduction in fees would have a negative impact on the revenue that could potentially be raised at the Kununurra Airport, Council's budget had not anticipated the increased number of jet flights into Kununurra. It is expected that budget income in the areas of head tax and landing fees will be well over original budget expectations.

STRATEGIC IMPLICATIONS

The Strategic Plan includes the following statements that are relevant to this matter

Goal: That both Shire residents and visitors have adequate access to the Shire by air.

Strategy – Develop more appropriate passenger and air freight services to Kununurra to meet community needs.

Strategy – Achieve a 20% increase in the number of passengers to and from East Kimberley Regional Airport – Kununurra.

Strategy – Identify and introduce mechanisms to increase external revenue at Kununurra and Wyndham Airports.

COMMUNITY CONSULTATION

Nil

COMMENT

Council has three options to consider in this matter.

1. Reiterate previous offer
2. Not offer any subsidy

3. Offer an alternate concession.

Reaffirming the previous offer extended to Skywest in October 2003 for a twelve month period could be seen as fair and equitable treatment of all airline companies. Alternatively it could be argued that the Skywest flights are already receiving a significant subsidy/underwriting from Argyle Diamond Mine and therefore a further concession from the Shire is not required.

Given the combination of the strategic direction that Council has set for the Kununurra Airport, the Shires expressed desire for increasing passenger numbers and the strong financial position of the airport operations; it is recommended that Council reiterate the previous offer in relation to concession to Skywest.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council advise Skywest that it is willing to reduce airport landing fees for RPT Jet Aircraft to 50% of the normally scheduled fee for the second and subsequent flights per week for jet services to Kununurra for the twelve month period commencing 8 April 2005.

MINUTE No 7122

Moved By Cr K Wright / Cr J Buchanan

That Council advise Skywest that it is willing to reduce airport landing fees for RPT Jet Aircraft to 50% of the normally scheduled fee for the second and subsequent flights per week for jet services to Kununurra for the twelve month period commencing 8 April 2005.

CARRIED BY ABSOLUTE MAJORITY (8-0)

12.3.5 Delegated Authority for Chief Executive Officer

(Minute No 7123)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	John Gault, Executive Support Officer
REPORTING OFFICER:	Chris Adams, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers from 01/03/05 – 31/03/05.

BACKGROUND

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.46 outlines Council's responsibilities in relation to keeping registers and records relevant to delegations to CEO and employees.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Governance KRA of the Shire's Strategic Plan includes a strategy, which is relevant to this item:

Goal 2 – Decision Making, Strategy 1 – To have established procedures and protocols that facilitate timely, effective decision making by the Council.

COMMUNITY CONSULTATION

Not Applicable.

COMMENT

The attached reports outline use of Delegated Authority by relevant Council Officers from 01/03/05 – 31/03/05 for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Delegated Authority Report for the period 01/03/05 – 31/03/05.

MINUTE NO 7123

MOVED BY Cr K Wright / Cr J Nelson

That Council receive the Delegated Authority Report for the period 01/03/05 – 31/03/05.

CARRIED UNANIMOUSLY (8-0)

Street Naming – Egret Close

Grant Approvals – KCCI Business Awards - \$1000

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/03/2005 – 31/03/2005

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	LOT AREA	FLOOR AREA	ROOF CLAD	WALL CLAD	EST. VALUE
026/2005	02/03/05	PLANT HIRE SERVICES PTY LTD	PO BOX 1236 KUNUNURRA	PLANT HIRE SERVICES PTY LTD	LOT 1618 (12) BOOBIALLA WAY KUNUNURRA	SWIMMING POOL & SHADE SAIL	NEW	0.0902	46	SHADE CLOTH	FIBRE GLASS	\$20,000.00
027/2005	02/03/05	KIMBERLEY LAND HOLIDAY PARK	PO BOX 261 KUNUNURRA	GAIL & KEITH GOOD	LOT 1519 (SITE 32) VICTORIA HIGHWAY KUNUNURRA	ENCLOSED ANNEX	NEW	4.6576	17.36	STEEL	STEEL	\$3,000.00
028/2005	14/03/05	ABORIGINAL LANDS TRUST/ DEPT HOUSING & WORKS	17 EMERALD TERRACE WEST PERTH	KGC ENTERPRISES PTY LTD	WOOLAH (DOON DOON) COMMUNITY LOC 703 J3114/953 CL14/1975 GREAT NORTHERN HIGHWAY	RENOVATION TO HOUSE 2 - COMMUNITY LOT 64	ADD	387177		STEEL	N/A	\$34,100.00
029/2005	14/03/05	ABORIGINAL LANDS TRUST/ DEPT HOUSING & WORKS	17 EMERALD TERRACE WEST PERTH	KGC ENTERPRISES PTY LTD	WOOLAH (DOON DOON) COMMUNITY LOC 703 J3114/953 CL14/1975 GREAT NORTHERN HIGHWAY	DWELLING - COMMUNITY LOT 31	NEW	387177	243	STEEL	STEEL	\$253,000.00
030/2005	21/03/05	RICHARD & ANGELA SIPPEL	PO BOX 1966 KUNUNURRA	THE CANVAS SHED	LOT 1947 (5) EUCALYPTUS CLOSE KUNUNURRA	SHADE SAILS OVER DECKING	NEW	0.0770	30	SHADE CLOTH	N/A	\$2,600.00

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/03/2005 – 31/03/2005.

LICENCE NUMBER	DATE	ASSESS NO	PROPERTY ADDRESS	PREMISES	OWNER	BUILDER/ CONTRACTOR	CONTACT DETAILS	COMMENTS (ASBESTOS)
06/2005	31/03/05	1507	LOT 2229 (RES 31221) SPEARGRASS ROAD "NGALIWAH COMMUNITY" KUNUNURRA	Ablution Block	Ngaliwah Community - Department Housing & Works - Aboriginal Housing	Colin Wilkinson Developments	PO Box 3112 Broome WA 6725	Nil apparent asbestos

<200 m2

Delegated Authority for Town Planner

TOWN PLANNER - DELEGATIONS MARCH 2005

Application Number	Date Received	Applicant	Land Owner	Property Address		Proposed Dev't	Assess't Number	Approval Number / OCM Number	Approval Date
06/05	04-Feb-05	A & T Cummings	A & T Cummings	Lot 301 Poincettia Way	KNX	Caretakers Dwelling	1024	IP Use. Del No DA04/05	23-Mar-05
08/05	09-Feb-05	Rewards Group	Rewards Land Pty Ltd	Lot 20 King Loc 599	KNX	Intensive Agriculture	592	Permitted Use. Del No DA09/05	21-Mar-05
12/05	28-Feb-05	PG Flick & KN Slynn	PG Flick & KN Slynn	Loc 452 Crossing Falls Road	KNX	Shed	2399	Permitted Use. Del No DA 11/05	29-Mar-05
16/05	03-Mar-05	R Gunn	Outback Tours Pty Ltd / G Warnock	Lot 1082 SL2	KNX	Home Occupation	5460	Permitted Use. Del No DA 10/05	29-Mar-05

Bush Fire Permits Issued

Nil

12.3.6 Balanced Scorecard

(Minute No 7124)

DATE:	19 April 2005
PROPONENT:	SWEK
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	John Gault, Executive Support Officer
REPORTING OFFICER:	Chris Adams, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To provide Council with a simple snapshot of organisational performance and trends over time on key organisational issues.

BACKGROUND

Council's Strategic Plan indicates a desire to regularly monitor the performance of the organisation via introducing simple measures that provide data on the status of the Shires operations

A common performance management/measurement tool that is being used by both government and non-government agencies to achieve this type of outcome is the 'Balanced Scorecard' technique. The Balanced Scorecard is a management system that enables an organisation to measure key actions that are imperative for business performance. This data is used to improve service and organisational culture.

Traditional performance measures tend to focus only on financial results. This approach ignores the reality that it is performance in other areas, such as customer service, human resource management/employee satisfaction and service performance that actually deliver the outcomes that the customer wants. If used well, the Balanced Scorecard approach can link departmental and personal targets to the overall organisational objectives. In this way the organisation moves in a single, focused and managed direction.

It is proposed to present the Balanced Scorecard to Council in the form of monthly report. The monthly measures would be displayed in all Shire work areas so that staff is aware of the current level of performance.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications of developing a Balanced Scorecard approach. An organisation focus on key issues is likely to bring about improved financial performance as well as improved outcomes for the general community.

STRATEGIC IMPLICATIONS

The Shires Strategic includes the following Strategy within the Governance KRA that is relevant to this matter:

Strategy

Establish succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.

COMMENT

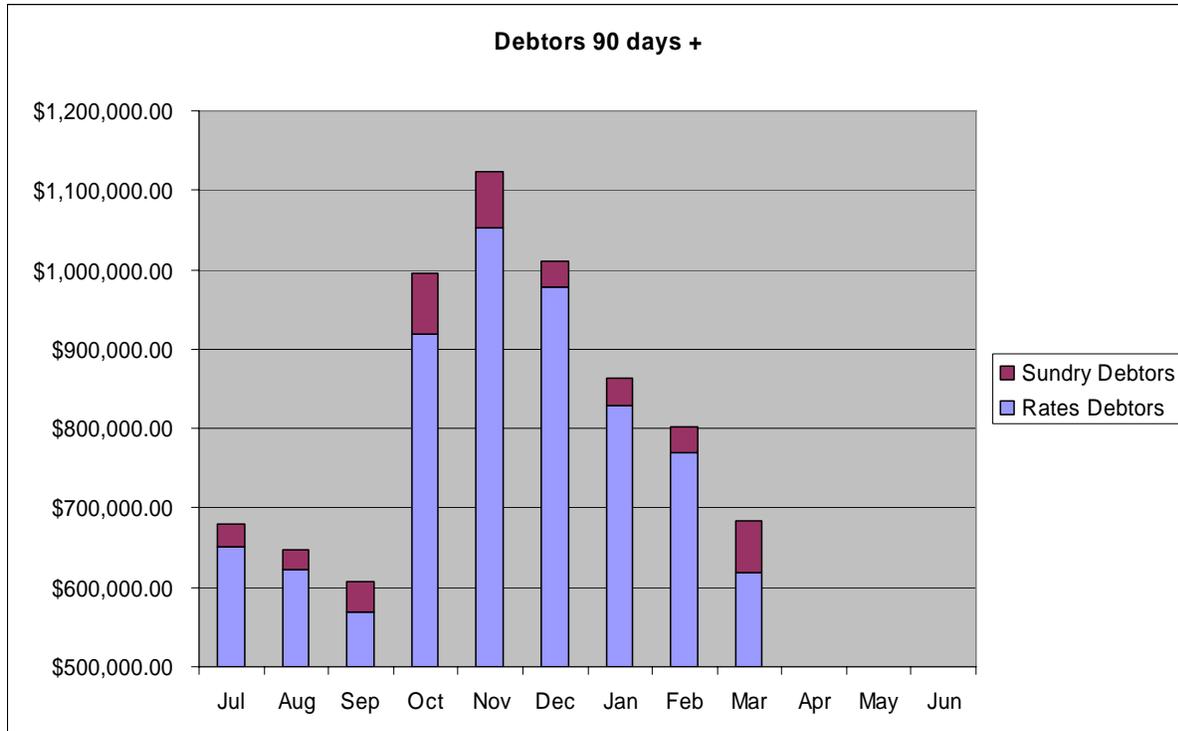
Focusing organisation attention on key areas is clearly a way of achieving better productivity and outcomes for the community. The measures that have been proposed include a mixture of service monitoring measures as well as areas whereby improvements can be made.

