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**MINUTES OF ORDINARY COUNCIL MEETING OF THE SHIRE OF WYNDHAM
EAST KIMBERLEY HELD ON TUESDAY, 21 NOVEMBER 2006 AT WYNDHAM
COUNCIL CHAMBERS, COMMENCING AT 6:00PM.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:05pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Attendance

Cr Michele Pucci	Shire President
Cr Bill Barnes	Deputy Shire President
Cr Jane Parker	Councillor
Cr Di Ausburn	Councillor
Cr John Buchanan	Councillor
Cr Keith Wright	Councillor
Cr Graham Green	Councillor
Mr Peter Stubbs	Chief Executive Officer
Mr Yale Bolto	Executive Manager Corporate Services
Ms Karyn Apperley	Executive Manager Community Services
Mr Keith Williams	Town Planner
Mr Dan Hulands	Manager Technical Services
Miss Kelly Fewster	Aboriginal Environmental Health Officer
Miss Betty McKinlay	Child Care Co-Ordinator
Miss Nickita Gerrard	Corporate Support Officer (Minute Taker)

Apologies

Cr Roch Devenish-Meares
Cr Maxine Middap

3. DECLARATION OF:

• Financial Interest

Dan Hulands declared a financial interest in item 12.4.2 as his wife manages the current Child Care Centre.

Cr Michele Pucci declared a financial interest in item 12.2.4 as her husband is employed by the Water Corporation, a potential signatory to the agreement.

• Members Impartiality Interest

Cr Michele Pucci declared an interest in item 12.4.2 as she was a member of the Expression of Interest Evaluation Panel.

Cr Di Ausburn declared an interest in item 12.2.1 as she is a life member of the Society.

Cr John Buchanan declared an interest in item 12.2.1 as he is a life member of the Society.

Cr John Buchanan declared an interest in item 12.4.2 as he is the Council Representative on the Committee.

Cr Bill Barnes declared an interest in item 12.2.1 as he is a life member of the Society.

Cr Graham Green declared an interest in item 12.2.1 as he is a life member of the Society.

Cr Keith Wright declared an interest in item 12.2.1 as he is a life member of the Society.

Cr Keith Wright declared an interest in item 12.4.2 as he is a supervising officer of the tender.

Cr Keith Wright declared an interest in item 12.2.5 as he is a member.

- **Proximity Interest**

Cr Graham Green declared an interest in item 12.2.5 as he is a neighbour to the proposed site.

Cr Bill Barnes declared an interest in the late item Bandicoot Drive.

Cr Keith Wright declared an interest in item 12.2.3 as he is buying land adjacent to the proposal.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE (*MINUTE NO 7555*)

MINUTE NO.7552

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Cr Graham Green be granted leave of absence for the 19th December 2006 Ordinary Council Meeting.

Carried Unanimously 7/0

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 15 AUGUST 2006. (MINUTE NO 7553)

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 17 October 2006.

Minute No 7553

Moved Cr D Ausburn

Seconded Cr J Parker

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 17 October 2006.

Carried Unanimously 7/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

12. REPORTS

12.1. ENGINEERING SERVICES

12.1.1 Adoption of Road Standards (*Minute No 7544*)

DATE:	27 November 2006
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	All Shire of Wyndham East Kimberley Roads
ATLAS REFERENCE:	N/A
AUTHOR:	Dan Hulands, Manager of Technical Services
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	21.06.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider adopting the “Standards for Rural Road Design and Construction”.

BACKGROUND

The Shire currently has one policy in place to govern all road construction specifications in the Shire. With the expansion of Ord Stage 2 and the proposed development of Green Swamp the Shire identified the need for more thorough and uniform Road Standards.

Qantec McWilliam undertook the drafting of the proposed new road standards which accommodate for the Kimberley’s harsh conditions and high rainfall. The draft road standards were presented to the management team on the 28/06/06 for comment. Comments were passed back to Qantec with the final document being presented on the 29/06/06.

The final Road Conditions were presented to Elected Members at the 7th of November 2006 briefing session in Wyndham.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy E5 Road Construction Specifications
This policy will need to be repealed.

FINANCIAL IMPLICATIONS

If the proposed standards are adopted the maintenance cost on new roads will be significantly lower than on the existing road network.

STRATEGIC IMPLICATIONS

Goal 2 – Roads and Associated Infrastructure:

Strategy 9 – Determine usage trends on Shire rural roads.

Roads are a major asset and cost to most local governments. Typically road construction and maintenance can cost up to fifty percent of a Shire's Annual Budget. It is crucial to the Shire's financial sustainability that roads are constructed to appropriate standards. Acceptance of lesser standards has the effect of shifting costs to local government, future Councillor's and Ratepayers.

COMMENT

The document is aimed at providing a clear, structured and practical set of construction requirements outlines minimum material specifications and standard construction requirements for rural roads constructed in the Shire of Wyndham East Kimberley.

The proposed road standards are a living document and can be updated as required.

ATTACHMENTS

Draft Amended Policy E5 Road Construction Specifications
Proposed "Standards for Rural Road Design and Construction" - previously provided to Elected Members and are available on the Shire of Wyndham East Kimberley website and Council offices for review and will be tabled at the Council Meeting.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Adopt the proposed "Standards for Rural Road Design and Construction" to establish standards for road construction within the Shire of Wyndham East Kimberley.
2. Amend Policy E5 Road Construction Specification to include reference to the adopted "Standards for Rural Road Design and Construction".

Minute No. 7554

Moved: Cr K Wright

Seconded: Cr B Barnes

That Council:

- 1. Adopt the proposed “Standards for Rural Road Design and Construction” to establish standards for road construction within the Shire of Wyndham East Kimberley.**
- 2. Amend Policy E5 Road Construction Specification to include reference to the adopted “Standards for Rural Road Design and Construction”.**
- 3. Amend policy E5 to include the words “kerbing both sides of the road to be constructed with kerb and channel formation.**

Carried Unanimously 7/0



**Shire of Wyndham East Kimberley
Council Policy Manual
E5**

POLICY No:	E5
DIVISION:	Engineering
SUBJECT:	Road Construction Specifications
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.52.3

OBJECTIVE:

To provide an appropriate safe and maintainable road network throughout the Shire.

POLICY:

Road Widths and Standards

Residential and Commercial

- Less than 100 vehicles per day - 6 metres seal between kerbs
- More than 100 vehicles per day - 7.5 metre seal between kerbs.
- Distributor Roads - 9 metre seal between kerbs.

Industrial

- 9 metre seal between kerbs.

Rural *and/or Rural Residential*

- ~~— Less than 50 vehicles per day — 8 metre gravel formation, 6 metre running surface (2 x 3 trafficable lanes 2 x 1 metre shoulders)~~
- ~~— 50 to 150 vehicles per day — 9 metres gravel formation, 6 metre seal.~~
- ~~— over 150 vehicles per day — 10.5 metre gravel formation, 7.5 metre seal.~~

Amend to read:

All rural roads shall be constructed in accordance with Council's "Standards for Rural Road Design and Construction" as adopted by Council 21 November 2006, Minute Number.....

Rural Residential

- ~~— 9 metre gravel formation 6 metre seal~~

Ordinary Council
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Drainage Standards

Townsites

- Residential - underground pipe drainage to be capable of accommodating a one in five year storm/flood.
- Commercial/Industrial - underground pipe drainage to be capable of accommodating a one in ten year storm/flood.

Kerbing Standards

- Central Business District - barrier kerbing for all new and replacement kerbing.
- All Other Areas - Semi-mountable kerbing for all new and replacement kerbing.
- All kerbing on side of road required for drainage to be constructed in kerb and channel formation, all other kerbing must be keyed into the road surface.

Footpath Standards

- Main Thoroughfares - dual use concrete paths 2.4 metres wide are to be installed on major urban thoroughfares. Paths to be constructed at back of kerbline but must not interfere or obstruct access to service utilities.
- All Other Thoroughfares - Concrete paths are to be installed, 2.1 metres wide on all other roads. Path to be constructed at back of kerb if appropriate, but must not interfere or obstruct access to service utilities.
- Service Conduit - All concrete paths to have service conduit line installed under path for water, etc. where required.

ADOPTED: 20 July 2004

REVIEWED:

AMENDED:

12.2 DEVELOPMENT SERVICES

12.2.1 Kununurra Agricultural Society Caravan Park - Coolibah Drive - Reserve 29799 (*Minute No 7555- 7558*)

DATE:	21 November 2006
PROPONENT:	Agricultural Society
LOCATION:	Reserve 29799 Coolibah Drive
ATLAS REFERENCE:	N/A
AUTHOR:	Keith Williams – Town Planner
REPORTING OFFICER:	Peter Stubbs – Chief Executive Officer
FILE NO:	01.2153.02
ASSESSMENT NO:	2153

PURPOSE

For Council to consider the renewal of a caravan and camping grounds licence for the Kununurra Agricultural Society at the Kununurra Agricultural Oval.

BACKGROUND

Reserve 29799 is vested in Council for the purposes of recreation and community purposes.

The Kununurra Ag Society has a lease over reserve 29799, and the purposes listed under the lease include entertainment, recreation, equestrian and agricultural show activities.

Council has approved the issue of an annual licence for the Kununurra Agricultural Society to use the Kununurra Agricultural Oval as a caravan park since 2001.

The lease with the Ag society should not be confused with the licence issued to the society to use the site as a caravan park.

There is no reference in the Society's lease to a caravan park, and there is no reference in the vesting order allowing a caravan park.

Owners and managers of the other caravan parks within Kununurra have written to Council indicating some concern with some of the terms of operation of the caravan park. In summary, they are recommending the following:

- Licence should be modified
- Should be predominantly overflow
- Should be limited to June, July, and August only
- Pets can be accommodated by lakeside resort outside these months
- Tenants to vacate by August 31st
- Fees should be revised to an average of other parks fees

Previous provisions that the park has operated under include:

- Limited operational term - dry season only
- Maximum stay 10 days in any 4 week period
- Allows pets when other parks didn't allow pets
- Allows large vehicles that other parks couldn't accommodate during peak season

SITE LOCATION

The Ag Oval consists of Reserve 29799 on the corner of Ivanhoe Road and Coolibah Drive.

The reserve is used for a variety of land uses, including a child care centre, football clubrooms, football oval, agricultural society clubrooms, showgrounds, horse riding and pony club.

PROPOSED LAND USE / DEVELOPMENT

The annual licence is for the use of the land for a caravan park and camping ground.

FINANCIAL IMPLICATIONS

An annual licence fee of \$200 is applicable, and has been paid.

CONSULTATION

Council officers met the Ag Society on Tuesday November 14. This meeting occurred after this agenda item was prepared.

CONCLUSION / COMMENT

The Caravan Parks and Camping Ground Regulations 1997 contain provisions relating to the licensing of caravan parks. Parks can be licensed under the following categories:

- Caravan park
- Camping ground
- Transit park
- Park home park
- Nature based park

It should be noted that there is no such category as a 'temporary license'. Development requirements are also contained within the regulations:

- Laundries
- Internal road widths
- Car parks / car bays
- Hard stand
- Bathrooms etc

The current licence is issued as a temporary licence, and includes management guidelines. These guidelines contain provisions relating to a transit park. However, the caravan park is not used as a transit park [which under the Regulations includes

a maximum stay of three days], it is used as a caravan park. The guidelines also require that all occupants have pets.

The licence was most recently renewed in June 2005, and requires review every year.

Issues

There are three issues associated with the current caravan park:

1. The park is closed for a week during the agricultural show. There are no obvious solutions to this issue, other than allowing a temporary licence at the race club or rodeo grounds.

2. There is conflict between the management guidelines and the licence that they are appended to:

- Licence says 30 bays > guidelines say 20 bays
- Licence states short stay - nil long stay
- Guidelines require pets - no pets no stay
- Minimum 3 metres separation between vans required
- Development provisions are meant to be as per a transit park
- Long stay caravans conflicts with transit park provisions

3. There is also conflict with other caravan parks:

- Meant to be an overflow park
- Long stay vans - never part of original park
- Many occupants don't have pets
- No caravan park reached capacity
- Able to undercut other parks - no costs

Recommendations

It is recommended that the following provisions should be implemented to address these issues:

- Issue a new licence as a caravan park, not transit park, rather than temporary licence
- 7 month operational period - April 1st > October 31st
- Should be used as a general overflow park during June, July and August - no pets would be required during these months.
- Fees should be set at no less than 25 % lower than other parks
- Council should take a more proactive role in management and compliance - for all caravan parks
- Review and update management plan to reflect a new caravan park licence

A new management plan should address the following

- Number of bays [recommended as 10 long term and 30 short term bays]
- Length of stay - suggest 3 month maximum as per the Regulations
- Include a plan for driveways, access and separation

The management plan would form part of the licence.

While all caravan parks and camping grounds are meant to comply with the regulations, there is concern that some are not compliant. It is recommended that a review of compliance takes place. This review should be undertaken next calendar year when the parks are being utilised, rather than during off peak periods.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council enter into negotiations with the Kununurra Ag Society to implement new licence subject to the following provisions:
 - i. The number of long term bays shall be no greater than 10.
 - ii. The number of short term bays shall be no greater than 30.
 - iii. Fees shall be no lower than 75% of the lowest charge of all other caravan parks in Kununurra.
 - iv. The maximum stay for short term bays shall be three months [as per the Regulations].
 - v. The caravan park shall operate between April 1st and October 31st. After this period the caravan park may only be occupied by the caretaker, and any caravaner or camper that cannot gain entry to another caravan park or camping ground due to ownership of pets or are vehicles are too large to gain entry to an alternate park.
 - vi. Only travellers with pets or large vehicles may occupy a bay at the caravan park /camping ground, except during the months of June, July and August when it shall not be necessary to have a pet or large vehicle to occupy the caravan park/camping ground.
 - vii. Priority shall be given to owners of pets and/or large vehicles at all times the park is open.
2. That Council direct Council officers to investigate compliance with the Caravan Parks and Camping Grounds Regulations 1997 for all other caravan parks in the Shire.

Minute No 7555

Moved: Cr B Barnes

Seconded: Cr J Buchanan

That council enter into negotiations with the Kununurra Agricultural Society to implement a new Caravan Park license, subject to the following condtions:

- 1. The number of long term bays be no greater than 20.***
- 2. The number of short term bays be no greater than 10.***
- 3. The maximum stay for short term bays, as per regulations.***
- 4. Only travellers with pets or large vehicles my occupy a site at the Caravan Park.***
- 5. Maximum number of bays to be 30 or as per Regulations.***

Lost: 6/1

Minute No 7556

That Council suspend standing orders 7.5 to enable elected members to speak more than once at 6.22pm

Moved: Cr B Barnes

Seconded: Cr K Wright

Carried Unanimously: 6/1

TP Keith Williams states dot point 3 in officer recommendation is an error and should be removed.

Minute No 7557

Moved: Cr K Wright

Seconded: Cr J Buchanan

- 1. That Council enter into negotiations with the Kununurra Ag Society to implement new licence subject to the following provisions:***
 - i. The number of long term bays shall be no greater than 10.***
 - ii. The number of short term bays shall be no greater than 30.***
 - iii. The maximum stay for short term bays shall be three months [as per the Regulations].***
 - iv. The caravan park may operate between April 1st and November 30th. After this period the carvan park may only be occupied by the caretaker, and any caravaner or camper that cannot gain entry to another caravan park or camping ground due to ownership of pets or are vehicles are too large to gain entry to an alternate park.***
 - v. Only travellers with pets or large vehicles may occupy a bay at the caravan park /camping ground, except during the months of June, July and August when it shall not be necessary to have a pet or large vehicle to occupy the carvan park/camping ground.***

- vi. Priority shall be given to owners of pets and/or large vehicles at all times the park is open.**
- 2. That Council direct Council officers to investigate compliance with the Caravan Parks and Camping Grounds Regulations 1997 for all other caravan parks in the Shire.**
- 3. Council delegate to CEO to achieve a negotiated outcome within the provisions of this recommendation.**
- Carried Unanimously: 7/0**

Minute No 7558

Moved: Cr B Barnes Seconded: Cr K Wright

That Council resume standing order 7.5 at 6.40pm

Carried Unanimously: 7/0

12.2.2 Proposed Temporary Accommodation – Lot 986 Great Northern Highway, Wyndham (Minute No 7559)

DATE:	21 November 2006
PROPONENT:	Franmor Constructions Pty Ltd
LOCATION:	Lot 986 Great Northern Highway, Wyndham
ATLAS REFERENCE:	Map 60 B1
AUTHOR:	Jo Barkla - Town Planning Officer
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	01.0507.02
ASSESSMENT NO:	0507

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with temporary accommodation.

BACKGROUND

An application for the use and development of Lot 986 Great Northern Highway for temporary accommodation was submitted by Franmor Constructions Pty Ltd in June 2006. The application was lacking some essential information for assessment which has now been received. A site visit conducted in August by Shire officers identified the subject land was being used for the storage of five transportables, two of which were the subject of the application, and two caravans. The applicant advised in October 2006 that three of the transportables would be removed from the site by the end of October.

SITE LOCATION

The subject site is located on Great Northern Highway at Three Mile in Wyndham. The subject site is zoned Industrial, and is surrounded on three sides by industrial zoned land.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use of the subject land to store two temporary accommodation units which are used for mobile accommodation while the applicant's construction company is working at remote communities. The temporary accommodation will be occupied on the site in Wyndham at times when the company is carrying out work in the town, in between remote community works.

FINANCIAL IMPLICATIONS

The Application Fee of \$75.00 has been paid.

COMMUNITY CONSULTATION

The use is considered as a Use Not Listed and under Town Planning Scheme No. 6 - Wyndham Townsite the proposal must be advertised for public comment if Council considers the use is consistent with the objectives of the Industrial zone.

ATTACHMENTS

Submitted development plans attached.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Industrial purposes.

Town Planning Scheme No. 6 – Wyndham Townsite

The land is located within the Industrial Zone. Clause 5.7.1 of the Town Planning Scheme states that the objectives of this zone are:

to contain industrial uses and development in specific areas.

The industry zone shall be designated to accommodate smaller industries such as localised general, light industry and service trades uses where there is the maximum benefit and access by the public and the minimum detrimental effect to the residential area and the town centre precinct.

Pursuant to Town Planning Scheme No. 6, the proposed use is defined as Temporary Accommodation which means *any habitable building not permanently affixed to the ground and includes any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.*

There are amenity control restrictions for temporary accommodation under Clause 6.4 of the Scheme which provide that where temporary accommodation is of a seasonal nature or for a temporary workforce:

Council may grant approval for the establishment and occupancy of such temporary accommodation for a period not exceeding three calendar months.

Extensions to this period may be granted where the applicant can show cause, to the satisfaction of the Council why such extension of a similar period should be granted.

The applicant has not stipulated time periods of occupancy of the temporary accommodation while on the lot in Wyndham.

Further, Clause 6.4 stipulates:

Occupancy of such temporary accommodation shall only be permitted to persons directly engaged in the development or industry or development of that lot upon which the accommodation stands or in employment related to the industry specified on an Application for Planning Consent as approved by Council in accordance with Clause 10.3.

Clause 10.3 of the Scheme refers to the determination of applications for Planning Consent and the processes Council shall follow.

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The Zoning table does not specify Temporary Accommodation as a use and it is therefore considered as a Use Not Listed. Under Clause 3.2.5 of the Scheme:

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 Policy Statement and particular zone and is therefore not permitted,*
- or*
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the Policy Statement and Zones and thereafter follow the advertising procedures of Clause 10.2 in considering an Application for Planning Consent.*

Clause 10.2 of the Scheme specifies the processes to follow in advertising applications.

CONCLUSION / COMMENT

The proposed use of the land can be considered consistent with the objectives and purposes of the Industry zone. However, there are streetscape issues in relation to the fronting of the lot onto Great Northern Highway and amenity issues in relation to the location of residential properties on the opposite side of Great Northern Highway to be considered in the issuing of any future approval, following advertising.

It is recommended that the proposed use should be approved by Council as a Use Not Listed and the proposal advertised for public comment.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. determine the proposed use is consistent with the objectives and purposes of the Industrial Zone; and
2. advertise the proposal in accordance with the procedures of Clause 10.2 of the Shire of Wyndham East Kimberley Town Planning Scheme No. 6.

Minute No 7559

Moved: Cr D Ausburn

Seconded: Cr G Green

That Council:

- 1. determine the proposed use is consistent with the objectives and purposes of the Industrial Zone; and**
- 2. advertise the proposal in accordance with the procedures of Clause 10.2 of the Shire of Wyndham East Kimberley Town Planning Scheme No. 6.**

Carried Unanimously: 7/0

Cr Keith Wright left the room at 6.44pm.

12.2.3 Proposed Roadhouse/Truckstop With Accommodation – Lot 1 Stockman Road, Kununurra (Minute No 7560)

DATE:	9 November 2006
PROPONENT:	Don and Sandra Berlowitz
LOCATION:	Lot 1 Stockman Road, Kununurra
ATLAS REFERENCE:	Map 46 D2
AUTHOR:	Keith Williams– Town Planner
REPORTING OFFICER:	Peter Stubbs – Chief Executive Officer
FILE NO:	01.0070.02
ASSESSMENT NO:	0070

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with a roadhouse/truckstop with accommodation.

BACKGROUND

The application is located on a site which originally formed part of Lot 2257 Stockman Road that has since been subdivided into three lots, all zoned Special Site – Fuel Depot.

SITE LOCATION

The subject land is located on Stockman Road in the Bull Run Road area. Most of the surrounding land is zoned for Rural Living but proposed to be rezoned to Composite Industry in the local planning strategy. There are three lots currently zoned Composite Industry to the north east of the subject land and two lots zoned Special Site – Fuel Depot to the east of the lot, on one of which is developed the AFD fuel depot. The subject lot is separated from Victoria Highway by a 20 metre Parks and Recreation Reserve, with access provided to the Victoria Highway via an existing road that currently services the fuel depot. There are five structures on the subject land consisting of a concrete pad, enclosed on three sides with colourbond, which are likely used for bin storage.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use of the subject land (1.3823ha) to develop a 220m² roadhouse similar to the design utilised by Doon Doon Roadhouse (concept plans provided). The roadhouse is to be accompanied by 10 accommodation units of 32m² each leading off a covered barbeque area at the rear of the roadhouse. Provision is made for truck parking with a forward exit onto Victoria Highway. Significant landscaping is detailed on the proposed plans.

FINANCIAL IMPLICATIONS

The Application Fee of \$500.00 has been paid.

COMMUNITY CONSULTATION

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

ATTACHMENTS

Submitted development plans are available for review and will be tabled at the Council meeting.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Composite Industry purposes. A roadhouse and truckstop with accommodation are compatible with this future land use zoning.

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within a Special Site zone and denoted for the use of Fuel Depot. Under Clause 5.22.1 of TPS 7, the objective for Special Site zones is “to reflect those sites specifically established for a particular use”. Further, Clause 5.22.2 specifies:

- a) *Land within the Special Sites Zone may be used for the purposes specified on the Scheme Map and the schedule in Appendix No 2 as applicable to that site and for no other purpose except for a use that Council deems is incidental to the predominant use.*
- b) *Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.*

The subject land is identified in Appendix 2 – Special Site Schedule as 2257 Stockman Road (the original lot) with a Special Site use of roadhouse/truck stop specified. A roadhouse is defined in the Scheme as meaning “any land or buildings used for the predominant purpose of a service station but incidentally including a café, restaurant and/or shop”. There is no definition specified for a truckstop in the Scheme, however, the use generally comprises a pull in area for road trains to layover. Facilities are usually not provided unless the truckstop is developed in association with a roadhouse. The accommodation proposed should be considered incidental to the predominant use of roadhouse/truckstop.

CONCLUSION / COMMENT

The proposed use of the land for a roadhouse/truckstop is consistent with the definition of Special Site – Fuel Depot, and the use meets the objectives of the Scheme.

The development of accommodation units as part of the truckstop is a use that can be considered incidental to the predominant use of the site. Given that there are no other developments offering this kind of facility to truck drivers in the town, it is recommended that the accommodation units be approved, subject to a restriction on the occupation of the accommodation units by truck drivers only. This is necessary to avoid land use conflict with the adjacent fuel depot that operates 24 hours per day on a card swipe system which is unmanned for most of the day. Therefore, there is potential for conflict (noise, parking, dust, lights, odour) creating an environment that is not conducive to a positive tourism experience if general visitor accommodation was permitted.

It is recommended that the proposed use and development of the site should be approved by Council, subject to conditions.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants planning consent to Don and Sandra Berlowitz for a Roadhouse/Truckstop with Accommodation on Lot 1 Stockman Road, Kununurra, subject to the following conditions:

1. All development shall occur in accordance with the submitted plans (copy attached) unless otherwise required or directed by the following conditions. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval.
2. Obtain approval for a building license prior to commencement of construction.
3. Any change of use of the buildings, shall be subject to further Council consent.
4. Compliance with all the requirements of the appropriate Statutory Authorities.
5. Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation.
6. Meeting Australian Petroleum Institute Code of Practice for Underground Fuel Storage Facilities.
7. During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing.
8. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas should be mechanically directed into Council's stormwater system or disposed of onsite. Stormwater shall not pond on the site or against any building or structure.
9. All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times.

10. Car parking spaces are to be provided for the roadhouse in accordance with the minimum requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs), which requires two bays plus one bay for every employee with a total minimum of four bays.
11. Crossovers must be constructed to Council's specification.
12. Directional signage shall be installed to ensure one way traffic flow.
13. The point where the driveway proposed to be used by truck drivers intersects with the existing driveway on Lot 2, over which Lot 1 has a right of carriageway, shall be located so that sight lines and visibility are maintained at all times.
14. Provision of a bin enclosure area and bin washing facility capable of storing a minimum of 4 standard rubbish bins. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council.
15. All fencing shall be detailed and included in the building license application.
16. The site shall be landscaped as indicated on the submitted plan and maintained thereafter to the satisfaction of Council.
17. Proposed signage in excess of exempt Scheme requirements shall be the subject of a separate advertising approval.
18. Provision of a statutory declaration confirming that the truckstop accommodation units will only be hired/rented/leased out to truck drivers accompanied by a suitable vehicle, for periods not exceeding 1 week, to the satisfaction of Council officers.
19. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of truck drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers.

Minute No 7560

Moved: Cr D Ausburn

Seconded: Cr B Barnes

That Council grants planning consent to Don and Sandra Berlowitz for a Roadhouse/Truckstop with Accommodation on Lot 1 Stockman Road, Kununurra, subject to the following conditions:

- 1. All development shall occur in accordance with the submitted plans (copy attached) unless otherwise required or directed by the following conditions. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval.***
- 2. Obtain approval for a building license prior to commencement of construction.***

3. ***Any change of use of the buildings, shall be subject to further Council consent.***
4. ***Compliance with all the requirements of the appropriate Statutory Authorities.***
5. ***Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation.***
6. ***Meeting Australian Petroleum Institute Code of Practice for Underground Fuel Storage Facilities.***
7. ***During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing.***
8. ***No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas should be mechanically directed into Council's stormwater system or disposed of onsite. Stormwater shall not pond on the site or against any building or structure.***
9. ***All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times.***
10. ***Car parking spaces are to be provided for the roadhouse in accordance with the minimum requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs), which requires two bays plus one bay for every employee with a total minimum of four bays.***
11. ***Crossovers must be constructed to Council's specification.***
12. ***Directional signage shall be installed to ensure one way traffic flow.***
13. ***The point where the driveway proposed to be used by truck drivers intersects with the existing driveway on Lot 2, over which Lot 1 has a right of carriageway, shall be located so that sight lines and visibility are maintained at all times.***
14. ***Provision of a bin enclosure area and bin washing facility capable of storing a minimum of 4 standard rubbish bins. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council.***
15. ***All fencing shall be detailed and included in the building license application.***
16. ***The site shall be landscaped as indicated on the submitted plan and maintained thereafter to the satisfaction of Council.***

- 17. .Proposed signage in excess of exempt Scheme requirements shall be the subject of a separate advertising approval.**
- 18. Provision of a statutory declaration confirming that the truckstop accommodation units will only be hired/rented/leased out to truck drivers accompanied by a suitable vehicle, for periods not exceeding 1 week, to the satisfaction of Council officers.**

- 19. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of truck drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers.**
- 20. That Council write to the proponent to inform them of the proposed heavy haulage route to be located to the east of the proposed development.**

Carried Unanimously: 6/0

Cr Bill Barnes requested that items in the agenda include maps.

Cr Keith Wright returned to the room at 6.47pm

Cr Michele Pucci left the room at 6.47pm.

12.2.4 Proposed Memorandum Of Understanding – Kununurra Water Reserve (Minute No 7561)

DATE:	21 November 2006
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	King Location 715, Lakeview Drive
ATLAS REFERENCE:	Map 39 H1; Map 45 A5 and Map 46 A1
AUTHOR:	Jo Barkla - Town Planning Officer
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	01.5905.02
ASSESSMENT NO:	5905

PURPOSE

For Council to consider endorsing a Memorandum of Understanding (MOU) to progress the development of King Location 715 (KL715) through identifying an alternate location for the water reserve.

BACKGROUND

The Kununurra town water supply is obtained from bores located on King Location 324 (Reserve 30211). The borefield is contained within a Priority 1 (P1) water reserve which also protects land to the east of the borefield on KL715 for future expansion. The eastern most portion of KL715 has been identified as having high development potential if an alternative location for the borefield can be identified. It is proposed to investigate the Conservation/Environmental Reserve on the southern bank of Lake Kununurra (Lot 959) for potential as an alternate water source.

Site Location

KL715 is bounded by Victoria Highway to the north, Lakeview Drive to the west, and a Special Foreshore Reserve (Lot 3004) which separates the lot from Lake Kununurra to the east and south. The existing borefield is contained on Lot 324 (Reserve 30211) to the west of KL715, with the lots separated by Lakeview Drive.