A review of the data which has been presented to Council was conducted in March 2004 and it was decided to retain the current Balanced Scorecard measures as presented in this report and incorporate Strategic Plan Management, Natural Resource Efficiency, Staff Turnover and Internal Risk Management measures if possible in the future. Information for these new measures is not available as yet as procedures for collecting this information are still being developed.

Results:

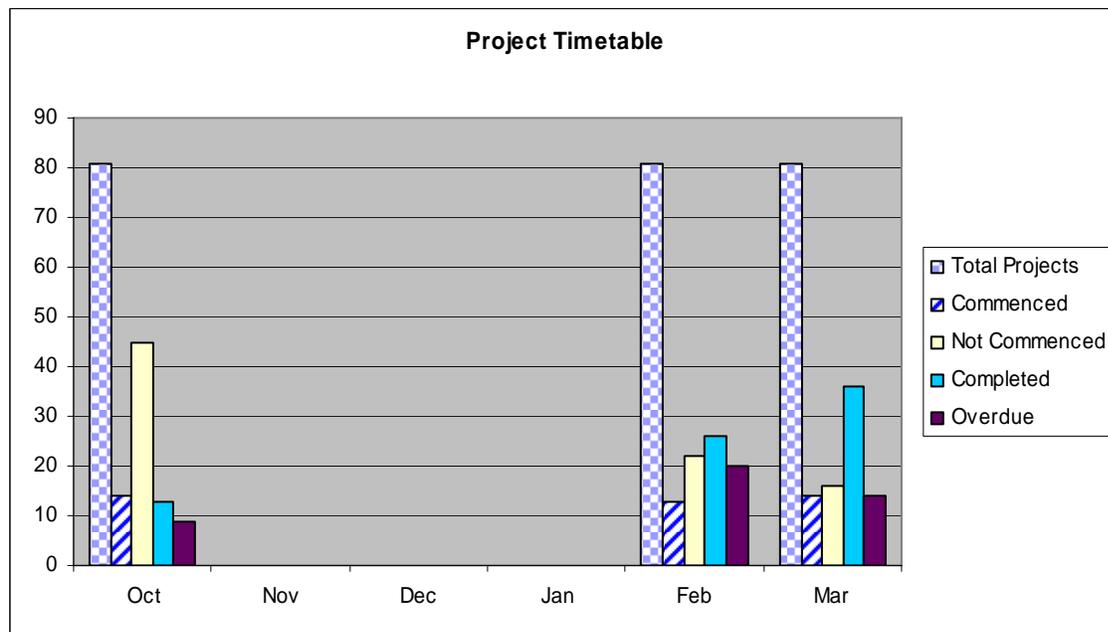
Debtors

Rate Debtors have decreased significantly in the past month and is well below the \$1,050,000 recorded in November.



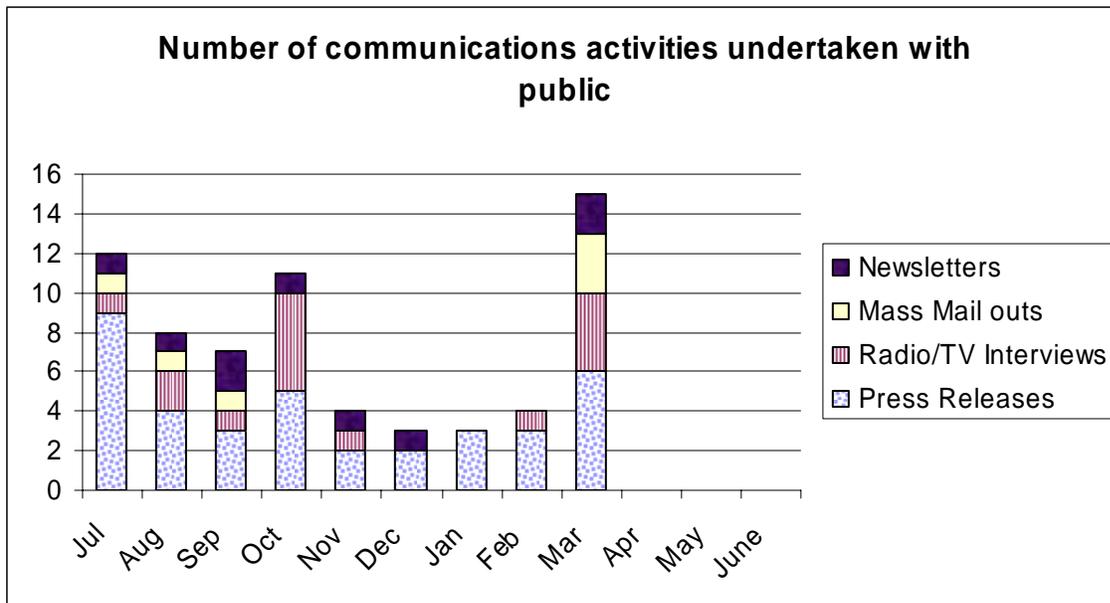
Project Management:

From the 81 projects on the 2004/05 Project Timetable, 36 are now completed with 14 overdue. 16 projects have not been commenced as yet. Data from November – January is unavailable due to staff changeovers.



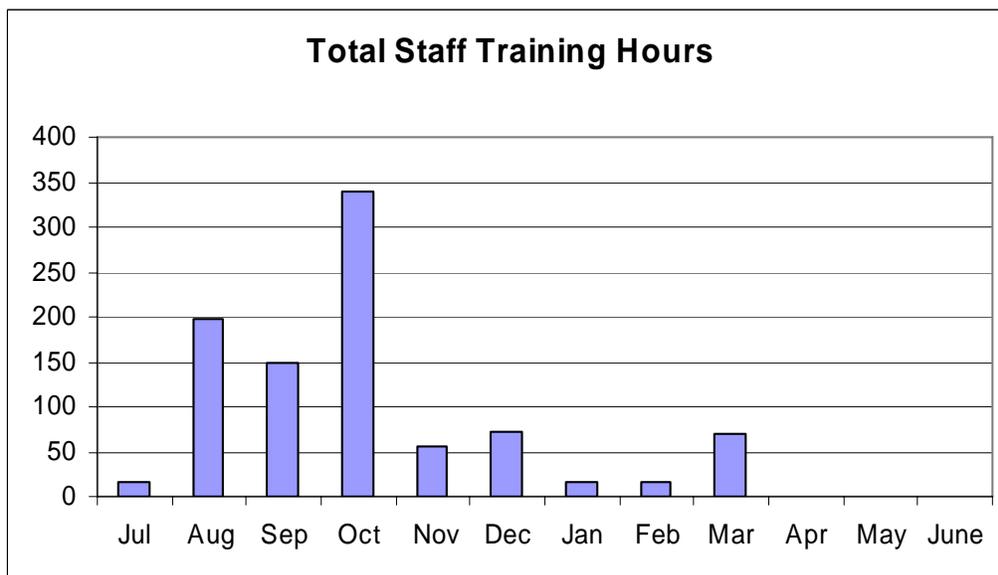
Communication Activities:

There was an increase in the number of communications activities by the Shire in March. This is largely due to there being more staff available after the Christmas/ New-years break.



Staff Training:

Total Staff training hours increased significantly in March due to the training being undertaken in Pool Management between 14th – 18th of March.



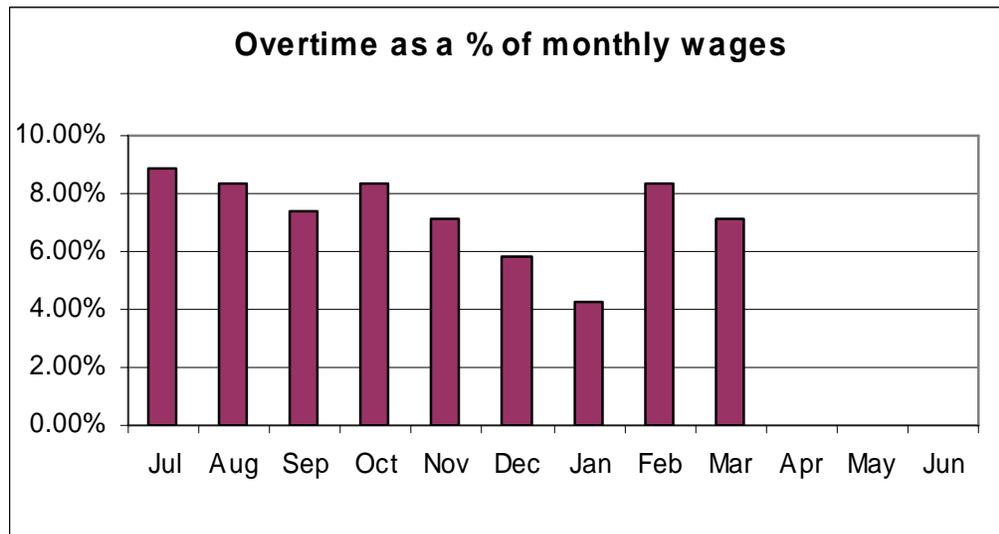
Sick Leave:

Organisational sick leave has gained to just over 1.83% for the month of March.



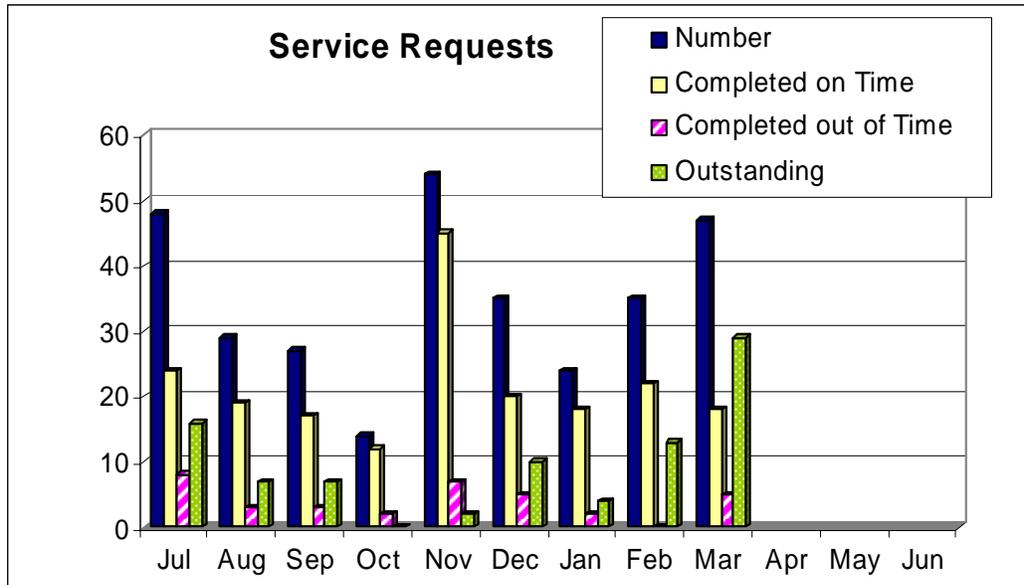
Overtime:

Overtime as a percentage of monthly wages was lower for March due to officers catching up on work from the Christmas break and is 7.09% for March.



Service Requests:

The number of service requests submitted for the month of April is higher than the previous month. A high numbers of service requests are still outstanding due to the extra work involved with Cyclone Ingrid.



ATTACHMENTS

Project Timetable 2004/05 – March.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Adopt the Balanced Scorecard measures as presented in this report.
2. Note the April 2005 Balanced Scorecard Results.

MINUTE NO 7124

Moved Cr J Nelson/K Wright

That Council:

- 1. Adopt the Balanced Scorecard measures as presented in this report.**
- 2. Note the March 2005 Balanced Scorecard Results.**

CARRIED UNANIMOUSLY (8-0)

	Project	Budget \$	Department	Officer	Start Date	Finish Date	Status	Overdue Comment
Airport								
	Kununurra Airport Lighting	\$ 50,000.00	CCS	AM	Apr-05	May-05	Not Commenced	
	Kununurra Airport Runway Reseal	\$ 290,000.00	CCS	AM	Aug-04	Oct-04	Complete	
	Wyndham Airport Lighting/2nd Runway	\$ 59,000.00	CCS	AM	Sep-04	May-05	Commenced	
Recreation/Leisure								
	Clubrooms/Changerooms Upgrade	\$ 20,000.00	CCS	RSC	Oct-04	Mar-05	Overdue	Deffered
	Automatic Doors at Kununurra Leisure Centre	\$ 20,000.00	CCS	RSC	Oct-04	Dec-04	Overdue	Quotes and additional funding being sought
	Seated Leg Curl Machine and Seated Leg Extension Machine	\$ 6,000.00	CCS	RSC	Oct-04	Oct-04	Complete	
	Replacement light poles for outside netball/basketball courts Wyndham	\$ 6,000.00	CCS	RSC	Sep-04	Oct-04	Overdue	Quotes and additional funding being sought.
	Wyndham Netball Court Fence	\$ 20,000.00	CCS	RSC	Dec-04	Feb-04	Overdue	Quotes and additional funding being sought
Community Development	Total Community Development Programs	\$ 60,000.00						
	Volunteer Visions Management Program		CCS	CDO	Jun-04	Dec-06	Commenced	
	Wyndham Top of the West Festival		CCS	CDO	Jul-04	Jul-04	Complete	
	Leadership for Women		CCS	CDO	Sep-04	Sep-04	Complete	

Tidy Towns			CCS	CDO	Apr-04	Oct-04	Complete
Weed Removal Day			CCS	CDO	Mar-05	Mar-05	Overdue Not going ahead. No response from community groups.

Information Technology

IT Infrastructure	\$	50,000.00	CCS	IC	Oct-04	Dec-05	Not Commenced
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Council/Staff

Council Furniture	\$	10,000.00	CCS	XCCS	Aug-04	Nov-04	Overdue Quotes received. Table ordered
Council Multimedia Equipment	\$	5,000.00	CCS	XCCS	Aug-04	Oct-04	Complete
Staff Housing Upgrades	\$	600,000.00	CCS	XCCS	Sep-04	Jun-05	Commenced

Community Donations

East Kimberley BEC	\$	5,000.00	CCS	MCS	Aug-04	Sep-04	Complete
Kimberley Primary Industries Association	\$	25,000.00	CCS	MCS	Aug-04	Sep-04	Complete
Kununurra Chamber of Commerce and Industry	\$	13,500.00	CCS	MCS	Aug-04	Sep-04	Complete
Kununurra Visitors Centre	\$	45,000.00	CCS	MCS	Aug-04	Jan-05	Complete
St Boniface	\$	500.00	CCS	MCS	Aug-04	Sep-04	Complete
Wyndham Historical Society	\$	5,000.00	CCS	MCS	Aug-04	Sep-04	Complete
Wyndham Visitor Centre	\$	5,200.00	CCS	MCS	Aug-04	Sep-04	Complete

Capital Maintenance Program

29 Boobialla	Retic/garden Upgrade	\$ 2,500.00	EDS	BSI	Mar-05	Apr-05	Not Commenced
	Pergola Replacement	\$ 10,000.00	EDS	BSI	Oct-04	Oct-04	Complete Reallocated in Budget
3a Dryandra	Termite	\$ 2,500.00	EDS	BSI	Mar-05	Apr-05	Not Commenced
	Awning/Verandah to B2 & B3	\$ 4,500.00	EDS	BSI	Oct-04	Oct-04	Complete
23 Boobialla Way	Retic/garden Upgrade	\$ 2,500.00	EDS	BSI	Apr-05	May-05	Not Commenced
	Garden Shed	\$ 5,000.00	EDS	BSI	Oct-04	Oct-04	Overdue Construction issues
6 Eugenia Street	Investiage moisture damage to internal wall	\$ 5,000.00	EDS	BSI	Oct-04	Dec-04	Complete
3b Dryandra	Termite	\$ 2,500.00	EDS	BSI	Apr-05	Apr-05	Not Commenced
	Awning/Verandah to B2 & B3	\$ 4,500.00	EDS	BSI	Oct-04	Oct-04	Complete
KNX Airport House	Floor Coverings Replacement	\$ 4,000.00	EDS	BSI	Dec-04	Dec-04	Complete
264 Riverfig	Painting and Misc. Structural Maintenance	\$ 7,000.00	EDS	BSI	?	?	Complete Reallocated in Budget
Wyndham Child Care Centre	Misc. painting, structural repairs, replacement air-conditioners	\$ 10,000.00	EDS	BSI	Mar-05	Apr-05	Complete Reallocated in Budget
Ewin Child Care Centre	Misc. painting, structural repairs, replacement air-conditioners	\$ 12,000.00	EDS	BSI	Nov-04	Nov-04	Complete Budget reallocation
	"Crim Safe" enclosure to existing flywire to back verandah	\$ 25,000.00	EDS	BSI	Nov-04	Nov-04	Complete Budget reallocation
	Roof replacement (trans. From 03/04)	\$ 20,000.00	EDS	BSI	Sep-04	Oct-04	Complete Budget reallocation
	Termite Prevention	\$ 5,000.00	EDS	BSI	Sep-04	Oct-04	Complete Budget reallocation
Pindan Child Care Centre	Misc. painting, structural repairs	\$ 6,000.00	EDS	BSI	Mar-05	Apr-05	Complete Reallocated in Budget
	Replacement Air-conditioners	\$ 10,000.00	EDS	BSI	Nov-04	Nov-04	Complete
Swim Beach Ablutions	Misc. painting, structural repairs	\$ 5,000.00	EDS	BSI	Apr-05	Apr-05	Commenced

Peter Reid Memorial Hall	Misc. Painting, Structural Repairs	\$ 15,000.00	EDS	BSI	Aug-04	Nov-04	Complete Budget reallocation
	Termite Treatment	\$ 5,000.00	EDS	BSI	Apr-05	Apr-05	Not Commenced
East Kimberley Tourism House	Misc. Painting, Structural Repairs	\$ 5,000.00	EDS	BSI	Mar-05	Apr-05	Commenced
Historical Society	Misc. Painting, Structural Repairs	\$ 5,000.00	EDS	BSI	Apr-05	May-05	Not Commenced
Wyndham Shire Office	Misc. Painting, Structural Repairs	\$ 15,000.00	EDS	BSI	Apr-05	May-05	Complete

Capital Works Program

Reticulation of Celebrity Tree Park	\$ 40,000.00	EDS	MTS	Sep-04	Jan-05	Overdue To be complete in March 05
Development Plan - Lily Creek	\$ 10,000.00	EDS	XEDS	Sep-04	Dec-04	Overdue New XMEDS, P1 issues
Environmental Management Policies	\$ 5,000.00	EDS	TP	Oct-04	Mar-05	Overdue Agenda item in May
Heritage Register	\$ 10,000.00	EDS	TP	Oct-04	Mar-05	Overdue Documents drafted
Construct Car Parking at Shire Offices and Leisure Centre	\$ 35,000.00	EDS	MTS	Aug-04	Mar-05	Overdue Awaiting survey
Lily Creek Development	\$ 25,000.00	EDS	XEDS	Jan-05	Apr-05	Commenced
Park Furniture	\$ 10,000.00	EDS	MTS	Feb-05	Apr-05	Not Commenced
Parks Strategy Implementation	\$ 150,000.00	EDS	XEDS/MCS	Oct-04	Jun-05	Commenced
Plant Replacement	\$ 205,562.00	EDS	MTS	Sep-04	Jun-05	Commenced
Relocation of Dog Pound	\$ 25,000.00	EDS	MTS	Sep-04	Dec-04	Complete
Repairs to Footpaths and Kerbing	\$ 55,000.00	EDS	MTS	Sep-04	Feb-04	Overdue to be completed in May 05
Roman Data Collection	\$ 20,000.00	EDS	MTS	Oct-04	Dec-04	Overdue Data to be input
Stormwater Mgt. Plan	\$ 60,000.00	EDS	MTS	Nov-04	Feb-04	Overdue to be completed in Apr 05