Proposed land Use / Development

It is proposed to investigate Lot 959 on the southern bank of Lake Kununurra as an alternative water source. Should the alternate source prove viable, it is proposed to review the current P1 area and release the eastern half of KL715, closest to the Victoria Highway, for urban development. The western half of KL715 would be retained in a P1 water reserve to continue to provide protection to the water source. Lot 959 would also be protected within a P1 water reserve as a future borefield site.

FINANCIAL IMPLICATIONS

Costs of investigation into the borefield will be sourced through securing external funding. Where appropriate the Shire of Wyndham East Kimberley will make

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applications for funding on behalf of the steering committee. There will be future costs to relocate the borefield which will be borne by a potential developer of KL715 and/or other external funding.

PLANNING ASSESSMENT

Local Planning Strategy

The local planning strategy identifies part of the water reserve located on KL715 as having development potential for a future urban area for tourism, commercial and residential development.

Strategic/Structure Plans

The Lake Kununurra Foreshore Plan, recently endorsed by Council, recommends a review of the Priority 1 boundary over KL715.

Town Planning Scheme No 7

KL715 is reserved for the purpose of Special Foreshore for which the objective is *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*. The land would require reclassification through a Scheme Amendment prior to utilisation for urban development.

Lot 959 is reserved for the purpose of Conservation/Environmental Protection for which the objective is *to identify and protect those areas of conservation significance particularly within existing National Parks and other conservation reserves*. The location of bores would be conducted in consultation with the Park Council (established between Department of Environment and Conservation and Miriuwung Gajerrong Corporation) and could be sited to ensure the conservation values of the reserve are maintained, while the borefield will in turn be protected by the conservation reservation. The uses are considered compatible.

Council Policies

There are no Council policies affecting the land.

CONSULTATION

Public consultation has occurred through the formulation of the Lake Kununurra Foreshore Plan which was created with the input of a community based group and reflects the community's views and expectations of how the Lake Kununurra foreshore should be developed and managed. A recommendation of the foreshore plan is the review of the Priority 1 boundary over KL715.

Further consultation with industry, agencies and stakeholders will occur through the investigations into the alternate water reserve.

CONCLUSION / COMMENT

The Shire and LandCorp are the main agencies with an interest in seeing KL715 developed for urban uses. From a Shire perspective, the development offers increased opportunities for interaction with the Lake Kununurra foreshore, and
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provides a focal point for orientation of development of the town towards one of its prime assets. LandCorp has previously indicated support for development of the area for similar reasons. However, no matter how carefully managed, development cannot occur while the area remains protected by a P1 classification.

The purpose of the MOU is to facilitate cooperation between relevant agencies to:

- a) agree on a process to facilitate the testing of the alternative water source area;
- b) establish an in principle agreement to development of the alternative water source (if proven);
- c) maintain protection of the existing water source whilst permitting development (if alternative source proven);
- d) obtain funding for investigative drilling; and
- e) recognise community views and aspirations in relation to the Lake Kununurra foreshore.

Parties to the agreement are proposed to form a committee comprising the Miriuwung Gajerrong Corporation, Department of Environment and Conservation, Shire of Wyndham East Kimberley, Department of Water, Water Corporation, Department for Planning and Infrastructure – State Land Services, LandCorp. It is recognised that the Shire will need to be responsible for administrative support to the Committee and take the lead in some matters, including identifying and applying for funding for the investigative drilling program.

Should Council decide to adopt the MOU, the Chief Executive Officer would convene meetings with partner agencies to obtain agreement to the MOU, enabling investigative drilling to be progressed. The agreed MOU may require modification to obtain agency support.

ATTACHMENTS

Memorandum of Understanding

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the attached Memorandum of Understanding, to assist and facilitate development of alternative drinking water bore fields for Kununurra.

Minute No 7561

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council adopt the attached Memorandum of Understanding, to assist and facilitate development of alternative drinking water bore fields for Kununurra.

Carried Unanimously:5/1

Cr Michele Pucci returned to the room at 6.50pm.

**KUNUNURRA WATER RESERVE:
Investigation into an Alternative Site**

DRAFT

MEMORANDUM OF UNDERSTANDING

Between

the members of the

Kununurra Water Reserve Committee

November 2006

KUNUNURRA WATER RESERVE: Investigation into an Alternative Site

MEMORANDUM OF UNDERSTANDING BETWEEN THE MEMBERS OF THE KUNUNURRA WATER RESERVE COMMITTEE

OVERVIEW

The Kununurra town water supply is obtained from bores in an unconfined aquifer on the northern bank of Lake Kununurra, which is vulnerable to contaminants entering the aquifer via recharge from Lake Kununurra and incompatible land uses (Appendix 1). The town's only public drinking water source is protected by a Priority 1 Water Reserve area which aims to protect Kununurra's water supply from potential contamination through restrictions on development. (Refer to Appendix 1 for a description of priority classifications.)

The Shire of Wyndham East Kimberley's local planning strategy identifies part of the water reserve located on King Location 715 (KL715) as having development potential as a future urban area for tourism, commercial and residential development (Appendix 2). Such development would offer increased opportunities for interaction with the Lake Kununurra foreshore, and provide a focal point for orientation of development of the town towards one of its prime assets. However, no matter how carefully managed, development cannot occur while the area remains protected by a Priority 1 classification.

The Lake Kununurra Foreshore Plan has recently been endorsed by Council and has a principle purpose to provide a decision making guide to land use, development, conservation and recreation. The plan has been formulated with the input of a community based group and reflects the community's views and expectations of how the Lake Kununurra foreshore should be developed and managed. A recommendation of the foreshore plan is the review of the Priority 1 boundary over KL715.

In order to realise the development potential of the land, an alternative safe water source needs to be identified for Kununurra. Several options considered to be of high to extreme risk have been identified, but not investigated through bore testing, including:

1. extraction directly from Lake Kununurra which would impact on recreational use of the lake;
2. bores on Ivanhoe or Packsaddle Plains which may be subject to nutrients and salinity through irrigation;
3. possible aquifer below the golf course which may be unuseable due to existing land use activities in the area;
4. Lake Argyle, requiring construction of a pipeline and potential loss of the lake to recreational and aquaculture uses; and
5. a possible source on the northern shore of the Ord River, 6km south-east of Kununurra near Maxwell Plains.

An alternative option that may prove to be less cost prohibitive than the above options is an aquifer under Packsaddle Lagoon, directly to the south of the existing water reserve on the opposite bank of Lake Kununurra (Lot 959). The supply is untested and requires drilling investigation to assess the suitability of the water source (refer Appendix 3).

The greatest benefit of this area is its location within a Conservation Reserve to be owned in freehold by the Miriuwung Gajerrong Corporation (MGC) and leased back to the State, thereby providing protection to the Reserve. A Park Council has recently been established between the Department of Environment and Conservation (DEC) and the MGC to progress issues of common interest, affording a high level of protection to the water source through reserve management.

1. SCOPE

- 1.1 The scope of the Memorandum of Understanding (MoU) is to facilitate cooperation between relevant agencies to:
- f) agree on a process to facilitate the testing of the alternative water source area;
 - g) establish an in principle agreement to development of the alternative water source (if proven);
 - h) maintain protection of the existing water source whilst permitting development (if alternative source proven);
 - i) obtain funding for investigative drilling; and
 - j) recognise community views and aspirations in relation to the Lake Kununurra foreshore.

2. PARTIES TO AGREEMENT

- 2.1 This MOU is between:
- Miriuwung Gajerrong Corporation – member of Park Council for Reserve in which the alternative water source is proposed;
 - Department of Environment and Conservation – member of Park Council for Reserve in which the alternative water source is proposed;
 - Shire of Wyndham East Kimberley – local government authority;
 - Department of Water - responsible authority for the management and protection of the water source through priority classifications;
 - Water Corporation - responsible authority for delivering a supply of quality drinking water to residents;
 - Department for Planning and Infrastructure / State Land Services - responsible authority for managing Crown land; and
 - LandCorp - developer of the state's land assets.
- 2.2 The parties to the agreement are collectively referred to in this MoU as the Kununurra Water Reserve Committee (KWRC).
- 2.3 The advice and support of agencies, industry groups or community members with relevant expertise who are not part of the Committee will be referred to as needed.

3. AGREEMENT OF INTENT

- 3.1 The member agencies recognise that provision of an alternative water source will be achieved by ensuring that current and future supplies are socially, ecologically and economically sustainable.
- 3.2 Each member agency has the common goal of providing for economic and social benefit from future development in the existing water reserve in an ecologically sustainable context.
- 3.3 The KWRC will establish a cooperative process which recognises the interests of member agencies while working towards a common goal to investigate an alternative water source drawn from the Packsaddle Lagoon aquifer.
- 3.4 The KWRC will promote the continued protection of Kununurra's existing drinking water supply and the implementation of equivalent protection measures over the alternative source.
- 3.5 Appropriate sites for investigative drilling will be in accordance with the Water Corporation's methodology and shall be selected on the advice of the Water Corporation and Department of Water. Due consideration shall be given to the heritage and conservation values of the Reserve in selecting test sites.
- 3.6 The KWRC will work towards securing funding for investigative drilling, including the sourcing of capital works appropriation funds. Where appropriate the Shire of Wyndham East Kimberley will make application for funding on behalf of the KWRC.
- 3.7 All parties need to recognise values, objectives and compatibility changes as water source protection priorities change. A strong commitment between all parties is essential for a high level of consultation to resolve any difficulties that may occur.
- 3.8 The KWRC recognises community views, interests and aspirations in relation to the Lake Kununurra foreshore.

4. OUTCOMES

- 4.1 The KWRC will cooperatively establish a process whereby:
 - (i) The Park Council, comprising DEC and MGC, permits drilling investigations in the Reserve to establish the potential for the aquifer to be used as an alternative public water source.
 - (ii) Investigative drilling is conducted in the Packsaddle Lagoon area in accordance with a methodology that meets the Water Corporation's criteria for proving the water source viable, with such testing to be completed within an agreed timeframe.
 - (iii) Investigative drilling sites are to be located in consultation with the Park Council, with any necessary environmental approvals obtained.
 - (iv) Should the aquifer prove to be suitable, then an agreement in principle will be made that:

- a) the alternative borefield will be protected as a Priority 1 Water Reserve area;
- b) the existing Priority 1 Water Reserve area will be modified to permit the release of land for urban development while still maintaining protection of the current town water supply;
- c) at the point when expansion of the existing borefield is necessary, such expansion will occur through development of the alternative borefield;
- d) notwithstanding (iii) c), every effort will be made to relocate the borefield at the earliest opportunity, which may precede expansion; and
- e) the borefield is able to be relocated at any time if a suitable party covers the costs of relocation.

5. ADMINISTRATION

- 5.1 Upon signing of the MoU by all parties, the Committee will be enacted with a view to meeting on a bi-monthly basis.
- 5.2 The Shire of Wyndham East Kimberley will provide administrative support to the Committee. Each member agency will bear its own costs of attendance at meetings, in addition to administrative and management activities carried out in support of this agreement.
- 5.3 The agencies that comprise the Kununurra Water Reserve Committee need to work cooperatively together to establish a process to investigate the alternative water source under Packsaddle Lagoon.
- 5.4 Important appendices to this MoU are the:
 - Department of Water (formerly Department of Environment) Kununurra Water Reserve Drinking Water Source Protection Plan: Kununurra town water supply;
 - Shire of Wyndham East Kimberley local planning strategy; and
 - Lake Kununurra Foreshore Protection Plan.

6. REVIEW AND TERMINATION

- 6.1 This MoU will be reviewed regularly to ensure it remains useful and applicable, and may be modified provided all parties agree to the modification/s.
- 6.2 The MoU will be terminated once the drilling investigations have been completed, or at such a time as agreed to by all parties.
- 6.3 Should the MoU be terminated under 6.2, a new MoU will be drafted and signed as appropriate.

7. ENDORSEMENT

Shire of Wyndham East Kimberley

Miriuwung Gajerrong Corporation

Department of Environment and
Conservation

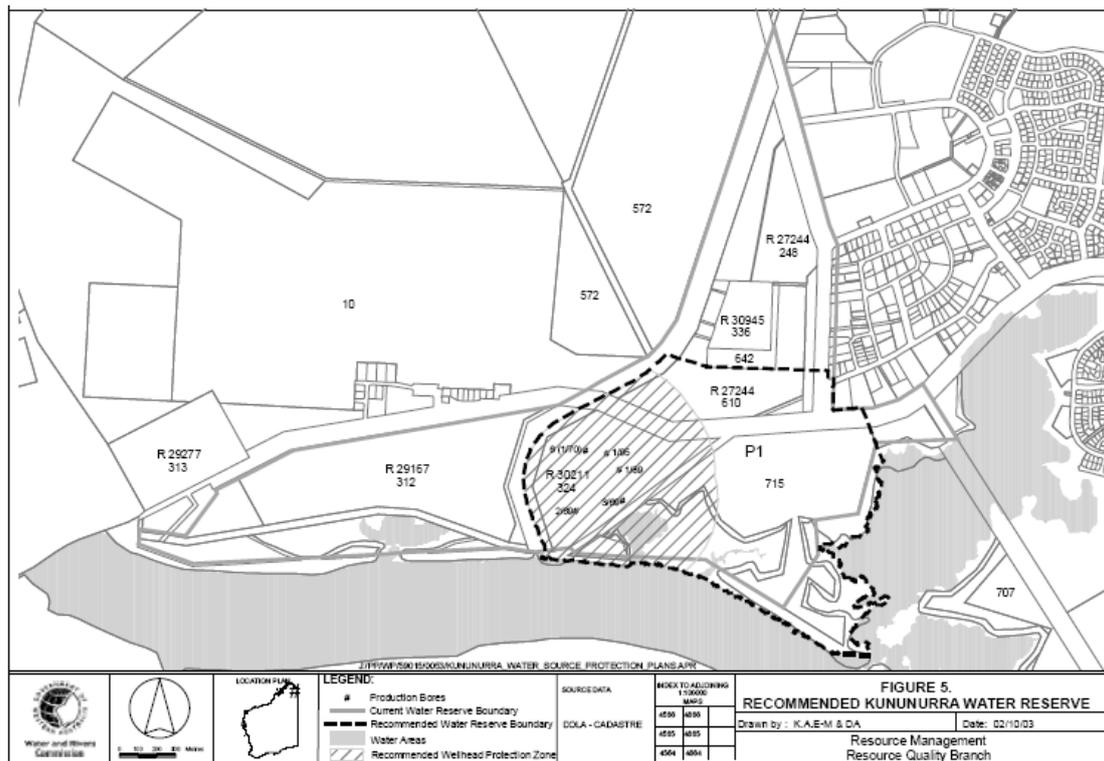
LandCorp

Department of Water

Water Corporation

Department for Planning and
Infrastructure – State Land Services

APPENDIX 1: Excerpts from Water Source Protection Plan



This agency is responsible for managing and protecting the State's water resources. Our policy for the protection of public drinking water source areas includes three risk management-based priority zones for land within PDWSAs. Priority classifications are determined through specific Drinking Water Source Protection Plans, that are prepared in consultation with State government agencies, landowners, local government, and key industry and community stakeholders.

Priority 1 (P1) source protection areas are defined and managed to ensure that there is **no degradation** of the water source in these areas. This is the highest level of protection for the water sources and normally will apply to land owned or managed by State agencies. P1 areas are characterised by low-intensity and low-risk land uses, such as forestry and extractive industries. Protection of the public drinking water source outweighs virtually all other land uses. P1 areas are managed using the principle of risk avoidance. Most land uses are **incompatible** with P1 management objectives.

Priority 2 (P2) source protection areas are defined to ensure that there is **no increased risk of pollution** to the water source. P2 areas are declared over land where low risk development (such as low intensity rural activity) already exists. Protection of PDWSAs is a high priority in these areas. P2 areas are managed in accordance with the principle of **risk minimisation**. Some development defined as *Conditional* is allowed in P2 areas.

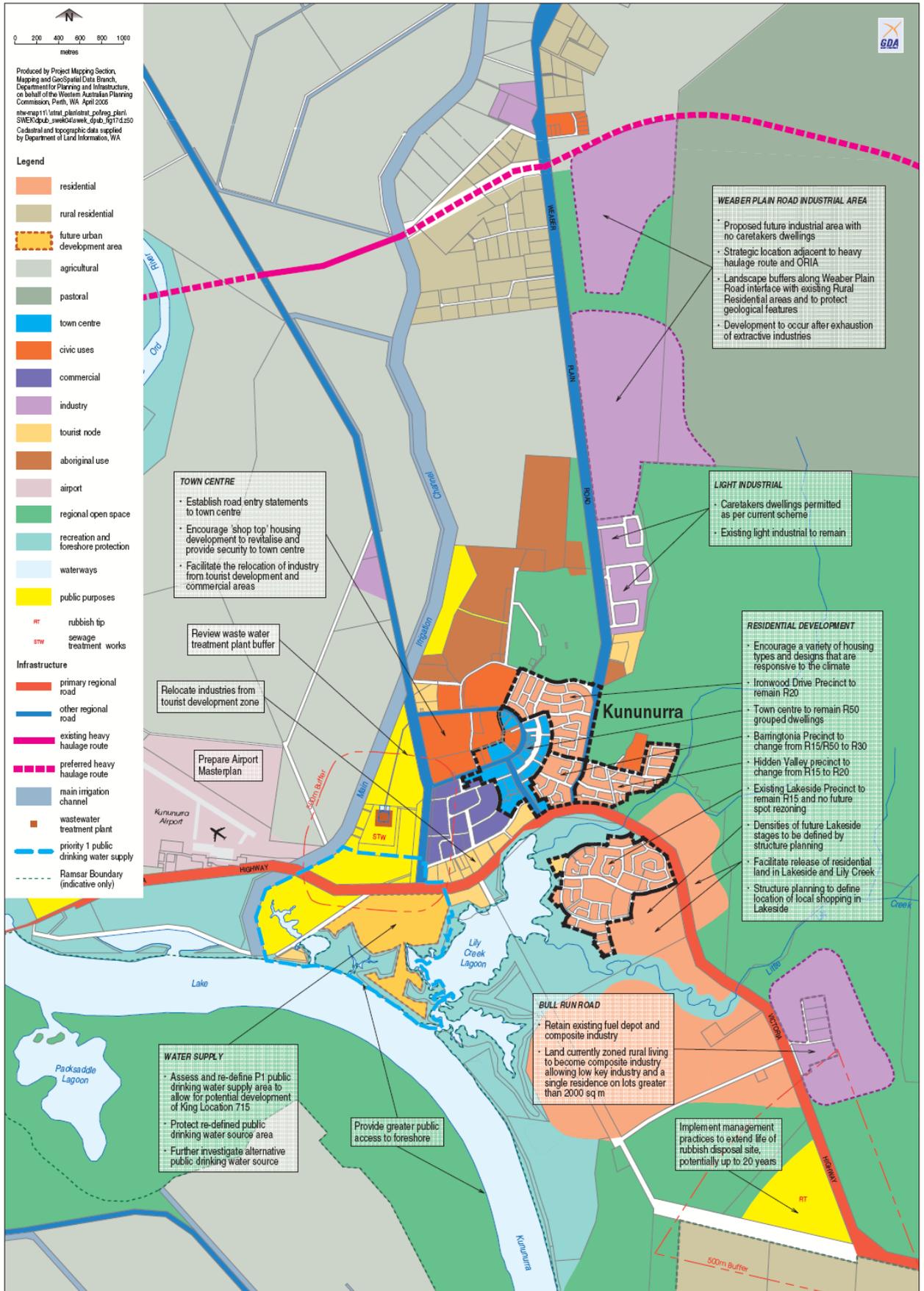
Priority 3 (P3) source protection areas are defined to **manage the risk of pollution** to the water source. P3 areas are declared over land where water supply sources co-exist with other land uses such as residential, commercial and light industrial developments. There is restriction on land uses considered to have significant pollution potential. Protection of P3 areas is mainly achieved through **environmental management guidelines** for land use activities. If the water source becomes contaminated, then public water supplies may need additional treatment or an alternative source located and commissioned.

In addition to the priority classifications, **wellhead protection zones** and **reservoir protection zones** are defined to protect the drinking water source from contamination in the immediate vicinity of production wells and reservoirs. Statutes provide for defined land uses and activities within these zones that are prohibited, restricted or subject to imposed agency conditions so that contamination of the water source is prevented. Special conditions, for example, restrictions on storage and use of chemicals, may be applied within these zones.

Wellhead protection zones are usually circular, with a radius of 500 metres in P1 areas and 300 metres in P2 and P3 areas. Wellhead protection zones do not extend outside PDWSA boundaries.

Reservoir protection zones consist of a 2 kilometre buffer area around the top water level of storage reservoirs and include the reservoir itself. A reduced buffer area may be applied where the reservoir is designed only for short-term storage of collected water (e.g. pipehead or pumpback dams) before transfer to a storage reservoir. Reservoir protection zones are normally only designated over Crown land and generally prohibit public access to prevent contamination (physical, chemical and biological) of the source. Reservoir protection zones do not extend outside PDWSA boundaries.

APPENDIX 2: Excerpt from local planning strategy



Our Ref: 01.2558.13

8 August 2006

Carol Martin
Member for Kimberley
PO Box 1433
BROOME WA 6725

Hello Carol,

Department of Water – Kununurra

I thought I should copy to you the attached correspondence from the Shire to the Department of Water, because your name was raised by Paul Rosiar, Director of Business Operations and David Munday, Regional Manager, for the Department of Water, in discussion following the release of this letter.

The comment was made by them that you supported the redevelopment of their current building for their future office space needs.

As you can see in the attached letter the zoning of the site the Department of Water is on was changed to Tourism some years ago, to encourage land use change from its existing purposes to tourism use.

Continuing development for government office space is inconsistent with that aim, and has the potential to lock out tourism development with views to Lily Creek Lagoon in Kununurra.

There is sometimes a natural tendency for people to want the status quo, what they are used to, when it comes to the locations from which they operate. In discussion with the Department of Water, I gained the impression they were wedded to this site and not keen to consider the alternatives, despite their comments to the contrary. If that is right then it has the potential to stifle future tourism development, in a location zoned for that purpose.

The Shire would like to think that each government agency takes a holistic view of the region's future needs when considering the future needs of individual agencies.

Your assistance in encouraging a re-think by the Department of Water in their plans would be appreciated.

Regards

Peter Stubbs
Chief Executive Officer

Cc Cr Michele Pucci Shire President

Our Ref: 01.2558.13

10 July 2006

David Munday
PO Box 625
KUNUNURRA WA 6743

Hello Dave,

Just following up on our lunchtime chat last week, when we considered alternative sites for a new Department of Water office versus an upgrade of the existing site.

As discussed, the zoning for the existing Department of Water site on Victoria Highway was changed some years ago to Tourism, as Council sees this land best used for Tourism purposes in the years ahead. Already there are two motels adjacent to the Department of Water site. The JSW industrial depot will soon be relocated, freeing up this land for Tourism related developments, and improving the appearance of the entry to Kununurra. Given the zoning change, it is the Shire of Wyndham East Kimberley's preference for the Department of Water to consider an alternative site for a new office complex.

With the rezoning and given that the Department of Water's is not highly reliant on public access to deliver its work; an alternate site is worth considering. Keeping in mind the site's Victoria Highway frontage and its views of Lily Creek Lagoon, the land value may considerably offset costs of constructing a new office.

There is a range of State Government reserve land available for new construction. FESA will shortly construct a new \$1.5M Office complex on State Government reserve land in Coolibah Drive, Kununurra west of the current St John Ambulance and Hospital site. There is ample room on this site for the Department of Water. If this option is pursued, you may even find some synergies and value for money by jointly tendering with FESA if construction can be timed to occur simultaneously.

Construction on the CALM site, since it also State Government reserve land, is another option worthy of evaluation.

Regards

Peter Stubbs
Chief Executive Officer

Cc Cr Maxine Middap

Keith Williams
Town Planner, Shire of Wyndham East Kimberley

Cr Graham Green left the room at 6.51pm.

12.2.5 Proposed Tourist Accommodation - Lot 619 Packsaddle Road (*Minute No 7562*)

DATE:	21 November 2006
PROPONENT:	William Hill & Yvonne Piper
LOCATION:	King Location 619 Packsaddle Road
ATLAS REFERENCE:	Map 47 A1
AUTHOR:	Keith Williams – Town Planner
REPORTING OFFICER:	Peter Stubbs – Chief Executive Officer
FILE NO:	01.0604.02
ASSESSMENT NO:	0604

PURPOSE

For Council to consider an application for planning consent for tourist accommodation comprising 5 proposed chalets.

BACKGROUND

The finalisation of Amendment 14 to Town Planning Scheme No. 7 – Kununurra and Environs introduced the use class of Tourist Accommodation as an SA use to the Rural Agriculture zone.

This application was to be considered by Council at the October Council meeting, but was deferred at the applicant's request to allow Councillors and Officers the opportunity to meet on site and discuss the proposal. Subsequent to on site meetings, the applicant has submitted a revised plan, identified as "Revised Plan 9 November 2006" in the attachments, which is the subject of this item.

This application is similar to that which was considered at Lot 533 River Farm Road at the October Council meeting. At that meeting, Council resolved to restrict Tourist Accommodation to two units until such time as Amendment 18 is finalised, with conditions reflecting the outcome of industry consultation.

The recommendations made in this item reflect industry consultation, consideration of site specific conditions, and Council's recent decision in relation to Lot 533 River Farm Road.

SITE LOCATION

The Mango Farm is located on Packsaddle Road. The land is flat and has an existing dwelling and sheds constructed on it. The land has been cultivated with mangoes.

The surrounding land is zoned for agriculture and related purposes and has been developed for these uses. The site abuts a Special Foreshore Reserve which is unallocated Crown Land.

PROPOSED LAND USE / DEVELOPMENT

The application is for the development and use of the land for tourist accommodation comprising five x chalet accommodation units.

FINANCIAL IMPLICATIONS

The application fees have been paid.

CONSULTATION

Town Planning Scheme No. 7

Town Planning Scheme No. 7 (Kununurra and Environs) requires SA uses to be advertised before Council exercises discretion to permit the use. Under the provisions of Clause 11.2 of the Scheme, the proposal was advertised in the Kimberley Echo, signs posted on site and adjoining landowners notified, requesting comment within a 21 day period.

Three submissions of objection were received within the advertising period as detailed on the attached schedule.

The main basis of the objections are summarised as:

- a) Protecting the primary use of the land for horticulture;
- b) Threats to biosecurity;
- c) Land use conflict between tourist accommodation and agriculture uses;
- d) Increasing population density in the agricultural areas; and
- e) Compliance with proposed Amendment 18 to TPS 7.

Given that tourist accommodation is currently permitted in the Rural Agriculture 2 zone without limiting the units that can be developed, it is considered that the current proposal should only be approved at a level that is consistent with Amendment 18.

Industry Consultation

A meeting was held between Council officers, tourism and agricultural industry representatives to address biosecurity issues and land use conflict concerns that this kind of proposal has raised.

Attendees were:

Peter Stubbs, Chief Executive Officer, Shire of Wyndham East Kimberley
Keith Williams, Town Planner, Shire of Wyndham East Kimberley
Vaughan Davies, Regional Manager, Tourism WA
Peter Grigg, Manager, Kununurra Visitors Centre
Lincol Heading, Kununurra Primary Industry Association Representative
Zoe Higgins, Chairperson, Kununurra Primary Industry Association
Laughlin Dobson Primary Industry Association Representative
John Moulden, Department of Agriculture & Food

Outcomes of the meeting were:

- a) Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
 - a. Dust and noise
 - b. Visual amenity
 - c. Biosecurity

- b) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- c) Prior to occupation, relevant officers shall inspect accommodation to ensure biosecurity information is displayed in a prominent place.
- d) Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the biosecurity issues and preventative measures upon check in.
- e) Increasing setbacks between side and rear boundaries to 35 metres.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for agricultural purposes. The objective of the strategy is to protect prime agricultural land, with strategies permitting subordinate land uses incidental to the primary agricultural use of the land.

In relation to tourist accommodation, the local planning strategy recommends a maximum of two accommodation units in the Rural Agriculture 2 zone. By comparison, only one unit is recommended in the Rural Agriculture 1 zone.

Town Planning Scheme No. 7 – Kununurra & Environs

The land is located within the Rural Agriculture 2 Zone. Clause 5.19 of the Town Planning Scheme states that the objectives of this zone are:

- (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.*

Pursuant to Town Planning Scheme No. 7, the use of chalet accommodation falls within the definition of Tourist Accommodation which means:

a building or group of buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons such as restaurants, convention areas, and the like, and includes backpackers accommodation, chalets and guest houses, but does not include a building or place elsewhere specifically defined in this schedule or a building or place used for a purpose elsewhere specifically defined in this schedule.

As a result of Amendment 14 to Scheme 7 (gazetted 13 June 2006), Tourist Accommodation was introduced into the Rural Agriculture 2 zone as an SA use, meaning that the Council may exercise discretion and permit the use after advertising the proposal.

Amendment 18 to Town Planning Scheme No. 7 – Kununurra & Environs

On 15 August 2006, Council resolved to initiate an Amendment to Scheme 7 for the purpose of allowing diversified uses within specific agricultural zones, subject to a set of specific criteria. In relation to Tourist Accommodation, the Amendment proposes to modify the permissibility of the use in the Rural Agriculture 2 zone from “SA” to “IP”, and from “X” to “IP”

in the Rural Agriculture 1 and General Rural zones. Under the Scheme, "IP" uses are not permitted unless incidental to the predominant use of the land, as determined by Council.

Amendment 18 is currently being advertised with the effect on Tourist Accommodation as a use in the Rural Agriculture 2 zone being to limit the maximum number of accommodation units to five, where there is currently no limit set under the Scheme. By comparison, the Rural Agriculture 1 zone will be limited to two accommodation units.