Streetlight Upgrdade	\$ 60,000.00	EDS	MTS	Sep-04	Feb-05	Complete
Town Centre Reticulation	\$ 15,000.00	EDS	MTS	Feb-05	Mar-05	Commenced Expect completion in April
Tyre Recycling	\$ 20,000.00	EDS	MTS	Nov-04	Nov-04	Overdue to be completed in May 05
Weaber Plains Drainage	\$ 26,000.00	EDS	MTS	Mar-05	Apr-05	Commenced

Resealing Program

	\$ 211,000.00	EDS	MTS	Oct-04	May-05	
Hugo Astula						Not Commenced
Dulverton						Not Commenced
Messmate Service Road						Not Commenced
Farm Roads						Not Commenced
Lake Argyle Road						Not Commenced

Resheeting Program

	\$ 290,000.00	EDS	MTS	See Below	See Below	See Below
Duncan Road		EDS	MTS	Aug-04	Aug-04	Complete
Cave Springs Road		EDS	MTS	Sep-04	Sep-04	Complete
Parry Creek Road		EDS	MTS	Sep-04	Oct-04	Complete
Carlton Hill Road		EDS	MTS	Apr-05	Apr-05	Complete
King River Road		EDS	MTS	May-05	May-05	Not Commenced
Bull Run Road		EDS	MTS	May-05	May-05	Not Commenced

Road Projects

Weaber Plains Road	\$ 251,786.00	EDS	MTS	Apr-05	Apr-05	Commenced Survey needed
Konkerberry Drive	\$ 329,000.00	EDS	MTS	Feb-05	Apr-05	Commenced Survey needed
Coolibah Drive	\$ 120,000.00	EDS	MTS	?	?	Commenced
Packsaddle Road	\$ 259,000.00	EDS	MTS	Jul-04	Sep-04	Complete
Streetscape - Kununurra and Wyndham	\$ 164,000.00	EDS	MTS	Dec-04	Apr-05	Commenced

Cr Michelle Pucci left the room at 7.44pm.

12.3.7 Shire Energy Report

(Minute No 7125)

DATE:	19 April 2005
PROPONENT:	N/A
LOCATION:	SWEK
ATLAS REFERENCE:	N/A
AUTHOR:	John Gault, Executive Support Officer
REPORTING OFFICER:	Chris Adams, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To update Council on energy use patterns in Shire buildings.

BACKGROUND

In October 2004 Council received a report on energy use in the Shire. That report recommended

That Council:

- 1. Note the power utilisation trends and measures being taken to reduce energy costs in Council buildings.*
- 2. Consider allocating funds to power saving initiatives at the Kununurra Leisure Centre as a component of the 2005/06 Council budget process.*

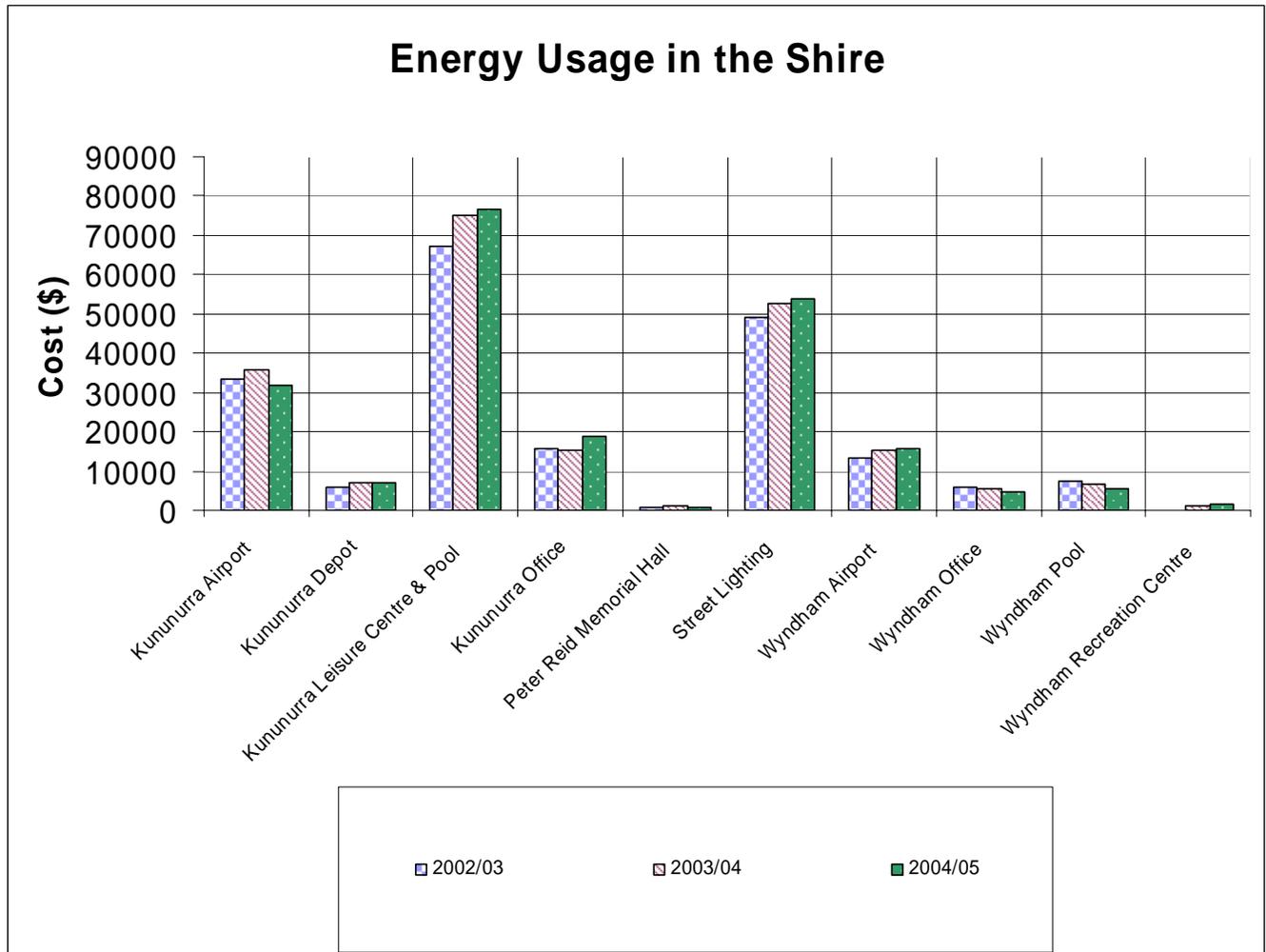
This report outlines the progress that has been made in energy savings.

Council owns and uses a number of civic buildings and facilities in both Wyndham and Kununurra. As indicated in the table below, the costs of providing power to these facilities is considerable.

AREA	03/04	04/05	Difference	Change (%)	Total Shire Use (%)
Kununurra Airport	35660	31805	-3855	-12%	14.6%
Kununurra Depot	6895	7046	151	2%	3.2%
Kununurra Leisure Centre	75247	76555	1308	1.7%	35.3%
Kununurra Office	15362	18857	3495	18.5%	8.7%
Peter Reid Memorial Hall	1186	936	-250	-26%	0.4%
Street Lighting	52852	54005	1153	2.1%	24.8%
Wyndham Airport	15297	15797	500	3.1%	7.4%
Wyndham Office	5385	4911	-474	-9.6%	2.4%

Wyndham Pool	6587	5379	-1208	-22.5%	2.5%
Wyndham Recreation Centre	1297	1606	309	19.2%	0.7%
TOTAL	215768	216897	1129	0.52%	100%

Note: Due to the fact that the current financial year is not yet complete, amounts used are from July to March for each financial year.



STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shires energy costs for 2003/04 were \$300,000. This equates to 8% of the Shires total rate revenue or 3% of the Shires total expenditure for the year.

The Shire's Five Year Financial Plan aims for an annual increase in the general operating costs of the Council at 1%. The aim of minimising operational cost increases is to provide additional funds for capital purchases and new initiatives identified by Council and the community.

Limiting growth in expenditure to 1% is always going to be difficult to achieve with general costs going up by CPI each year.

Action taken to reduce the current amount of electricity usage has been quite successful with an approximate increase of only 0.52% this year. This is despite an increase in street lighting and an increase in air-conditioning space at the Kununurra Shire Office.

STRATEGIC IMPLICATIONS

The Shires Strategic Plan includes the following statements that are relevant to this matter:

KRA 4: Environment
Goal 2: Natural Resource Efficiency
Strategy 1: Implement a program to reduce energy utilisation in Council buildings to improve energy efficiency
Target: 5% reduction in power bill (2003 compared with 2008)

COMMUNITY CONSULTATION

Nil

COMMENT

While significant changes have been made to reduce the Shire's power costs, an overall 5% drop in power costs between 2003 and 2008 will be difficult to achieve as during this period the Shire services and facilities have (and will continue to experience) significant change and/or growth.

A number of simple measures have been implemented to minimise power across Council facilities. These have led to marginal decreases in costs in some areas. While there have been some improvements through greater attention on this issue there is significant room for improvement in some of Councils larger facilities.

Attention to this issue over the past 6-12 months has demonstrated that minor changes to operational procedures can assist in reducing energy costs. To significantly lower energy usage in the Shire structural change is required.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council note the Shire Energy Usage Report 2004/05.

MINUTE NO 7125

Moved Cr K Wright/J Nelson

That Council note the Shire Energy Usage Report 2004/05.

CARRIED UNANIMOUSLY (7-0)

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Extra Tax Incentives

(Minute No 7126)

Cr M Pucci returned to the room at 7.46pm.

Shire of Wyndham East Kimberley Notice of Motion Form

To be completed and handed to the Chief Executive Officer at least three clear days prior to the Council meeting at which it is to be considered (Monday for a Thursday meeting).

DATE:	15 April 2005
SUBJECT:	Extra Tax incentives for Pastoralists (et al) for control/eradication of WONS
PROPOSED BY COUNCILLOR:	Cr Wright
SIGNATURE:	

PURPOSE OF THE MOTION:

For Council to pursue either directly with the Australian Taxation Office or via representation to WALGA, ALGA the introduction of extra taxation incentives for the control of Weeds of National Significance (WONS) on pastoral properties or other properties as approved by the ATO

BACKGROUND TO THE ISSUE:

Currently control or eradication of weeds of National Significance is fully tax deductible for pastoralists or other land owners etc. However because it is only a tax deduction as an expense, the limited amount of funds available on (for example) a pastoral property sees the allocation of funds being spent on NECESSARY rather than on DESIRABLE tasks. A recent ZCA meeting in Kununurra discussed an item brought forward by a pastoralist member regarding extra tax incentives for control of WONS. General discussion ensued and because such weeds (pests) were WONS rather than being a declared weed under various State legislation (usually ARRPA Act) the avenue of action through the APB was not legislatively possible. It was decided that any member present could pursue through Local Government.