Following industry consultation, further changes to the advertised Amendment are proposed before Council considers the Amendment for final approval. These changes are likely to include:

- a) Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
 1. Dust and noise
 2. Visual amenity
 3. Biosecurity
- b) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- c) Prior to occupation, relevant officers shall inspect accommodation to ensure biosecurity information is displayed in a prominent place.
- d) Prior to occupation, relevant officers to inspect procedures to ensure that all guests are made aware of the biosecurity issues and preventative measures upon check in.
- e) Increasing setbacks between side and rear boundaries to 35 metres.
- f) Provisions requiring promotional information, biosecurity information and check in procedures to be approved by Council officers.
- g) Distinguishing the number of units based on lot size, not zoning, and limiting tourist accommodation units to 3 below 6ha and 5 above 6ha.
- h) Increasing setbacks between side and rear boundaries to a minimum of 35 metres.

There may be further modifications proposed as a result of the conclusion of consultation processes in November.

At this stage, the proposed Amendment is not enforceable under the Scheme and serves mainly to indicate Council's intent for development in the agricultural areas. However, Council can and should still have regard for the Amendment and ensure that proposals to develop chalet accommodation are not approved at a density that would exceed that permitted once the Amendment is gazetted.

Council Policies

The subject land is located within Precinct 22 – River Farm Rural Agriculture 2 Area, for which the objective is to retain the area for intensive horticulture, with a policy to:

Ensure that non-agricultural uses do not detrimentally affect the continued use of the land for intensive agricultural practices.

The proposed use of the land for Tourist Accommodation complies with the policy as it is a subordinate use to the predominant agricultural use of the land.

CONCLUSION / COMMENT

The proposed use of the land for chalet accommodation is consistent with the definition of Tourist Accommodation, Scheme 7 objectives, the local planning strategy, and proposed Amendment 18 to the Scheme.

Number of Units

Given the recent Council decision on Lot 533 River Farm Road, and in order to ensure that the proposed chalet accommodation does not pre-empt the outcome of Amendment 18 to the Scheme, it is recommended that Council permit the development of only two chalet accommodation units, instead of the five requested. The applicant has indicated an intention to initially construct only two units and to proceed with further development, if approved, at a later date, but within the two year life of any development approval.

Restricting the development to two units will:

- a) ensure the viability of tourism as a subordinate use;
- b) introduce a limit to development that is currently not present in the Scheme;
- c) ensure development is limited so that the outcome of Amendment 18 is not prejudiced; and
- d) reflect consistency in Council's decision making.

Location of Units

The applicant has identified staging of the development and numbered the cabins in order of intended construction. Cabins marked 2, 3 and 4 achieve a 35.8 metre setback to the side property boundary, while cabins 1 and 5 provide a 29 metre setback. The nearest building on the neighbouring property is a shed which is situated approximately 60 metres from the property boundary, with the residential dwelling located beyond the shed. There is a vegetation screen on the property boundary, approximately 5 metres high and 28 metres long, which shields the proposed development area of Cabins 1, 2 and 3 from the view of the neighbouring property. Additionally, the units have been angled away from the neighbouring property.

Given the ongoing consultation which is occurring in relation to separation to neighbouring property boundaries, it is recommended that Council approve the development of Cabins 2 and 3, as they reflect industry consultation and will not pre-empt the outcome of Amendment 18 to the Scheme.

The proposal also identifies a reduced setback of 5 metres to the Foreshore Reserve which is unallocated Crown land. Under Clause 5.21.1 of the Scheme, a setback of 20 metres to a rear boundary is required with Amendment 18 proposing an increase in the Rural Agriculture 2 zone to 25 metres. However, the intent of the rear boundary setback is to provide separation to protect the amenity of neighbouring properties. The most important separation distance to Foreshore Reserves is the citing of septic tanks which should be located 100 metres from the waterway. In this case, the Foreshore Reserve ranges from approximately 80 metres to 120 metres from the waterway, so that the proposed citing of septic tanks complies with requirements. It is therefore recommended that the 5 metre setback from the rear property boundary be supported.

Management conditions

In addition, conditions requiring management plans, inspection of promotional material, implementation of appropriate biosecurity education measures and restricting the number of

occupants to five per cabin, have also been included as development conditions, reflecting proposed modifications to Amendment 18.

Recommendation

It is recommended that the proposed use of the site should be approved by Council, subject to conditions.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council grants planning consent to William Hill and Yvonne Piper for Tourist Accommodation on Lot 619 Packsaddle Road, Kununurra, to:
 - (i) use the land for the purpose of Tourist Accommodation;
 - (ii) approve the development of chalet accommodation units identified as units 2 and 3 only as marked on the submitted plan, on the grounds that approval of more units may be inconsistent with the outcomes of Amendment 18.

Subject to the following conditions:

- a) Prior to construction of the units, provide Council with a management plan detailing measures to manage impacts between tourism and agricultural uses.
- b) Prior to construction of the units, all promotional information intended to be displayed to be submitted to Council for approval.
- c) The number of occupants in each cabin is to be restricted to a maximum of five persons.
- d) All development shall occur in accordance with the submitted plans unless otherwise required or directed by the following conditions. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval.
- e) Any change of use of the buildings, shall be subject to further Council consent.
- f) Submit building plans and specifications to Council, including all structural components and details in compliance with the Building Code of Australia, and obtain a building license prior to commencement of construction of the chalet accommodation units.
- g) Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation.
- h) All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times.
- i) Car parking spaces are to be provided for the chalet accommodation at a rate of one bay per two bedrooms in accordance with the requirements of the Shire of

Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs).

- j) Compliance with the Liquor Licensing Act 1988.
 - k) Provision of a bin enclosure area capable of storing a minimum of 2 standard rubbish bins. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council.
 - l) Compliance with all the requirements of the appropriate Statutory Authorities.
 - m) No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into Council's stormwater system in accordance with Council specifications, or disposed of onsite. Stormwater shall not be permitted to pond on the site or against any building or structure.
 - n) A biosecurity plan prepared in conjunction with Council officers, consisting of the following minimum requirements, shall be implemented:
 - All prospective occupants of the chalets shall be notified of the need to comply with all biosecurity requirements at the point of checking in to accommodation;
 - Biosecurity information shall be displayed in a prominent location within all chalets; and
 - All non-compliant fruit and vegetable matter shall be disposed of in accordance with Department of Agriculture and Food requirements.
 - o) Dust suppression measures shall be implemented to ensure dust does not leave the site.
 - p) Screening vegetation shall be planted and maintained along the boundary to adjoining property Lot 413 to ensure the visual impact of the Tourist Accommodation is ameliorated.
 - q) All Chalets shall be located a minimum of 35 metres from the side property boundary and a minimum of 5 metres from the rear property boundary, measured at 90 degrees to the boundary.
 - r) A foreshore access plan shall be prepared and implemented, in conjunction with Council officers, consisting of the following minimum requirements:
 - Access to the foreshore UCL shall be restricted to pedestrian access only;
 - All prospective occupants of the chalets shall be notified that access to properties adjoining the foreshore is restricted;
 - Foreshore access information shall be displayed in a prominent location within all chalets; and
 - Access to the foreshore shall be via existing access points only.
2. That Council advise W Hill & Y Piper that further unit development will be considered once Amendment 18 to Town Planning Scheme No 7 has been finalised.

Minute No 7562

Moved: Cr J Buchanan

Seconded: Cr D Ausburn

That Council defer item 12.2.5 Proposed Tourist Accommodation – Lot 619 Packsaddle Road until the 17 December 2006 Ordinary Council Meeting.

Carried Unanimously: 6/0

Cr Green returned to the room at 6.52pm

12.3. CORPORATE SERVICES

12.3.1 Monthly Financial Report (*Minute No 7563*)

DATE:	21 st November 2006
PROPONENT:	SWEK
LOCATION:	SWEK
ATLAS REFERENCE:	N/A
AUTHOR:	Yale Bolto, Executive Manager Corporate Services
REPORTING OFFICER:	Yale Bolto, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt the Monthly Financial Report for September 2006.

BACKGROUND

Council is required to adopt Monthly Financial Reports, the minimum requirement, as stated in the Local Government (Financial Management) Regulations 1996, is to prepare a "Financial Activity Statement Report". Options were put to the Audit Committee in October to determine what was to be presented to Council. At this meeting, the Committee decide to present to Council every month the following information:

1. Financial Activity Statement report, by Function;
2. Financial Activity Statement report, by Responsible Officer (business unit);
3. Reconciliation of Cash Surplus to Current Assets; and
4. Municipal Bank Reconciliation.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996 (as amended)

34. Financial activity statement report — s. 6.4

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub regulation (1) (d);
 - and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented to the council —
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement 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.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation —
- “committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;
- “restricted assets” has the same meaning as in AAS 27.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process, it provides Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Nil

COMMENT

At the July 2006 Council meeting Council adopted variance figures of 8% or \$80, 000. To comply with Financial Management Regulation 34(5) officers will comment on the variances below. Please refer to attachment "Statement of Financial Activity by Function" and the comment column.

1. Operating Expenditure in Housing Budget under spent by \$7,015 not significant.
2. Cemeteries budget in Wyndham is over spent, noted in budget reviews with Manager of Technical Services.
3. Operating revenue is down by \$1,495 Law and Order not significant.
4. Profit on sale of staff housing not recognised, timing difference.
5. Timing difference on major capital projects such as the Youth Centre. Waiting on grant approval to start Wyndham Boat ramp, thus timing difference in capital expenditure.
6. Timing difference in capital expenditure on upgrade of IT System, due to occur early next year.

ATTACHMENTS

Monthly Financial Reports for September 2006

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council adopt the Monthly Financial Reports for month end of September 2006.
2. That Council note the following material variances:
 - i. Operating Expenditure in Housing Budget under spent by \$7,015 not significant.
 - ii. Cemeteries budget in Wyndham is over spent, noted in budget reviews with Manager of Technical Services.
 - iii. Operating revenue is down by \$1,495 Law and Order not significant.
 - iv. Profit on sale of staff housing not recognised, timing difference.
 - v. Timing difference on major capital projects such as the Youth Centre. Waiting on grant approval to start Wyndham Boat ramp, thus timing difference in capital expenditure.
 - vi. Timing difference in capital expenditure on upgrade of IT System, due to occur early next year.

Minute No 7563

Moved: Cr K Wright

Seconded: Cr D Ausburn

1. That Council adopt the Monthly Financial Reports for month end of September 2006.
2. That Council note the following material variances:
 - i. Operating Expenditure in Housing Budget under spent by \$7,015 not significant.
 - ii. Cemeteries budget in Wyndham is over spent, noted in budget reviews with Manager of Technical Services.
 - iii. Operating revenue is down by \$1,495 Law and Order not significant.
 - iv. Profit on sale of staff housing not recognised, timing difference.
 - v. Timing difference on major capital projects such as the Youth Centre. Waiting on grant approval to start Wyndham Boat ramp, thus timing difference in capital expenditure.
 - vi. Timing difference in capital expenditure on upgrade of IT System, due to occur early next year.

Carried Unanimously: 7/0

Shire of Wyndham East Kimberley
Statement of Financial Activity by Function

	Original Budget	Amended Budget	September Budget YTD	September Actuals YTD	% Variance	\$ Variance	Notes
Operating Expenditure							
General Purpose Funding	362,900	379,812	60,000	58,838	2%	1,162	
Governance	747,600	664,512	168,000	179,596	-6%	(11,596)	
Law, Order and Public Safety	381,505	389,004	112,000	113,263	-1%	(1,263)	
Health	349,405	359,405	75,000	73,812	2%	1,188	
Welfare	322,525	322,525	95,000	97,185	-2%	(2,185)	
Housing	213,705	189,705	65,000	57,985	12%	7,015	1
Community Amenities	1,858,390	1,892,390	355,000	388,716	-9%	(33,716)	2
Recreation & Culture	3,111,895	3,133,395	720,242	747,312	-4%	(27,070)	
Transport	3,959,205	3,897,205	959,242	916,259	5%	42,982	
Economic Services	402,500	395,000	137,742	147,865	-7%	(10,123)	
Public Works Overhead	6,551,315	6,551,315	1,700,000	1,732,607	-2%	(32,607)	
Airports	1,484,935	1,484,935	475,242	438,956	8%	36,286	
Total Operating Expenditure	19,745,880	19,659,203	4,922,467	4,952,394			
			0				
Operating Revenue							
			0				
General Purpose Funding	(7,383,160)	(7,400,260)	(4,800,000)	(4,792,909)	0%	(7,091)	
Governance	(1,250)	(1,250)	(140)	(145)	0%	0	
Law, Order and Public Safety	(74,860)	(52,352)	(6,500)	(5,005)	30%	(1,495)	3
Health	(129,600)	(129,600)	(65,000)	(66,166)	-2%	1,166	
Welfare	(344,500)	(344,500)	(30,000)	(30,959)	-3%	959	
Housing	(698,360)	(715,160)	(112,000)	(65,174)	72%	(46,826)	4
Community Amenities	(1,041,800)	(1,053,300)	(745,000)	(748,695)	0%	3,695	
Recreation & Culture	(1,741,180)	(1,767,480)	(115,000)	(116,572)	-1%	1,572	
Transport	(3,275,240)	(3,136,149)	(45,000)	(44,951)	0%	(49)	
Economic Services	(79,400)	(89,400)	(31,000)	(29,984)	0%	(1,016)	
Public Works Overhead	(6,615,915)	(6,615,915)	(1,890,000)	(1,955,417)	-3%	65,417	
Airports	(1,868,025)	(1,868,025)	(500,000)	(504,969)	-1%	4,969	
Total Operating Revenue	(23,253,290)	(23,173,391)	(8,339,640)	(8,360,947)			
Operating Surplus	(3,507,410)	(3,514,188)	(3,417,173)	(3,408,554)			
Non Operating Expenditure							
General Purpose Funding	140,000	140,000	0	0	0%	0	
Governance	4,500	104,500	0	0	0%	0	
Law, Order and Public Safety	0	0	0	0	0%	0	
Welfare	1,512,300	1,401,350	750,000	792,564	-5%	(42,564)	
Housing	1,057,900	857,900	9,000	9,118	-1%	(118)	
Community Amenities	145,000	137,000	0	0	0%	0	
Recreation & Culture	3,286,550	3,290,050	108,000	61,959	74%	46,041	5
Transport	4,184,755	3,881,830	505,000	516,673	-2%	(11,673)	
Economic Services	14,900	14,900	14,000	13,616	3%	384	
Public Works Overhead	145,500	145,500	6,500	4,112	58%	2,388	6
Airports	577,445	577,445	0	0	0%	0	
Total Non Operating Expenditure	11,068,850	10,550,475	1,392,500	1,398,042			

Non Operating Income

Health	0	0	0	0	0%	0
Welfare	0	0	0	0	0%	0
Housing	(600,000)	(600,000)	0	0	0%	0
Community Amenities	(138,415)	(138,415)	0	0	0%	0
Recreation & Culture	(501,800)	(501,800)	(10,000)	(10,469)	0%	469
Transport	(391,060)	(391,060)	(40,000)	(39,990)	0%	(10)
Economic Services	(14,900)	(14,900)	(13,000)	(13,616)	-5%	616
Public Works Overhead	(321,100)	(321,100)	(165,000)	(164,032)	0%	(968)
Airports	(194,355)	(194,355)	(50,000)	(50,000)	0%	0
Total Non Operating Income	(2,161,630)	(2,161,630)	(278,000)	(278,107)		
Depreciation	(2,704,800)	(2,704,800)	(675,063)	(675,063)	25%	
(Profit)/Loss on sale	514,000	514,000	0	0	0%	
	(2,190,800)	(2,190,800)	(675,063)	(675,063)	31%	
Surplus B/F	(3,209,010)	(2,683,857)	(2,683,857)	(2,683,857)	100%	
Surplus C/F	0	0	(5,661,593)	(5,647,538)		

**Shire of Wyndham East Kimberley
Statement of Financial Activity by Responsibility**

	Original Budget	Amended Budget	September Actuals YTD	%
Operating Expenditure				
Aboriginal Environmental Health Officer	169,480	179,480	35,211	20%
Airport Manager	1,484,935	1,484,935	438,956	30%
Building Services Inspector	558,440	551,440	140,017	25%
Emergency Services	98,780	94,279	35,435	38%
Environmental Health Officer	177,205	177,205	37,884	21%
Executive	684,405	684,405	123,492	18%
Executive Support Officer	747,600	664,512	179,596	27%
Information Coordinator	213,375	213,375	60,819	29%
Executive Manager Community Services	2,909,750	2,928,750	747,610	26%
Manager Financial Services	4,535,020	4,551,932	1,207,495	27%
Manager Technical Services	7,630,465	7,578,465	1,845,849	24%
Rangers	282,725	294,725	77,828	26%
Town Planner	253,700	255,700	22,201	9%
Total Operating Expenditure	19,745,880	19,659,203	4,952,394	25%
Operating Revenue				
Aboriginal Environmental Health Officer	(100,950)	(100,950)	(57,930)	57%
Airport Manager	(1,868,025)	(1,868,025)	(504,969)	27%
Building Services Inspector	(775,160)	(791,960)	(84,080)	11%
Emergency Services	(49,360)	(26,852)	(92)	0%
Environmental Health Officer	(28,650)	(28,650)	(8,236)	29%
Executive	(7,500)	(7,500)	(10,534)	140%
Executive Support Officer	(1,250)	(1,250)	(145)	12%
Information Coordinator	(1,100)	(1,100)	(98)	9%
Manager Community Services	(1,962,400)	(1,998,700)	(158,136)	8%
Manager Financial Services	(12,491,560)	(12,508,660)	(6,184,063)	49%
Manager Technical Services	(5,908,435)	(5,769,344)	(1,329,892)	23%
Rangers	(25,500)	(25,500)	(4,913)	19%
Town Planner	(33,400)	(44,900)	(17,858)	40%
Total Operating Revenue	(23,253,290)	(23,173,391)	(8,360,947)	36%
Operating Surplus	(3,507,410)	(3,514,188)	(3,408,554)	97%
Non Operating Expenditure				
Airport Manager	577,445	577,445	0	0%
Building Services Inspector	1,147,900	939,900	9,118	1%
Executive	9,800	9,800	0	0%
Executive Support Officer	4,500	104,500	0	0%
Information Coordinator	118,200	118,200	1,881	2%
Manager Community Services	4,467,050	4,359,600	860,194	20%
Manager Financial Services	140,000	140,000	2,231	2%
Manager Technical Services	4,603,955	4,301,030	524,618	12%
Total Non Operating Expenditure	11,068,850	10,550,475	1,398,042	13%

Non Operating Income				
Airport Manager	(194,355)	(194,355)	(50,000)	26%
Building Services Inspector	(630,000)	(630,000)	0	0%
Executive	(316,000)	(316,000)	(164,032)	52%
Information Coordinator	0	0	0	999%
Manager Community Services	(504,200)	(504,200)	(24,085)	5%
Manager Financial Services	(5,100)	(5,100)	0	0%
Manager Technical Services	(511,975)	(511,975)	(39,990)	8%
Total Non Operating Income	(2,161,630)	(2,161,630)	(278,107)	13%
Depreciation	(2,704,800)	(2,704,800)	(675,063)	25%
(Profit)/Loss on sale	514,000	514,000	0	0%
	(2,190,800)	(2,190,800)	(675,063)	31%
Surplus B/F	(3,209,010)	(2,683,857)	(2,683,857)	100%
Surplus C/F	0	0	(5,647,538)	

BANK RECONCILLIATION AS AT 30.09.2006

	\$
Balance as per	
Cash at Bank (131)	1,871,516.01
Restricted Cash	1,949,460.00
TOTAL	3,820,976.01
Balance as per	
Trading Account	2,308,809.16
TERM DEPOSIT	256,705.22
TERM DEPOSIT	356,490.24
SUB TOTAL	2,922,004.62
Add: Outstanding Deposits	893,818.67
Less: Outstanding Cheques	44,199.19
TOTAL	3,771,624.10
Rounding	
Variance	49,351.91
TOTAL	3,820,976.01

Variance made up of:

INWARDS DISHONOUR FEE	10.00
CHEQUE	0.10
MCKITTRICK inv 2632	(216.20)
bill exp fees August	21.62
30.08 inv 2685	(133.00)
bill exp fees September	1,934.55
Rounding 01.09.06	(0.56)
ceo visa	1,472.15
Beebe rates	(294.70)
August Bas journal 15.2	(19,907.00)
returned simon denton	(4,428.60)
inv 2692	(50.00)
28.09 eft	(305.40)
bill express	42,909.80
bill express	15,975.37
Rounding	0.02
Interest	12,363.76

Total **49,351.91**

MUNICIPAL OUTSTANDINGS

Outstanding Cheques

36448-36468	511.98
36637-36656	46.96
36710-36725	120.00
36771-36783	951.95
37172-37193	795.57
37230-37239	650.00
37240-37252	4,497.42
37276-37287	2,750.00
37288-37293	16,500.00
37296-37312	2,558.11
37316-37327	14,817.20
	<hr/>
	44,199.19
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MUNICIPAL OUTSTANDINGS

Outstanding Deposits

10.07 dr rec	0.1
11.08 dr rec	15
18.09 dr rec	100
25.09 dr rec	13779.9
26.09 dr rec	561.11
27.09 dr rec	1195.51
28.09 dr rec	15208.85
29.09 dr rec	862958.2
	<hr/>
	893,818.67
	<hr/> <hr/>

**12.3.2 Payments and Debtors for the period ended 31st October 2006
(Minute No 7564)**

DATE:	21 November 2006
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Gill Old – Senior Finance Officer
REPORTING OFFICER:	Yale Bolto – Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of Accounts for Payment and Sundry Debtors for the period ended 31st October 2006 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 037328 to 037379	\$ 680,119.55
• EFT payments numbered EP010027 to EP010258	\$ 885,171.09
• Direct bank debits	\$ 193,443.25
Total Payment of Accounts totalling	\$ 1,758,733.89

Total cancelled cheques for the month \$ 0.00

Outstanding Invoices at month end \$ 0.00

Outstanding over 90 days Sundry Debtors as at month end \$ 101,598.88

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.

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 31st October 2006 totalling \$1,758,733.89 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 31st October 2006 totalling \$101,598.88 (GST inclusive) be received.

Minute No 7564

Moved: Cr B Barnes

Seconded: Cr K Wright

1. ***That the Accounts for payment as at 31st October 2006 totalling \$1,758,733.89 (GST inclusive) be received.***
2. ***That the Outstanding Sundry Debtors' over 90 days as at 31st October 2006 totalling \$101,598.88 (GST inclusive) be received.***

Carried Unanimously: 7/0

LIST OF ACCOUNTS PAID BY COUNCIL SUBMITTED TO THE COUNCIL MEETING ON 21 NOVEMBER 2006

CHEQUE	EFT	CREDITOR	DETAILS	MUNI (\$)	TRUST (\$)	AUTH
37328	6/10/2006	KUNUNURRA AMCAL PHARMACY	KODAK CAMERA BAG	267.65		EMCMS
37329		COMMISSIONER OF POLICE TRANSPORT	FIREARMS LICENCE 06/07	87.00		CEO
37330		DYMOCKS CASUARINA SHOP CD	BOOKS FOR LIBRARY	92.27		EMCMS
37331		GEOFF GUNSON ELECTRICAL	MESSMATE WAY - REPLACE TIMER, INSTALL GPO FOR RETIC CONTROL	679.80		CEO
37332		BARRA BARRA PTY LTD DEPT CONSUMER &	MORNING TEA - FINDING MY PLACE PROGRAM AT LIBRARY	195.00		EMCMS
37333		EMPLOYMENT PROTECTION TRISLEY'S HYDRAULIC	CHLORINE STORAGE LICENCE WYNDHAM	16.50		CEO
37334		SERVICE HORIZON POWER ACCOUNTS	CHLORINE PROBE FOR KUNUNURRA POOL	2,387.00		EMCMS
37335		PAYABLE	ELECTRICITY ACCOUNTS	20,195.00		EMCPS
37336		JIRRAWUN ARTS	REFUND OF BUILDING LICENCE FEE	651.80		EMEDS
37337		HOLMES A COURT GALLERY	BOOKS AND CARDS FOR LIBRARY	229.95		EMCMS
37338		ALFIE CAMPBELL ACCOUNT	ARTWORKS RECEIVED IN RETURN FOR			
37339		PINDAN PRINTING	SPONSORSHIP OF WYNDHAM ARTS FESTIVAL	800.00		EMCMS
37340		KATYA TRIPP	5000 A4 BROCHURES - SALVINIA	973.50		CEO
		PERFECT COMPUTERS	ELECTRICITY SUBSIDY JULY/AUGUST 2006	101.00		EMCPS
37341		SOLUTIONS	FRONT COUNTER PRINTER REPAIRS	264.00		EMCPS
37342		BP ORD RIVER ROADHOUSE	FUEL FOR WY11650	69.24		CEO
37343		DEPARTMENT FOR PLANNING & INFRASTRUCTURE	SHIRE PLATES - 4551 WY	130.00		EMCPS
37344		SHIRE WYNDHAM EAST KIMBERLEY	STAFF SALARY DEDUCTIONS SEPTEMBER 2006	925.00		EMCPS
37345		GLOBALSTAR AUSTRALIA PTY LTD	SATELLITE PHONE SEPTEMBER 2006	184.00		EMCPS

37346	13/10/2006	BCITF KUNUNURRA	AMCAL	BCITF LEVY JULY/SEPTEMBER 2006	10,236.62	EMCPS
37347		PHARMACY		MEDICAL SUPPLIES	30.83	EMCMS
37348		COMMANDER AUSTRALIA LTD		SERVICE RENTAL WYNDHAM AIRPORT	30.80	EMCPS
37349		TERRITORY THRIFTY CAR				
37350		RENTAL		CAR HIRE CR PUCCI - 8/9/06	109.51	CEO
		KIMBERLEY FINE DIAMONDS		GIFT FOR GOVERNOR GENERAL	40.00	CEO
37351		HORIZON POWER ACCOUNTS				
37352		PAYABLE		ELECTRICITY ACCOUNTS	9,606.75	EMCPS
37353		TOWN OF KWINANA		LONG SERVICE LEAVE	4,275.82	EMCPS
37354		WATER CORPORATION		WATER RATES FOR UNITS A,B,C RIVERFIG AVENUE	2,100.45	EMCPS
		ARRATTA CONSTRUCTION		CONCRETE BATCHING KALUMBURU ROAD	19,800.00	CEO
		CASH - PETTY CASH				
37355		KUNUNURRA OFFICE		PETTY CASH IMPREST 11/10/06	189.45	EMCPS
		MOONLIGHT	BAY	ACCOMMODATION CR MIDDAP, D HULANDS WASTE		
37356		APARTMENTS		CONFERENCE	1,212.50	CEO
37357		PUMPSERV PTY LTD		AIR BLOWER	689.70	EMCPS
37358		WALKABOUT SOUVENIRS		GIFTS FOR GOVERNOR GENERAL OF WA	89.30	CEO
37359		LOOKOUT GRADER HIRE		GRADER HIRE FOR FIREBREAKS	3,597.00	CEO
37360		CANCELLED CHEQUE		MISPRINT - DAMAGED BY PRINTER	0.00	EMCPS
37361	20/10/2006	BISHOP, GARY		CROSSOVER CONTRIBUTION 9 EUGENIA STREET	413.93	CEO
37362		WYNDHAM FESA UNIT		PUMP WATER OUT OF WYNDHAM POOL	100.00	EMCMS
37363		HOTEL IBIS PERTH		ACCOMMODATION P.STUBBS ORD STAGE 3	346.10	CEO
37364		PMP BITUMEN		ROAD REPAIRS AS PER TENDER T09	378,842.20	CEO
		HORIZON POWER ACCOUNTS				
37365		PAYABLE		ELECTRICITY ACCOUNTS	20,677.75	EMCPS
		NEWMAN BROOKS GOLF &		20 GOLF PUTTERS & 30 SECOND HAND WYNDHAM		
37366		TENNIS		POOL	295.00	EMCMS
37367		TELSTRA		TELEPHONE ACCOUNT SEPTEMBER 06	4,511.52	EMCPS
37368		ARRATTA CONSTRUCTION		HIRE OF CONCRETE BATCHING PLANT	26,400.00	CEO
		IVANHOE VILLAGE CARAVAN		INTERIM ACCOMMODATION ON ARRIVAL FOR NEW		
37369		RESORT		STAFF MEMBER	1,875.00	CEO
		AUSTRALASIAN PERFORMING				
37370		RIGHT ASSOCIATION		LICENCE FEES FOR LEISURE CENTRE	1,035.30	EMCMS
		SKERMAN HARVESTING		HIRE OF TRACTOR AND PLOUGH TO MAINTAIN		
37371	27/10/2006	CONTRACTING		FIREBREAK	525.00	CEO
37372		EK LASER AND DESIGN		BUILD LEVEE BANKS ALONG WEABER PLAINS ROAD	17,380.82	CEO
37373		FESA		2006/2007 ESL	1,540.76	EMCPS
37374		PMP BITUMEN		ROAD REPAIRS AS PER T090405 / BITUMEN	132,100.62	CEO

37375	ROCKALONG STONWORK	SEALING CONTRACT			
	HORIZON POWER ACCOUNTS	SUPPLY PAVING STONES FOR RIVER FIG UNITS	1,595.00	CEO	
37376	PAYABLE	ELECTRICITY ACCOUNTS	3,304.77	EMCPS	
37377	HYATT REGENCY PERTH	ACCOMMODATION AND MEALS LOCAL			
	ORD LAND AND WATER	GOVERNMENT WEEK	2,914.50	CEO	
37378	INCORPORATED	CHEMICALS, SPRAY AND SAFETY EQUIPMENT	2,533.84	CEO	
37379	SHIRE WYNDHAM EAST	STAFF SALARY DEDUCTIONS OCTOBER 2006	3,470.00	EMCPS	
	KIMBERLEY	TOTAL OF CHEQUES	680,119.55		
6/10/2006	EP010027	KIMBERLEY GROUP			
	EP010028	TRAINING	1,372.07	EMCMS	
	EP010028	KIMBERLEY HYDRAULICS	133.65	CEO	
	EP010029	EAST KIMBERLEY			
	EP010030	HARDWARE	375.00	CEO	
	EP010030	SADANIK PTY LTD	220.00	EMCPS	
	EP010031	OFFICE NATIONAL			
	EP010031	KUNUNURRA	298.00	EMCPS	
	EP010032	KINGS CROWN			
	EP010032	INSTRUMENTATION &			
	EP010033	ELECTRICAL	343.20	EMEDS	
	EP010033	PMP BITUMEN	1,188.00	CEO	
	EP010034	NORBUILT PTY LTD	229,864.37	CEO	
	EP010035	KELLY FEWSTER - EHO	213.46	EMEDS	
	EP010036	ATO CHILD SUPPORT			
	EP010036	AGENCY	81.56	EMCPS	
	EP010037	KARYN APPERLEY	246.45	CEO	
	EP010038	MEGAN FITZGERALD	959.70	EMCMS	
	EP010039	EAST KIMBERLEY PLUMBING	968.74	EMEDS	
	EP010040	KUNUNURRA SECURITY			
	EP010040	SERVICE	3,740.00	EMEDS	
	EP010041	CUTTING EDGES	1,265.44	CEO	
	EP010042	TOP END MOTORS	864.26	CEO	