The idea behind the discussion (and loosely endorsed by present members at the ZCA meeting on 02 April) was that a system that was instituted by the Government to encourage investment in the Australian Film Industry. Would be a good example to copy. This involved the deductibility of such investment being allowable at 150% (or higher)

If the land owner was able to claim 150% deductibility (or more) for control / eradication of WONS on approved land under his or her / their control this would offer that added incentive to carry out this vital work that was (because it was not a DECLARED plant) always relegated as a "do next year" type project.

MOTION:

That this Council approach the Australian Taxation Office, WALGA, ALGA and the appropriate Federal politicians to investigate and institute a system of extra taxation incentives for pastoralists and other approved land controllers to control or eradicate Weeds of Natural Significance (WONS) that are not otherwise a declared plant under the various States legislations

OFFICER COMMENT:

While the issue outlined above is not within the realm of direct Council responsibility, the spread of weeds of national importance throughout the Shire district could have a substantial impact on many industries.

Council's Strategic Plan indicates that the Shire's primary role in weed control and management should be in the area of policy development, planning and the coordination of weed removal through a community weed removal day. While the proposed motion is not specifically mentioned in the Strategic Plan, it is consistent with the broad objectives that Council has set for the managing the Shire's Environmental assets.

MINUTE NO 7126

Moved Cr K Wright/J Buchanan

This Council approach the Australian Taxation Office, Kimberley Zone of WALGA, ALGA and the appropriate Federal politicians to investigate and institute a system of extra taxation incentives for pastoralists and other approved land controllers to control or eradicate Weeds of Natural Significance (WONS) that are not otherwise a declared plant under the various States legislations.

CARRIED UNANIMOUSLY (8-0)

Shire of Wyndham East Kimberley Notice of Motion Form

To be completed and handed to the Chief Executive Officer at least three clear days prior to the Council meeting at which it is to be considered (Monday for a Thursday meeting).

DATE:	15 April 2005
SUBJECT:	Replacement of the “vision” statement “The Last Frontier”
PROPOSED BY COUNCILLOR:	Cr Wright
SIGNATURE:	

PURPOSE OF THE MOTION:

To replace an outdated and restrictive statement that forms the current “vision” of the Shire of Wyndham East Kimberley with a statement or slogan more appropriate and progressive. This currently is “THE LAST FRONTIER”

BACKGROUND TO THE ISSUE:

For the last few years, the statement “The Last Frontier” has earned the Shire the reputation of being “a hick town area”. On numerous occasions community members have approached Councillors with the comment that this impression being created by the use of this Vision Statement should be changed and replaced by a statement more in keeping with the progressive, developing, pristine and beautiful area that comprises the Shire.

MOTION:

That Council replace the vision Statement “The Last Frontier” with (.....) as from (01 August 2005)

OFFICER COMMENT:

The issue of the Shire Vision statement “The Last Frontier” was debated by Council when the 2003-2008 Strategic Plan was being considered. There were passionate views from both Councillors and the community on the appropriateness of the statement. At the time Council elected to survey the community on their thoughts on six alternate Vision and Mission statements. These statements were:

1. The Last Frontier is Our Future
2. Ancient Land – Future Opportunities
3. Destination of Diversity
4. Rugged Remote and Resourceful
5. SWEK - Sparkling Future
6. SWEK - Growing the East Kimberley

After significant debate, Councillors elected to keep the statement ‘intact’. Tabled below is a summary of the written comments that were made from community members at that time

.Received From/By	Comment
Feedback Sheet	The Last Frontier has 'cowboy' connotations. 'Frontier' implies barriers. The current vision is an outmoded anachronism which should be replaced
Feedback Sheet	The Last Frontier concept is outdated and inconsistent with the current methods of working in partnership. The concept conveys a community driven by cowboy mentality where the rule of law is secondary and corners are cut. It is not a responsible image for local government or appropriate for the tourism industry.
Letter – ATSIC	<p>Australian history has demonstrated that Aboriginal people have suffered at Australian frontiers. Frontiers have been places where Aboriginal people have experienced dispossession, exploitation and aggression.</p> <p>Obviously SWEK does not wish invoke this sort of sentiment through the use of this phrase, however, Aboriginal people would not like to see the attitudes which created the historical frontier mentality as continuing to influence their future.</p> <p>The paragraphs which explain the vision statement appear to encapsulate a vision different to that implied through the vision statement's catch phrase and ATSIC would like to suggest that consideration be given to reviewing this phrase.</p>
Feedback Sheet	Good Mission and Vision.
Feedback Sheet	I like "The Last Frontier". It's catchy, well known, recognisable and reflects the distances, challenges and opportunities that are available in this region.
Feedback Sheet – DIA	Aboriginal heritage and culture should be encompassed within the vision.
Feedback Sheet – J Mack	From a Strategic Point of view you should be envisioning the East Kimberley in 2015 –2020. What you would like to see in terms of its development as a region.

.Received From/By	Comment
	<p>Fleshing out the future needs and aspirations of the key economic drivers – tourism, agriculture, mining and pastoral investments and then back them up in terms of regional infrastructure.</p> <p>Planning should be developed in short, medium and long time frames. Each timeframe should be linked and have key performance indicators.</p>
Feedback Sheet	Include removal of isolation barriers. They are an excuse to not do things/progress.
Feedback Sheet	<p>Disagree that the shire has the ability to forge its own future as 'city planners' are determining our future with regards to planning.</p> <p>Shire needs to make representation to Ministers to insist that our future be determined by locals and not held up by bureaucratic city ideals.</p>
Feedback Sheet – E Kirkby	Vision needs to include reference to cross cultural aspect of our Shire
Feedback Sheet – E Kirkby	Vision needs to include reference to development in all industries.
Feedback Sheet – OLW	Vision should include reference to cultural diversity and environmental values.
Feedback Sheet	Keep the Vision and Mission the same. They are both good and changing them would be a waste of ratepayers time and money.

It is clear that there are differing opinions on the appropriateness of the Shire's Vision Statement and that it may need review.

Council has recently completed a review of the Strategic Plan. This review primarily focused on the Goal and Strategy statements. Little importance was placed on reviewing the Mission and/or Vision statements in the recent review.

Given that the Mission and Vision statement are supposed to drive the goals and strategies of the organisation, the most appropriate time to review these statements would be when the Strategic Plan is next reviewed.

Changing the statement at this time may be seen to be ad hoc as the community has not had the opportunity to comment and provide their input into what may or may not be appropriate statements. Additionally, with the Shire election less than 3 weeks away, making a decision on this matter at this point in time (particularly when we will have at least three new Councillors), may be seen as ad hoc in nature and hastily made.

MINUTE NO 7127

Moved Cr K Wright/

Council replace the vision Statement 'The Last Frontier' with (.....) as from (01 August 2005)

LAPSED FOR WANT OF A SECONDER

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

Nil

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

MINUTE NO 7128

Moved Cr R Devenish-Meares/J Nelson

That the following late items be accepted as late items.

CARRIED UNANIMOUSLY (8-0)

15.1 Late Item: Appointment of Auditor (Minute No 7128, 7129)

DATE:	19 April 2005
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Matthew Scott, Executive Manager Corporate and Community Services
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	61.34.03
ASSESSMENT NO:	N/A

PURPOSE

For the Council to appoint an Auditor for the Shire for the next 3 years.

BACKGROUND

The Shire's current auditor, Haines Norton where contracted in 2001 to perform the Annual Audit of the Shire's accounts for a three year term. This contract terminated at the finalisation of the 2003/04 Audit. Originally, Haines Norton was appointed based on a regional audit tender. The other three Kimberley Shire's appointed Hall Chadwick as their auditor, based on the same regional tender.

As all audit contracts within the region finalised in 2003/04, a regional "expression of interest", was advertised for Audit Services, coordinated by the Shire of Broome. Given that the annual cost for audit is substantially lower than the \$50,000 Local Government tender threshold, it is believed that a formal tender process was not necessary. The expression of interest closed on the 18th March 2005, with four expressions of interest being received from the following:

1. Hall Chadwick Chartered Accountants & Business Advisors
2. Haines Norton Chartered Accountants
3. Horwath Audit (WA) Pty Ltd
4. Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)

Each of the submissions were assessed in response to a specific audit specification document and weighted according to the following factors on a 100 point basis;

Factor	%
Nominated Auditor (experience & quality)	25
Fee	25
Hours of Engagement	10
Past LG Experiences	10
Methodology	5
Other Services	25
Total	100

The assessment criteria were developed after consultation with the relevant Executives from the four Kimberley Shires.

On assessment of the submissions, the following scores were determined

Auditor	Score
Hall Chadwick	62
Haines Norton	73
Horwath Audit	67
Deloitte	53

On the 14 April 2005, after reviewing the assessments of the expressions of Interest (minutes subject to confirmation), the Shire's Audit Committee endorsed to re-appoint Haines Norton as the Shire's Auditor for the next 3 years,

STATUTORY IMPLICATIONS

Local Government Act 1995

7.3. Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person to be its auditor.
- (2) The local government may appoint one or more persons as its auditor.
- (3) The local government's auditor is to be a person who is —
 - (a) a registered company auditor; or
 - (b) an approved auditor.

* *Absolute majority required.*

POLICY IMPLICATIONS

The are no relevant policies relating to the appointment of the Shire's Auditor.

FINANCIAL IMPLICATIONS

All the audit proposals offer discounts depending on the number of Kimberley Council's that appoint the same auditor. The Shire's audit fees for 2004/05 will range between \$8,600 and \$9,890. As a comparison, \$9,275.00 was spent on 2003/04 audit.

STRATEGIC IMPLICATIONS

There are no relevant strategic plan implications regarding this matter.

COMMUNITY CONSULTATION

All Kimberley Councils were involved in review the audit specifications.

COMMENT

Haines Norton have been the Shire's Auditors for the last three years, and fully understand previous problems experienced by the Shire of Wyndham East Kimberley and the recent achievements that have been made from a financial management perspective. It would be in the Council's interest to maintain this relationship, while the Shire's financial management practices and procedures are further developed and refined.

ATTACHMENTS

Audit expression of interest quotation matrix

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council appoint Haines Norton as the Shire's Auditor for the next three years.