		WY10432		
EP010043	BLACKWOOD ATKINS PTY LTD	PVC CONDUCT ELBOWS	70.95	CEO
EP010044	TELFORD INDUSTRIES	POOL CHEMICALS	783.20	EMCMS
EP010045	FLAMETREE NURSERY	PLANTS FOR 112 HIBISCUS ST KUNUNURRA	266.00	EMEDS
EP010046	DESSERT SEED	10 KG N26 GRASS SEED	220.00	CEO
EP010047	ROYAL LIFE SAVING (WA BRANCH)	ENROLMENT J.MCLACHLAN	540.56	EMCMS
EP010048	DY-MARK (WA)	LINE MARKING PAINT	363.00	CEO
EP010049	ARGYLE IRRIGATION PTY LTD	6.5 HP PUMP FOR FIRE SERVICE	984.50	CEO
EP010050	GULLIVER'S TAVERN	REFRESHMENTS FOR COUNCIL MEETING REPAIR FIBREGLASS TANK, RELINE WYNDHAM	173.57	EMCPS
EP010051	KUNUNURRA FIBREGLASS	POOLS 5YR WARRANTY	16,281.80	EMCPS
EP010052	L.G.R.C.E.U	UNION FEES SEPTEMBER 2006	30.60	EMCPS
EP010053	AUSTRALIAN SERVICES UNION	UNION CONTRIBUTIONS SEPTEMBER 2006	275.20	EMCPS
EP010054	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT SEPTEMBER 2006	522.02	EMCPS
EP010055	JAB INDUSTRIES KIMBERLEY	EARTHWORKS FOR WYNDHAM,KALUMBURU, SALVINIA	115,750.25	CEO
EP010056	COMMUNICATIONS	RESET AIRCONDITIONER IN RADIO HUT	110.00	EMCPS
EP010057	TOLL WEST	FREIGHT LIBRARY, STATIONERY	149.21	EMCPS
EP010058	FRANMOR CONSTRUCTIONS PTY LTD	REPLACE LIDS ON BALANCE TANKS, REPAIR DOOR TO POOLSIDE STOREROOM	1,263.64	EMCMS
EP010059	VANDERFIELD MACHINERY PTY LTD	BLADES FOR HOWARD SLASHER WYNDHAM	71.50	CEO
EP010060	LANGFORD MACHINERY	SERVICE 6310 JOHN DEERE TYRES FOR EHO VEHICLE WY10432, NEW TYRE PVBFB 9DJ991	312.00	EMCPS
EP010061	BEAUREPAIRS (KUNUNURRA) STATE LIBRARY OF	WESTERN AUSTRALIA	2,274.90	CEO
EP010062	CALCUTT WATSON & ASSOCIATES	LOST BOOKS 2006 CONVENTION AAA, CONFERENCE DINNER 2006	53.10	EMCMS
EP010063	KIMBERLEY PUMPING SERVICE	DRILL BORE AT SWIM BEACH	1,740.00	EMCPS
EP010064	JDM COMMUNICATIONS	REPAIR NETWORK OUTLET EHO2	4,488.00	EMEDS
EP010065	KUNUNURRA DIESEL SERVICES	MAJOR SERVICE WY11194 & WY0, 20 LITRE TRANSMISSION OIL	104.50	EMCPS
EP010066			2,286.60	CEO

	EP010067	MARVIC CONSTRUCTIONS	LABOUR - AKR INSPECTION 1/9/06	396.00	EMEDS
	EP010068	AUTO PRO KUNUNURRA	FLUORO LIGHT	28.50	EMEDS
	EP010069	BOSS FLUID POWER	CONSUMABLES FOR PUBLIC CONVENIENCES	1,702.16	CEO
	EP010070	LAKEVIEW APARTMENTS WA LOCAL GOVERNMENT ASSOCIATION	ACCOMMODATION - A.BARRALET FIND MY PLACE	435.00	EMCMS
	EP010071		LOCAL GOVERNMENT DIRECTORY	462.00	CEO
	EP010072	SPORTSWORLD OF WA	SHOES FOR SALE AT LEISURE CENTRE	145.75	EMCMS
	EP010073	HOTEL GRAND CHANCELLOR	ACCOMMODATION - A DEVENISH PERTH 17-23/9/06	773.00	EMCMS
	EP010074	SHIRE OF MURRAY KIMBERLEY GROUP	STAFF DEDUCTION PAYMENT SEPTEMBER 2006	56.00	EMCPS
13/10/2006	EP010075	TRAINING	WAGES - TRAINEESHIPS	4,255.95	EMCPS
	EP010076	TYRE MARKETERS ROGERS MACHINERY SERVICE	2 NEW TYRES JD TRACTOR HYDRAULIC REPAIRS TO WY10434, 200HR SERVICE WY11485, 1200 HR SERVICE BACKHOE	557.50	CEO
	EP010077			4,816.42	CEO
	EP010078	PARDOE-BELL, ALLAN	WYNDHAM CLEANING SEPTEMBER 2006	1,952.00	EMEDS
	EP010079	K & M ALLCLEAN	GENERAL CLEANING CONTRACT SEPTEMBER 2006	6,782.23	EMEDS
	EP010080	MICHELLE PLUME KIMBERLEY INDUSTRIES	REIMBURSE CONFERENCE MEALS	38.45	EMCMS
	EP010081	METALAND EAST KIMBERLEY	JOCKEY WHEEL AND BRACKET	67.09	CEO
	EP010082	HARDWARE	NETTING CLIPS, LIQUID NAILS, PADLOCK, FITTINGS FOR POOL, WIRE JOINERS	708.15	CEO
	EP010083	QANTEC MCWILLIAM PTY LTD KIMBERLEY METAL	WEABER PLAINS ROAD UPGRADE CONSULTATIONS PROGRESS 31/08/06	6,842.00	CEO
	EP010084	RECYCLERS	LANDFILL MANAGERMENTS SEPTEMBER 2006	21,103.50	CEO
	EP010085	KP PUMPS & IRRIGATION OFFICE NATIONAL	8-16 FOOT TELEPOLE	29.30	EMCMS
	EP010086	KUNUNURRA	NAME BADGES	15.60	EMCPS
	EP010087	KUNUNURRA COURIERS ATO CHILD SUPPORT AGENCY	WATER FOR AIRPORT OFFICE SEPTEMBER, WATER & CUPS FOR COOLER	190.00	EMCPS
	EP010088		SEPTEMBER CONTRIBUTIONS	104.54	EMCPS
	EP010089	KAS ACTIVE WEAR PTY LTD	STOCK FOR SALE FOR LEISURE CENTRE	155.51	EMCMS
	EP010090	KELLY FEWSTER - EHO	FUEL FOR KALUMBURU TRIP	253.50	EMEDS
	EP010091	CIVIC LEGAL ATO CHILD SUPPORT AGENCY	LEGAL FEES	7,972.91	EMEDS
	EP010092		SEPTEMBER CONTRIBUTIONS	378.58	EMCPS
	EP010093	BOAB REFRIGERATION AND AIRCONDITIONING	REPAIR & SERVICE, TEST AIRCONDITIONING UNIT A DRYANDRA ST KUNUNURRA	264.00	EMEDS

EP010094	METRO MODELLING ACADEMY	WORKSHOP PRESENTER & EXPENSES - A.BARRALET (FINDING MY PLACE)	400.86	EMCMS
EP010095	RIVERFARM REPAIRS AND FABRICATION	REPAIR TAILGATE ON 8 TON TRUCK	301.40	CEO
EP010096	GIBB RIVER ROAD BUS SERVICE	FREIGHT PART TO KALUMBURU JUNCTION	50.00	CEO
EP010097	NORTHERN AIRPORT SERVICES	AIRPORT LOCKUP SEPTEMBER 2006	484.00	EMCPS
EP010098	DELRON CLEANING PTY LTD	DEPOT CLEANING SEPTEMBER 2006	199.10	CEO
EP010099	BRANKO BP MOTORS	SPRINKLERS, HARDWARE FOR AIRPORT, SERVICE WY10367 JOHN DEERE	1,225.20	EMCPS
EP010100	EAST KIMBERLEY PLUMBING	REPAIR WATER FOUNTAIN LEAK	99.00	EMCMS
EP010101	JSW HOLDINGS PTY LTD	WATER CART HIRE FOR TIP, RIVER SAND 4M, MATERIALS FOR PRE-MIX BITUMEN	843.26	CEO
EP010102	KUNUNURRA SECURITY SERVICE	SECURITY CALL OUT LEISURE CENTRE, AIRPORT SECURITY SEPTEMBER 2006	616.00	EMCMS
EP010103	ORD RIVER DISTRICT CO-OP	ROUNDUP 20L	407.00	CEO
EP010104	GUERINONI & SON	GRADER HIRE KALUMBURU ROAD, TRANSPORT LIGHT TOWERS	44,450.00	CEO
EP010105	KIMBERLEY MOTORS AUSTRALIA POST	FUEL CARD PURCHASES MAY 2006	1,265.33	EMCPS
EP010106	RECEIVABLE TEAM	AUSTRALIA POST ACCOUNT SEPTEMBER 2006	851.81	EMCPS
EP010107	MINTERELLISON LOCAL HEALTH AUTHORITIES	LEGAL FEES	439.76	EMCPS
EP010108	ANALYTICAL AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS	ANALYTICAL SERVICES 06/07	1,392.60	EMEDS
EP010109	DESSERT SEED	JOURNAL SUBSCRIPTION 06/07	44.00	EMEDS
EP010110	CARPET VINYL & TILE CENTRE	10KG NORTH 26 GRASS	220.00	CEO
EP010111	KUNUNURRA REFRIGERATION	REPLACE CARPET UNDER WATER COOLER (LEISURE CENTRE)	192.50	EMCMS
EP010112	RUMOURS PATISSERIE	REPAIR AIRCONDITIONER IN CHAMBERS (WYNDHAM)	267.30	EMEDS
EP010113	ARGYLE ENGINEERING	CATERING FOR COUNCIL MEETING & FOR GOVERNORS MORNING TEA	207.90	CEO
EP010114	NORSIGN PTY LTD	REPAIRS TO BASKETBALL HOOP (KUNUNURRA LEISURE CENTRE)	194.51	EMCMS
EP010115	ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	500 GUIDE POSTS	5,225.00	CEO
EP010116		WHIPPER SNIPPER HEAD	39.00	EMCPS

EP010117	THE KIMBERLEY ECHO	LETTERHEADS, ENVELOPES, ADVERTISING	4,435.00	EMCPS
EP010118	GULLIVER'S TAVERN KUNUNURRA RURAL	REFRESHMENTS FOR COUNCIL MEETING	39.89	EMCPS
EP010119	TRADERS	HARDWARE CONSUMABLES FOR SEPTEMBER	93.95	CEO
EP010120	NEAT N TRIM UNIFORMS TONY'S PLUMBING &	UNIFORMS REPAIRS TO OVAL TOILETS, BLOCKED DRAIN AT	129.00	EMCPS
EP010121	EXCAVATION PTY LTD	WYNDHAM RECREATION CENTRE	301.40	EMEDS
EP010122	FISCHER, CYNTHIA KIMBERLEY	WYNDHAM TOILET CLEANING SEPTEMBER 2006	2,988.15	EMEDS
EP010123	COMMUNICATIONS	CHECK SBS, JJJ, GWN AFTER POWER BLACK OUT	44.00	CEO
EP010124	TOLL WEST	FREIGHT TRAVEL - J.GAULT (TRAINING) P.STUBBS, CR PUCCI	518.70	EMCPS
EP010125	TRAVELWORLD KUNUNURRA	(ORD STAGE II)	2,266.56	CEO
EP010126	KIMBERLEY STEEL KIMBERLEY KOOL	GALVANISED FLASHING	54.00	EMEDS
EP010127	REFRIGERATION VANDERFIELD MACHINERY	WATER COOLER FOR AIRPORT	1,210.00	EMCPS
EP010128	PTY LTD	TIE ROD ENDS, GAS CYLINDER	1,047.50	EMCPS
EP010129	CAB CHARGE CALCUTT WATSON &	SEPTEMBER CAB CHARGES	460.68	EMCPS
EP010130	ASSOCIATES	AAA CONFERENCE CR B.BARNES REMOVE ABANDONED VEHICLE FROM GATEWAY	875.00	EMCPS
EP010131	TOP END TILT TRAY HIRE KUNUNURRA DIESEL	SHOPPING CENTRE	88.00	CEO
EP010132	SERVICES LOCAL GOVERNMENT	MAJOR SERVICE WY11194 & WY11160, NEW SPARE ADVERTISING - VACANT POSITION POOL	6,848.80	CEO
EP010133	NETWORK	MANAGER/SUPERVISOR	121.00	EMCMS
EP010134	CORPORATE EXPRESS	STATIONERY ORDER	168.81	EMCPS
EP010135	KUNUNURRA CAR CARE	WINDSCREEN WY11630	300.00	EMCPS
EP010136	BOSS FLUID POWER	CONSUMABLES FOR PUBLIC CONVENIENCES	1,201.29	CEO
EP010137	EAST KIMBERLEY GLASS	REPAIR WINDOW AT LEISURE CENTRE	268.00	EMCMS
EP010138	PIERCE POOL SUPPLIES	WATERPROOF CLOCK FOR LEISURE CENTRE ACCOMMODATION - D.HULANDS FOR WASTE	212.30	EMCMS
EP010139	ESPLANADE HOTEL NORTHERN INFORMATION	CONFERENCE	660.00	EMCPS
EP010140	TECHNOLOGY SERVICE	RESOLVE WEBLINK ISSUE ON WORKSTATION	33.00	EMCPS
EP010141	SPORTSWORLD OF WA AUST LOCAL GOVERNMENT	SHOES FOR SALE, SWIMMING GEAR FOR SALE ADVERTISEMENT - VACANT POSITION	1,453.93	EMCMS
EP010142	JOB DIRECTORY	ENVIRONMENTAL HEALTH OFFICER	1,089.00	EMCPS