MINUTE NO 7129

Moved Cr J Nelson/K Wright

That Council appoint Haines Norton as the Shire's Auditor for the next three years

CARRIED BY ABSOLUTE MAJORITY (8-0)

**EXPRESSION OF INTEREST
KIMBERLEY COUNCIL AUDIT - MATRIX**

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
7.0 Information to be provided from audit specification					* Final audit only \$17,825
4 Engagements Secured	Shire of Broome 04/05	7,250	13,500	10,700	22,925
	Shire of Derby – West Kimberley 04/05	6,500	11,000	11,200	22,925
	Shire of Wyndham - East Kimberley 04/05	6,500	8,600	9,200	22,925
	Shire of Halls Creek 04/05	6,000	11,000	9,200	22,925
3 Engagements Secured	Shire of Broome 04/05	7,450	14,175	10,850	22,925
	Shire of Derby – West Kimberley 04/05	6,750	11,550	11,350	22,925
	Shire of Wyndham - East Kimberley 04/05	6,750	9,030	9,350	22,925

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
	Shire of Halls Creek 04/05	6,300	11,550	9,350	22,925
2 Engagements Secured	Shire of Broome 04/05	7,950	14,850	11,000	22,925
	Shire of Derby – West Kimberley 04/05	7,000	12,100	11,500	22,925
	Shire of Wyndham - East Kimberley 04/05	7,000	9,460	9,500	22,925
	Shire of Halls Creek 04/05	6,525	12,100	9,500	22,925
1 Engagement Secured	Shire of Broome 04/05	7,950	15,525	12,000	22,925
	Shire of Derby – West Kimberley 04/05	7,000	12,650	12,500	22,925
	Shire of Wyndham - East Kimberley 04/05	7,000	9,890	10,500	22,925
	Shire of Halls Creek 04/05	6,525	12,650	10,500	22,925
Alternative Fees Total	4 Secured	26,250	44,100	40,300	91,700

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
	3 Secured	27,250	46,305	40,900	91,700
	2 Secured	28,475	48,510	41,500	91,700
	1 Secured	28,475	50,715	45,500	91,700
Fees Total (based on 4 Secured)	-Year 1	26,250	44,100	40,300	91,700
	-Year 2	29,510	45,700	42,315	96,284
	-Year 3	30,600	47,300	44,431	101,100
Value Added Services	Additional Benefits	<p>Access to direct / indirect taxation sections of firm for advice</p> <p>Six monthly updates of changes to Accounting Standards specific changes impacting on LG</p> <p>Attendance at Electors meeting at no charge</p> <p>Attendance at Audit</p>	<p>Liaison of audit and accounting issues during the year is encouraged free of charge.</p> <p>Regular newsletters for the local government industry with comment and direction on topical issues</p> <p>Model Financial Report and Model Budget updated annually, establishes a consistent guideline to follow in respect of statutory reporting guidelines</p>	<p>Liaison of audit and accounting issues during the year is encouraged free of charge.</p> <p>Can provide assistance with finalisation of financial statements and budget document preparation, if required</p> <p>As additional service can provide a report on the appropriateness and effectiveness of</p>	

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		Committee meetings via telephone conf Review of Councils readiness for the implementation of International Accounting Stds	Annual Workshop series based on model reports, addressing topical accounting issues, reporting amendments etc Nuts & Bolts workshop dealing with fundamental local government accounting concepts Detailed advice is available through tax consulting division on complex areas of GST, FBT or salary packaging at indicative rates	financial management systems under FM Reg 5(2)(c) Local Government specific newsletter on accounting and reporting issues	
	Consultancy	Yes	Yes	Yes	Yes
	Seminars/Workshops		Yes		
	Guidance Booklets		Yes		
	Newsletters		Yes	Yes	
	Updates	Yes (six monthly)	Yes		
	Regular feedback				
	Support	Yes	Yes	Yes	
	Direction		Yes		

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
Estimate of Hours Partner/Interim/Final (Total)	Shire of Broome	10/70/70 (150)	10/42/58 (110)	5/20/64 (89)	(185)
	Shire of Derby – West Kimberley	10/60/60 (130)	10/34/46 (90)	5/20/64 (89)	(185)
	Shire of Wyndham East Kimberley	10/60/60 (130)	10/34/46 (90)	3/15/48 (66)	(185)
	Shire of Halls Creek	10/55/55 (120)	10/26/34 (70)	3/15/48 (66)	(185)
Scheduling of Audit (see clause 5e)	Entrance interview	Early May (via telephone conf)	Fourth Quarter	Prior to Interim	June
	Interim audit visits	Early May	Fourth Quarter During interim we perform the bulk of our systems and compliance testing	February – June A planning phase will be undertaken prior to interim. During interim we perform the bulk of our systems and transaction testing	June
	Final audit visit	Late September / Early October	Mutually convenient, within 30 days of statements being available for audit and within the demands of a 30 Nov deadline. Year-end procedures mainly focus on substantively	Mutually convenient to ensure meeting of deadline. Year-end procedures mainly focus on substantively verifying year-end balances and	October/November to be mutually agreed

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
			verifying year-end balances and ensuring disclosure requirements are met and financial report correctly stated.	ensuring disclosure requirements are met and financial report correctly stated.	
	Exit Interview	Early October (partner in attendance)	At conclusion of audit fieldwork	At completion of final audit	November
	Issue of Audit Report and Management Letter	14 days after exit interview	14 days after exit interview	14 days after exit interview	
Nominated Auditor		Michael Hillgrove CA Or Maurice Anghie FCA (review audit partner)	David Tomasi CA Or R B Swarbreck (Alternative Engagement Partner)	Tony Bevan CA Or G D O'Brien	Robert Hudson FCA
Registered Co audit Number		16037 or 14025	15724 or 14170	15403 or 170197	5293
Experience of Nominated Auditor		12 years public practice 4 years local government 3 years as a partner	18 years public practice 14 years local government 10 years as a partner Developed firms methodology and approach to Financial Management Reviews	19 years public practice 12 years local government Was a member of the Local Government Financial management Advisory Committee	30+ years public practice Has served as a member of the ICA Professional Education Committee for six

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		<p>Broad-spectrum audit experience across government statutory authorities and departments.</p>	<p>Actively involved in fieldwork enabling a detailed knowledge of operations and the LG industry.</p> <p>Has facilitated Strategic Plans, special investigations and consulting engagements</p> <p>Actively involved in training programs during past nine years, member of DLGRD working party to review financial reporting of LG, chairman of HN National Audit Committee.</p> <p>Has presented a paper "Checking the pulse- Understanding Audit Reports" to LG Week 2002, presents papers to CPA industry seminars eg Sydney 2003 "Accounting and Financial Issues in Asset Management" and another Perth 2004 on ED125 detailing proposed changes to AAS27. Recently "IFRS and Local Government" and "IFRS and Audit Committees" to CPA seminars in 2005.</p> <p>David brings necessary experience, expertise and knowledge to the</p>	<p>1999 – 2001</p> <p>Has been actively involved in presentation of seminars and workshops to local government</p> <p>Tony was recently recognised for his commitment to education and the accounting profession by being elected a Regional Councillor of the Institute of Chartered Accountants.</p>	<p>years and has lectured and tutored in accountancy at a college of Advanced Education, for the ICAA Professional Year Programme and Australian Institute of Company Directors at Charles Darwin University.</p> <p>Robert is currently a member of the NT Committee of the Institute of Company Directors and has served on the Companies & Securities Advisory Committee.</p>

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
			engagement to help ensure Council receives an efficient, effective and value for money audit service.		
Current Local Govt engagements held	Audit	City of Perth City of Gosnells Shire of Shark Bay City of Fremantle (new) Pilbara Regional Council Geraldton regional Council	Largest Auditor of Local Government in WA with fifty-two (52) current engagements ranging from (49) small rural, remote, larger regional Shires, (1) Town and (2) larger city based municipalities.	(19) Current Local Govt engagements consisting of (2) Towns and (17) Shires	Darwin City Council Yugul Mangi Community Govt Council Alawa Aboriginal Corporation Litchfield Shire Council Alice Springs Town Council
	Other Local Govt Industry engagements		Annual workshop in 2004 was attended by ninety (90) municipalities addressing Performance Measures, Strategic Planning, the Annual Financial Report, the Budget, Infrastructure Assets, cash flow statements and other topical accounting issues. The model financial report and budget was purchased by in excess of one hundred (100) authorities state-wide;	Advice provided to Councils (in addition to statutory audit services) has included Financial Management Reviews, Financial Reporting preparation, Infrastructure Assets, AAS27 implementation, Budget conversion and assistance, Statutory Compliance Audits, Strategic Plans, Principal Activity Plans,	

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
			<p>and updated annually as disclosure requirements are amended.</p> <p>Recently implemented a strategy to assist Councils with transition to Australian equivalents to International Financial Reporting Standards (AIFRSs) including workshops.</p> <p>Since 1999 have provided remote area accounting services for up to six(6) local authorities, including its own suite of software including a unique rating package developed in-house and used by fifteen (15) Councils state-wide</p> <p>A subscriber member of LGMA and an active participant in Institute events incl major sponsor of annual conference since 2000 and support sponsor of the Metropolitan/Southwest and Goldfields conferences.</p>	Business Plans, FBT.	

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
Experience of Audit staff		<p>Mr V Vijayasekaran FCPA (Audit Manager) 19 years with HC</p> <p>Mark Petricevic B.Comm (Intermediate) 2 years exp</p> <p>Joe Simpson B Comm (Graduate)</p>	<p>Plinio Bresciani BAS (Audit Manager) 12 years audit</p> <p>Jules Ueckerman CA (Audit Manager) 23 years Chartered Acctg exp</p> <p>Pedro Costa BComm (Audit Senior) 5 years Chartered Acctg exp</p> <p>Zane Arthur Bcomm (Audit Graduate)</p>	<p>Bob Waddell DipBus (Manager) 1 year audit</p> <p>Connie Keightley ASA (Audit Manager) 5 years audit</p>	<p>Leanne Karamfiles ACA (Review Partner) 12 years audit</p> <p>Jasmin Aldenhoven CA (Client Director) 13 years audit</p> <p>Julie Crisp CA (Client Manager) 6 years audit</p> <p>Brendan Tozer CA (Senior Analyst) 4 years audit</p> <p>Brooke Davis BComm (Analyst)</p> <p>Marcin Swierkowski Bcomm (Analyst) 2 years audit</p>
Typical Audit checklist of items reviewed (see clause 5c)	Methodology	<p>Outline our understanding of the authority and its control environment</p> <p>Issues impacting on the Authority</p> <p>Significant audit</p>	Procedures are designed to ensure the critical audit areas as detailed in the "Minimum standard audit specification per the Dept of Local Govt and Regional Development circular 10/2001" and your	Procedures are designed to ensure the "Minimum standard audit specification per the Dept of Local Govt and Regional Development circular 10/2001" and your audit	<p>Use Deloitte audit methodology known as AuditSystem/2</p> <p>Approach is risk based with focus on understanding</p>

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		risks Our audit approach	audit specification are met. Critical areas include Revenue; Expenditure; Current Assets; Non Current Assets; Liabilities; Reserve Funds; Contingent Assets/Liabilities; Capital Commitments; Cash Flow Statement; Statutory Obligations; Accounting Policies and Notes to the Financial Statements, Budget compliance with respect to timing, format and the previous years final audited position and Major trading activities.	specifications are met.	the client's business and identifying risks with the industry, the control environment and accounting processes. All components of the methodology have been highly automated.
	Procedures	Understanding municipal operations, assess inherent and control risk factors Document the accounting system and internal controls Assess materiality, determine sample size for testing Perform	Undertake testing that will: Assist in forming an opinion as to whether a) accounting records are reliable and adequate base for preparation of financial statements; b) accounts properly kept; c) annual financial report is prepared in accordance with financial records and represents fairly the results of operations and financial position in accordance with standards,	Current procedures include testing of; External confirmation of bank balances, test bank reconciliation and that management of investments comply with legislation; Test sample of receipts and review internal control over receipting system; Rates and sundry	Noting the critical audit areas identified in part 5.0 of the specification, we advise that additional review would be conducted in the areas; Fraud & error Application of IFRS

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		<p>compliance audit procedures against established control procedures, legislation, policies</p> <p>Conduct detailed audit testing of transactions, items in Balance Sheet</p> <p>Review final accounts for compliance with Acts, Regulations and Standards</p> <p>Finalise Management Report on areas of improvement or saving made to current system</p> <p>Issue of audit opinion on or before deadline</p> <p>Certifications of pension deferrals and acquittal of govt grants</p> <p>Statement of Performance checklist; Salaries and wages; Other</p>	<p>the act. Regulations etc.</p> <p>All bank and cash balances subject to third party confirmation and test to ensure investments made according to legislation;</p> <p>Examine Council's receipting function;</p> <p>Examine money owing to Council including testing recoverability, follow up procedures and compliance;</p> <p>Review payment vouchers, ensure appropriate procedures exist in respect to authorisation and payment of accounts;</p> <p>Perform a review of controls surrounding payroll and staff leave records;</p> <p>Review of rating records incl rate imposition, valuations, compliance with legislation;</p> <p>Review all borrowing transactions ensuring conduct with the act;</p> <p>Review reserve transactions ensuring compliance with legislation;</p>	<p>debtors listings to subsequent receipts and a review of uncollectible;</p> <p>Payment vouchers and review of internal control over payments;</p> <p>Payroll payment sample and review of controls over payroll system, year-end payroll reports, group certificates and staff leave records for provisions;</p> <p>Review of rate record, rate setting statement and relevant budget resolutions to ensure setting of rates, differentials, specified area and service charges accord with legislation. Valuations reconcile with VGO;</p> <p>New borrowings checked for compliance relating to raising and expenditure of loans;</p> <p>Reserve fund transfers and new reserves</p>	<p>Controls over business cycles</p> <p>IT reliance</p> <p>Annexure 2 includes a comprehensive checklist of general items, cash, accounts receivable, property, plant & equipment, other assets, accounts payable, accrued expenses, borrowing, reserve funds, revenue, expenses and budget compliance.</p>

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		<p>exp; Contracts; Rates Revenue; Other Revenues incl User Pays Revenue & Profit on Sale of Assets; Grants</p> <p>Statement of Financial Position checklist; Cash Resources Investments; Accounts Receivable; Inventories; Fixed Assets; Accounts Payable; Employment Entitlements; Borrowings</p> <p>Other Audit Work; Budgets; Tendering Procedures; Compliance with Financial Management Regulations; Compliance with Australian Accounting Standards; EDP Systems;</p>	<p>Review all transactions involving land and other property to ensure legislative requirements are complied with;</p> <p>Review agreements where Council has leased land to third parties and help ensure compliance with relevant legislation;</p> <p>Review budget and related processes ensuring compliance with the Act and regulation;</p> <p>Examine tenders to ensure compliance with the act and regulation.</p> <p>The above is not exhaustive as procedures will examine other areas as deemed appropriate to form an opinion and make comments in regard to accounting systems.</p>	<p>comply with the Act and are cash backed;</p> <p>Sample of non-current assets as detailed on asset register are sighted and agreed to ownership records;</p> <p>Review of budget, budget adoption and reporting to DLGRD for compliance with Act and Regs;</p> <p>Review of all minutes to consider compliance relating to land transactions, leases, fees & charges, trading undertakings, declarations of interest, leave of absences etc;</p> <p>Financial reports presented to Council;</p> <p>Local Government Compliance Audit Return.</p>	

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		Procedures Review			
Hourly \$ rate for separate audits	Partner	140	250		310
	Manager	100	160		240 (Director) 210 (Client Manager)
	Supervisor		130		
	Senior	65	90		170
	Intermediate / analyst	50			155
	Consultancy Range			85-170	
Selection Criteria (100) points					
(25) Nominated Auditor		12 Has not always provided adequate preparation planning for audit assignments or given a perception of real interest in	21 Specialises in the field of local government auditing and has a high profile involvement within the industry as an educator and policy advisor.	20 Specialises in the field of local government auditing. 19 Current local government	17 Robert is an experienced auditor at the highest level however it is unclear as to whether he will be

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		the affairs of audit clients during the early years of engagement	52 Current local government engagements	engagements	involved in the hands on engagement.
(25) Fee	Fees in proportion to lowest fee	25 (\$26,250) Fee appears to be abnormally low (49.50/hr) considering the quality of process and value adding expected	15 (\$44,100) (Ave \$122.50/hr)	16 (\$40,300) (Ave \$130/hr)	7 (\$91,700) (Ave \$124/hr) Very high price because of large estimate of audit hrs
(10) Hours of Engagement	In proportion to greatest time estimate; as a counter balance to cut price fees by cutting service time	7 530hrs	5 360hrs	4 310hrs	10 740hrs
(10) Other staff Experience		6 One staff member with over 2 years experience	8 Sufficiently experienced audit managers	6 One staff member with over 2 years experience	9 Appears to have a wide range of experienced staff
(5) Methodology/Procedure		3 Has lacked clear communication,	5 Comprehensive, tailored for	5 Comprehensive, tailored for local	5 Technology based,

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		scoping and preparation eg Financial Management Review 2004 (Broome)	local government.	government.	generic format
(25) Other Services, Value Adding etc		9 Some value adding mentioned in 2002 successful tender did not materialise	19 Significant effort directed towards other value adding services and involvement with the local government industry	16 Effort directed towards other value adding services to the local government industry	5 Not much offered outside of management report
(100) Selection Totals		62	73	67	53
Comment		Has quoted the cheapest price by far however there is a perception about the quality of work that could be received by a profession quoting an average of \$49.50/hr. There have also been some reservations as to quality of service during the preceding 3-year	Preferred candidate; Has forged a successful presence in the local government industry by not only specialising in local government audit but also in becoming proactive in the affairs of local government financial policy and an educator in local government finance and compliance.	Second preferred candidate; A very competitive price although drawn from the lowest estimate of work hours, may just lag slightly in staff experience and value added activities within the local government industry	Although the average cost per hour is comparable the fee has been based on a large estimate of work hours making this the most expensive proposition, Also there was little in the way of value added services indicated outside of the external audit

Criteria	Detail	Hall Chadwick Chartered Accountants & Business Advisors	Haines Norton Chartered Accountants	Horwath Audit (WA) Pty Ltd	Deloitte Growth Solutions Pty Ltd (Member of Deloitte Touche Tohmatsu)
		tenure with the Shires of Derby, Halls Creek and Broome.			process.

15.2 Late Item Monthly Financial Report to 31 March 2005 (*Minute No 7130*)

DATE:	19 April 2005
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Matthew Scott, Executive Manager Corporate and Community Services
REPORTING OFFICER:	Matthew Scott, Executive Manager Corporate and Community Services
FILE NO:	61.36.0961.34.01
ASSESSMENT NO:	N/A

PURPOSE

Presentation of the Quarterly Financial Reports, in accordance with the requirements of the Local Government Act and Financial Management Regulations.

BACKGROUND

A Statement of Financial Performance report showing variances for Municipal, Trust and Reserve funds incorporating Operating and Capital Expenditure/Income will be provided.

STATUTORY IMPLICATIONS

Local Government Act 1995.

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

Local Government (Financial Management) Regulations 1996

34. Financial reports to be prepared — s. 6.4

- (1) A local government is to prepare —
 - (a) monthly financial reports in such form as the local government considers to be appropriate; and
 - (b) subject to sub regulation (1a), either —
 - (i) Quarterly financial reports for the periods ending on 30 September, 31 December, 31 March and 30 June; or
 - (ii) Triannual financial reports for the periods ending on 31 October, 28

February and 30 June,
(or where a 4 weekly period system is used, the period to the end of the week closest to each of those dates) in accordance with regulation 35.

(1a) A local government need not prepare a quarterly or triannual report for the period ending on 30 June in any year if, before that date, the council resolves* that such a report is not necessary.

**Absolute majority required.*

(2) A monthly, quarterly or triannual financial report is to be —

(a) presented to the council —

(i) at the next ordinary meeting of the council following the end of the period to which the report relates; or

(ii) if the report is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;

and

(b) recorded in the minutes of the meeting at which it is presented.

(3) A quarterly or triannual report may be presented to a local government in lieu of a monthly report.

35. Form of quarterly or triannual financial report — s. 6.4(2)

(1) A quarterly or triannual financial report is to be in a form that sets out —

(a) the annual budget estimates; and

(b) the operating revenue, operating income, and all other income and expenses, from 1 July to the end of the relevant period, and —

(c) identifies any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;

(d) identifies any significant areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget for that year;

(e) in relation to a matter the subject of an identification made under paragraph (c) or (d), provides financial projections to the next 30 June advising the likely effect of the identification of that matter on the end-of-year results when compared to the projected result set forth in the annual budget for that matter in that year;

(f) includes an operating statement;

(g) includes a statement setting out all other income and expenditure that has not been included in the operating statement; and

(h) includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

(2) A quarterly or triannual report is to be based on the information contained in the accounts when the normal end-of-month accounting has been completed.

POLICY IMPLICATIONS

Policy F7 – Significant Account Policies

FINANCIAL IMPLICATIONS

Ongoing management of Council funds.

STRATEGIC IMPLICATIONS

N/A

COMMUNITY CONSULTATION

N/A

COMMENT

The appended Statements of Financial Performance has been formatted to provide a percentage variance of actuals to 30 June 2004, against budgeted expenditure/income for the financial year.

Council is also requested to resolve that the June '05 Report is not necessary. Regulation 34(1a) allows Councils not to present a 30 June report, as these actuals will be disclosed in the Annual Report, after the audit. To present the unaudited actuals in July, may cause confusion with report users (both Council and the wider community) as these figures will most certainly change due to end of year adjustments, as part of the annual accounts process.

ATTACHMENTS

- Statement of Financial Performance – Municipal Fund
- Statement of Financial Performance – Reserve Funds
- Statement of Financial Performance - Trust Fund

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

- (1) receive the Monthly Financial Report to 31 March 2005.

MINUTE NO 7130

Moved Cr J Nelson/J Buchanan

That Council:

- (1) receive the Monthly Financial Report to 31 March 2005.***

(2) resolve not to require a quarterly Financial Report, as per regulation 34(1a), recognising that the final June'05 actuals will not be available until after accounts have been audited.

CARRIED BY ABSOLUTE MAJORITY (8-0)



STATEMENT OF FINANCIAL PERFORMANCE

For the Month ending 31 March 2005

<u>Reserve</u>	Opening Balance @ 1 July 2004	Receipts	Interest	Payments	Closing Balance @ 31 March 2005	Budgeted Closing Balance @ 30 June 2005	Variance
Airport General	1,813,564	0	51,604	0	1,865,168	1,428,790	-436,378
Civic Buildings	0	0	0	0	0	228,584	228,584
East Kimberley Tourism	42,554	0	1,211	0	43,765	41,496	-2,269
Foreshore Reserve	0	0	0	0	0	85	85
Information Technology Rep	0	0	0	0	0	50,000	50,000
Kununurra Preschool	6,345	0	181	0	6,526	278	-6,248
Kununurra Leisure Centre	50,033	0	1,424	0	51,457	31,808	-19,649
Non Potable Water	54,236	0	1,543	0	55,779	56,132	353
Parking	248,135	0	7,061	0	255,196	61,939	-193,257
Plant & Equip Replacement	306,503	0	8,721	0	315,224	315,008	-216
Public Open Space Reserve	0	0	0	0	0	0	0
Recreation Participation	13,739	0	391	0	14,130	14,227	97
Staff Entitlements / Housing	0	0	0	0	0	0	0
Staff Entitlement	274,750	0	7,818	0	282,568	103,379	-179,189
Staff Housing	0	0	0	0	0	79,740	79,740
Tourism Infrastructure	4,452	0	127	0	4,579	4,610	31
Waste Management	300,500	0	8,551	0	309,051	532,373	223,322
	3,114,811	0	88,630	0	3,203,441	2,948,449	-254,992

<u>Trust</u>	Opening Balance @ 1 July 2003	Receipts	Interest	Payments	Closing Balance @ 31 December 2004	Budgeted Closing Balance @ 30 June 2005	Variance
Ossie Henry - House Bond	260.00	0.00	0.00	0.00	260.00	260.00	0.00



STATEMENT OF FINANCIAL PERFORMANCE

For the Month ending 31 March 2005

	2004/2005			Budget	Actual	Actual	YTD Variance
	Original* Budget	Amended Budget	Actual	% Y.T.D	% Amended Budget	% Original Budget	Represented
REVENUE FROM ORDINARY ACTIVITIES							
General Purpose Funding	6,784,295	6,799,721	4,996,446	75%	73%	74%	(91,775)
Governance	0	27,455	28,145	75%	103%	0%	28,145
Law, Order & Public Safety	184,500	185,342	93,875	75%	51%	51%	(44,500)
Health	146,000	143,637	109,382	75%	76%	75%	(118)
Welfare Services	97,387	114,281	68,085	75%	60%	70%	(4,955)

Housing	342,392	552,866	58,775	75%	11%	17%	(198,019)
Community Amenities	829,845	777,093	761,724	75%	98%	92%	139,340
Recreation & Culture	530,319	571,600	279,373	75%	49%	53%	(118,366)
Transport	1,575,088	1,843,667	1,610,198	75%	87%	102%	428,882
Economic Services	50,276	73,101	52,573	75%	72%	105%	14,866
Other Property & Services	5,861,500	5,924,731	4,384,660	75%	74%	75%	(11,465)
Shire Airports	1,342,487	2,184,999	978,462	75%	45%	73%	(28,403)
	17,744,089	19,198,493	13,421,698	75%	70%	76%	113,631
EXPENSES FROM ORDINARY ACTIVITIES							
General Purpose Funding	356,304	410,286	311,068	75%	76%	87%	43,840
Governance	909,398	898,344	473,671	75%	53%	52%	(208,378)
Law, Order & Public Safety	300,465	326,311	215,416	75%	66%	72%	(9,933)
Health	319,276	325,634	198,829	75%	61%	62%	(40,628)
Welfare Services	360,653	346,247	212,437	75%	61%	59%	(58,053)
Housing	185,000	158,115	113,489	75%	72%	61%	(25,261)
Community Amenities	1,205,018	1,287,284	1,020,082	75%	79%	85%	116,319
Recreation & Culture	2,615,756	2,666,109	1,877,202	75%	70%	72%	(84,615)
Transport	3,226,115	3,163,403	1,955,563	75%	62%	61%	(464,023)
Economic Services	498,394	499,473	226,063	75%	45%	45%	(147,733)
Other Property & Services	5,793,401	5,728,729	4,106,762	75%	72%	71%	(238,289)
Shire Airports	1,230,352	1,212,252	819,473	75%	68%	67%	(103,291)
	17,000,132	17,022,187	11,530,055	75%	68%	68%	(1,220,044)
<i>Operating Increase / (Decrease)</i>	743,957	2,176,306	1,891,643	75%	87%	254%	1,333,675
REVENUE FROM CAPITAL / INVESTING ACTIVITIES							
Welfare	11,400	6,300	0	75%	0%	0%	(8,550)
Housing	450,000	580,000	0	75%	0%	0%	(337,500)
Recreation & Culture	46,768	42,668	10,469	75%	25%	22%	(24,607)
Transport	413,156	613,156	85,008	75%	14%	21%	(224,859)
Economic Services	55,664	50,564	40,463	75%	80%	73%	(1,285)
Other Property & Services	486,770	539,470	0	75%	0%	0%	(365,078)
Shire Airports	490,293	137,392	0	75%	0%	0%	(367,720)
	1,954,051	1,969,550	135,940	75%	7%	7%	(1,329,598)
EXPENSES FROM CAPITAL / INVESTING ACTIVITIES							
General Purpose Funding	120,000	130,000	0	75%	0%	0%	(90,000)
Governance	24,000	24,000	5,085	75%	21%	21%	(12,915)
Law, Order & Public Safety	146,550	151,937	122,523	75%	81%	84%	12,611
Housing	621,036	951,036	1,552	75%	0%	0%	(464,225)
Community Amenities	132,323	40,845	14,806	75%	36%	11%	(84,436)
Recreation & Culture	540,403	498,269	158,939	75%	32%	29%	(246,363)
Transport	2,609,866	2,817,542	907,739	75%	32%	35%	(1,049,661)
Economic Services	50,564	50,567	40,453	75%	80%	80%	2,530
Other Property & Services	516,146	511,557	59,376	75%	12%	12%	(327,734)
Shire Airports	602,428	1,110,139	274,248	75%	25%	46%	(177,573)
	5,363,316	6,285,892	1,584,721	75%	25%	30%	(2,437,766)
NON CASH ITEMS (REVERSED)							
Less Depreciation	(2,187,064)	(2,032,824)	(1,245,759)				

Less P& L on Asset Disposals	198,690	198,690	0
Add Surplus CFWD	676,934	322,471	322,471
END OF PERIOD SURPLUS	0	16,569	2,011,092

* Original Budget Includes all non cash transfers between Functions

16. MATTERS BEHIND CLOSED DOORS

MINUTE NO 7131

Moved Cr R Devenish-Meares/K Wright

That council consider the next item behind closed doors.

Mr C Adams, Mr M Scott, Mr S Chadwick, Mr J Gault, Mrs B Ozanne and members of the public left the room at 7.59pm.

CARRIED UNANIMOUSLY (8-0)

16.1 Confidential - CEO Pay Review

(Minute No 7131, 7132)

DATE:	19 April 2005
PROPONENT:	Chris Adams
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Barbara Johnson, Shire President
REPORTING OFFICER:	Barbara Johnson, Shire President
FILE NO:	10.840.05
ASSESSMENT NO:	N/A

IN ACCORDANCE WITH SECTION 5.23 (2)(A) AND (B) OF THE LOCAL GOVERNMENT ACT 1995. THIS ISSUE IS BEING CONSIDERED BEHIND CLOSED DOORS ON THE GROUNDS THAT IT IS A MATTER AFFECTING EMPLOYEE'S AND THE PERSONAL AFFAIRS OF EMPLOYEE'S

RECOMMENDATION

That Council endorse the CEO Review Panel's:

1. Assessment of the CEO's performance over the past 12 months.
2. Recommendation to increase the total salary package available to the CEO to \$164,595 for the period from 1/7/05 - 30/6/06.

Cr M Pucci left room at 8.00pm

MINUTE NO 7132

Moved Cr R Devenish-Meares/K Wright

That Council endorse the CEO Review Panel's:

- 1. Assessment of the CEO's performance over the past 12 months.**
- 2. Recommendation to increase the total salary package available to the CEO to \$164,595 for the period from 1/7/05 - 30/6/06.**

CARRIED UNANIMOUSLY (7-0)

17. CLOSURE

Cr M Pucci, Mr C Adams, Mr M Scott, Mr S Chadwick, Mr J Gault, Mrs B Ozanne and members of the public returned to the room at 8.01pm.

Cr K Wright thanked Cr B Johnson (regarding her retirement from Council) for her professionalism and selflessness. Cr K Wright indicated that this Shire was lucky to have had a President who had worked so tirelessly for the good of the community with no concern for personal gain.

Council showed its support for these comments with loud applause and standing ovation.

17.1 CLOSURE OF MEETING.

The Shire President declared the meeting closed at 8.03pm.