	EP010143	SHERIDAN'S FOR BADGES RAM PAPER & OFFICE	NAME BADGES	63.36	EMCPS
	EP010144	PRODUCTS KIMBERLEY TREE &	OFFICE PAPER PRODUCTS REMOVE COCONUTS, SEEDS FROM LEISURE	2,671.26	EMCPS
	EP010145	CONTRACTING SERVICE DEPARTMENT OF LAND	CENTRE	1,309.00	EMCMS
20/10/2006	EP010146	ADMINISTRATION BOC GASES AUSTRALIAN	LAND TITLE SERVICE 01/10/06	468.50	EMCPS
	EP010147	LIMITED ACCOUNT	GAS & CYLINDER RENTAL SEPTEMBER	175.73	CEO
	EP010148	EAST KIMBERLEY PALMS KNICKEL GARDENING	PALMS FOR RIVERFIG UNITS	180.00	EMEDS
	EP010149	SERVICES	ACCOMMODATION FOR WORKER, PLANTS FOR CBD	310.00	CEO
	EP010150	STATE LAW PUBLISHER	ANNUAL SUBSCRIPTION	876.70	CEO
	EP010151	PARDOE-BELL, ALLAN	EXTRA CLEANING OF PETER REID MEMORIAL HALL	152.00	EMCMS
	EP010152	KIMBERLEY HYDRAULICS EAST KIMBERLEY	HYDRAULICS' HOSE FOR LOADER MOUNTS FOR SPEAKER IN GYM, PACKING TAPE, NO	115.17	CEO
	EP010153	HARDWARE	MORE GAPS, GLUE, TURPENTINE	495.25	EMCMS
	EP010154	SAI GLOBAL LIMITED STITCHED UP EMBROIDERY	SUBSCRIPTION AUSTRALIAN STANDARDS 2007	374.00	EMCPS
	EP010155	SERVICES	UNIFORMS	107.00	EMCMS
	EP010156	NETWORK DRAFTING	DRAFTING SERVICES 25-29/9/06 RETICULATION FOR RIVERFIG UNITS, GRUNDFOS	1,127.50	CEO
	EP010157	KP PUMPS & IRRIGATION OFFICE NATIONAL	SUMP FOR AIRPORT COLOURED PAPER, PENCIL CASE, NAME BADGES,	924.08	EMCPS
	EP010158	KUNUNURRA	COPY COUNT RATES	4,553.76	EMCPS
	EP010159	KIMBERLEY MINI DIGGER	EXCAVATE AROUND LIGHT POLE	148.50	CEO
	EP010160	COUNCILLOR JANE PARKER MEN AT WORK	TRAVEL EXPENSE CLAIM	842.88	CEO
	EP010161	PHOTOGRAPHICS	KIMBERLEY WRITER FESTIVAL POSTER	404.80	EMCMS
	EP010162	R.KERR CONTRACTING	GRADING OF KALUMBURU ROAD ADVERTISING - VACANT POSITION	22,154.00	CEO
	EP010163	REDWAVE MEDIA PTY LTD	ENVIRONMENTAL HEALTH OFFICER	341.00	EMCPS
	EP010164	KATYA TRIPP	TRAVEL (CONFERENCE)	1,015.62	CEO
	EP010165	BOAB REFLECTIONS	GIFT FOR WA GOVERNOR GENERAL	24.00	CEO
	EP010166	DELRON CLEANING PTY LTD	AIRPORT CLEANING SEPTEMBER 2006	5,000.07	EMCPS
	EP010167	FRONTIER POST & NEWS	SEPTEMBER POST & NEWSPAPERS (WYNDHAM)	137.35	EMCPS
	EP010168	BRANKO BP MOTORS	FUEL & BBQ LIGHTER FOR WYNDHAM	73.80	EMCMS
	EP010169	GUERINONI & SON	GRADER HIRE FOR FLOOD DAMAGE REPAIR	5,500.00	CEO
	EP010170	TNT AUSTRALIA PTY LTD	FREIGHT	312.42	EMEDS

EP010171	JORRITSMA H & CO	PLUMBING & RETICULATION FITTINGS SEPTEMBER	524.60	CEO
EP010172	VALUER GENERALS OFFICE	VALUATIONS	278.51	EMCPS
EP010173	FLAMETREE NURSERY WYNDHAM TOURIST	PLANTS FOR CBD	277.50	CEO
EP010174	INFORMATION CENTRE KUNUNURRA	TOURIST INFORMATION SERVICES (WYNDHAM)	953.32	EMCPS
EP010175	REFRIGERATION	REPAIR AIRCONDITIONING WY9312	546.70	CEO
EP010176	RUMOURS PATISSERIE	CATERING FOR BRIEFING SESSION	223.30	CEO
EP010177	ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	2 NEW MOWERS FOR AIRPORT, WACKER MOUNTS, 3/8 ROUND FILE	1,712.75	EMCPS
EP010178	THE KIMBERLEY ECHO	ADVERTISING - SCHOOL HOLIDAYS, VACANT POSITION	1,752.08	EMCMS
EP010179	JASON SIGNMAKERS WESTERN AUSTRALIAN	PLAQUE FOR CELEBRITY TREE PLANTING	132.00	CEO
EP010180	TREASURY CORPORATION	LOAN REPAYMENT	2,004.60	EMCPS
EP010181	TONY'S PLUMBING & EXCAVATION PTY LTD WA LOCAL GOVERNMENT	REPAIR BURST PIPE IN CEILING CHILD CARE CENTRE WYNDHAM	367.40	EMEDS
EP010182	SUPERANNUATION PLAN	SEPTEMBER SUPERANNUATION CONTRIBUTIONS	25,658.76	EMCPS
EP010183	JAB INDUSTRIES KIMBERLEY	EXCAVATOR HIRE FOR WEABER PLAINS, SIDE TIPPER HIRE FOR KALUMBURU	30,533.25	CEO
EP010184	COMMUNICATIONS	FIT NEW UHF IN NEW TRACTOR, 2 NEW UHF ANTENNAS WY0 & WY001	823.90	CEO
EP010185	TOLL WEST	FREIGHT JASON SIGNMAKERS, LIBRARY BOOKS, NORSIGN	1,152.15	EMCPS
EP010186	TRAVELWORLD KUNUNURRA	AIRFARES - PLUME	734.40	EMCMS
EP010187	TUCKERBOX / RETRAVISION BUSH CAMP SURPLUS	SEPTEMBER TUCKERBOX CONSUMABLES	1,144.67	EMCPS
EP010188	STORES VANDERFIELD MACHINERY PTY LTD	PLATES, BOWL & CUP FOR AEHO	14.55	EMEDS
EP010189	STATE LIBRARY OF WESTERN AUSTRALIA	ADAPTOR - 10 TON TRUCK	10.66	CEO
EP010190	KIMBERLEY MARKETING	BOOKS FOR LIBRARY	1,328.80	EMCMS
EP010191	AUSTRALIAN TAXATION OFFICE	ICEBLOCKS FOR ST JOSEPHS	72.82	EMCMS
EP010192	KUNUNURRA CHAMBER OF COMMERCE & INDUSTRY	AUGUST BAS 2006	19,907.00	EMCPS
EP010193	ANNE DEVENISH	CONTRIBUTIONS FOR GEKO	1,760.00	CEO
EP010194		REIMBURSE TRAVEL EXPENSES FOR CONFERENCE	133.37	EMCMS

	EP010195	WA LOCAL GOVERNMENT ASSOCIATION	CONFERENCE, ADVERTISING FOR SEPTEMBER 2006	8,334.30	EMCPS
	EP010196	JAMES O'KENNY AUCTIONEER	HIRE OF EWIN CENTRE AMENITIES ROOM SEPTEMBER 2006	3,354.00	EMCMS
	EP010197	NORTHERN INFORMATION TECHNOLOGY SERVICES	12 IN 1 CARD READER FOR AEHO	45.00	EMEDS
27/10/2006	EP010198	KIMBERLEY VET CENTRE	PHENOBARB TABLETS	18.50	EMEDS
	EP010199	MCLEAN ENTERPRISES KIMBERLEY GROUP	AUTOCRAFT, GLOVE KEVLAR BLUE, WESTERN RIGGER GLOVES	222.20	CEO
	EP010200	TRAINING KNICKEL GARDENING	TRAINEE WAGES GARDENING ADDITIONAL WORKS AND CONTRACT WORKS - AUGUST	4,712.95	EMCPS
	EP010201	SERVICES KIMBERLEY WASTE	TOWN TIDY LITTER, REFUSE COLLECTION	21,692.37	CEO
	EP010202	SERVICES	CONTRACT PAYMENT, ROADSWEEEPING	55,908.78	CEO
	EP010203	STATE LAW PUBLISHER EAST KIMBERLEY	ADVERTISING - TOWN PLANNING AMENDMENT	247.52	CEO
	EP010204	HARDWARE	RETICULATION FOR RIVERFIG UNITS	69.45	CEO
	EP010205	QANTEC MCWILLIAM PTY LTD OFFICE NATIONAL	PROGRESS CLAIM FOR WEABER PLAINS ROAD PROJECT	3,184.50	CEO
	EP010206	KUNUNURRA INSTITUTE PUBLIC WORKS	PRINTER - INK CARTRIDGE	74.85	EMCPS
	EP010207	ENGINEERING	TRAINING - J GAULT	715.00	CEO
	EP010208	THORLEY'S STORE ATO CHILD SUPPORT	DVD HIRE FOR SCHOOL HOLIDAY PROGRAM & INTERNAL SHIRE MAIL BAG	344.40	EMCPS
	EP010209	AGENCY	OCTOBER CONTRIBUTIONS	104.54	EMCPS
	EP010210	KELLY FEWSTER - EHO ATO CHILD SUPPORT	CLAIM FOR PHONE SUBSIDY, LINE RENTAL, ELECTRICITY SUBSIDY	175.01	EMCPS
	EP010211	AGENCY	OCTOBER CONTRIBUTIONS	81.56	EMCPS
	EP010212	KARYN APPERLEY	FUEL REIMBURSEMENT	50.02	EMCPS
	EP010213	REDWAVE MEDIA PTY LTD ATO CHILD SUPPORT	ADVERTISING - CUSTOMER SERVICE OFFICER POSITIONS	341.00	EMCPS
	EP010214	AGENCY	OCTOBER CONTRIBUTIONS	499.18	EMCPS
	EP010215	RIVERFARM REPAIRS AND FABRICATION	REFIT TAILGATE TO WY11160	339.08	CEO

EP010216	SPROULL PHILLIP RODNEY ATO CHILD SUPPORT AGENCY	RATES REFUND	992.92	EMCPS
EP010217		CHILD SUPPORT DEDUCTIONS SEPTEMBER REIMBURSEMENT OF FUEL USED TO TRAVEL TO WYNDHAM POOL	66.07	EMCPS
EP010218	JASON MORGAN		121.11	EMCMS
EP010219	AUSURV PTY LTD	SURVEY HUGO AUSTLA DRIVE	4,400.00	CEO
EP010220	BRANKO BP MOTORS	FUEL & CONSUMABLE PURCHASES INSTALLATION OF 4 RETICULATION POINTS TO RIVERFIG UNITS	2,595.24	CEO
EP010221	EAST KIMBERLEY PLUMBING		1,087.90	CEO
EP010222	JSW HOLDINGS PTY LTD KUNUNURRA SECURITY SERVICE	FLOAT GRID ROLLER TO SKI BEACH ALARM LEASING, CALL OUT & SECURITY PATROLS RETICULATION, SPRINKLERS, TREES & SHRUBS FOR RIVERFIG UNITS	1,155.00	CEO
EP010223			3,273.00	EMEDS
EP010224	KIMBERLEY STOCK OLIVER		3,416.27	CEO
EP010225	ORD RIVER DISTRICT CO-OP	CYDECTIN & ROUNDUP	891.00	CEO
EP010226	TNT AUSTRALIA PTY LTD	FREIGHT FOR WATER SAMPLES	265.35	EMEDS
EP010227	TOP END MOTORS	10,000KM SERVICE ON WY11590 & 1CFZ242	664.82	CEO
EP010228	KIMBERLEY MOTORS	AUGUST FUEL CARD PURCHASES	9,242.15	EMCPS
EP010229	SHELF SUPPLY	DOG FOOD WYNDHAM	42.00	CEO
EP010230	FLAMETREE NURSERY WYNDHAM TOURIST INFORMATION CENTRE	PLANTS FOR AROUND LEISURE CENTRE WYNDHAM TOURIST INFORMATION SERVICES - SEPTEMBER	804.00	CEO
EP010231	ALLIGATOR AIRWAYS PTY LTD	CHARTER FLIGHT KUNUNURRA - FORREST RIVER FOR EHO	476.66	EMCPS
EP010232			490.00	EMEDS
EP010233	RUMOURS PATISSERIE ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE	CATERING FOR COUNCIL MEETING WHIPPER SNIPPER HEAD, CHAINSAW REPAIRS ADVERTISING-LAKE ARGYLE PLANNING TOWN PLANNING SCHEME	223.30	CEO
EP010234			420.30	CEO
EP010235	THE KIMBERLEY ECHO	ICE , TYRES, TUBES,DIESEL, WATER FOR KALUMBURU ROAD	692.15	CEO
EP010236	DRYSDALE ROVER STATION AUSTRALIAN FUEL DISTRIBUTORS		885.62	CEO
EP010237		SEPTEMBER FUEL PURCHASES	13,221.69	EMCPS
EP010238	JASON SIGN MAKERS	STREET SIGNAGE	1,221.00	CEO
EP010239	ORD MACHINING	BUCKET REPAIRS TO LOADER RECTIFY ELECTRICAL FAULT AT AIRPORT(KUNUNURRA)	2,230.15	CEO
EP010240	HOT WIRE ELECTRICS WA LOCAL GOVERNMENT		159.50	EMCPS
EP010241	SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS FOR OCTOBER	27,017.11	EMCPS

EP010242	L.G.R.C.E.U AUSTRALIAN SERVICES UNION	SALARY DEDUCTIONS OCTOBER 2006	30.60	EMCPS
EP010243		SALARY DEDUCTIONS OCTOBER 2007	275.20	EMCPS
EP010244	ORD RIVER CONTRACTING ATO CHILD SUPPORT AGENCY	HIRE OF SIDE TIPPER FOR SWIM BEACH ROAD WORKS	3,025.00	CEO
EP010245		OCTOBER CONTRIBUTIONS	433.94	EMCPS
EP010246	JAB INDUSTRIES KIMBERLEY	DESILT DRAIN ON WEABER & EXCAVATOR HIRE FOR KALUMBURU	18,892.50	CEO
EP010247	COMMUNICATIONS BUSH CAMP SURPLUS	MAINTENANCE ON SBS TRANSMITTER IN WYNDHAM	550.00	CEO
EP010248	STORES KUNUNURRA DIESEL	UNIFORMS	582.50	CEO
EP010249	SERVICES	SERVICE FOR GRADER WYO & NEW TYRE FOR 10 TON TRUCK	1,421.60	CEO
EP010250	AUTO PRO KUNUNURRA	40,000KM SERVICE ON WY 37 & CHANGE BATTERY	793.00	CEO
EP010251	BERM BACKHOE HIRE PARKS AND LEISURE	BACKHOE HIRE FOR CEMETERY	330.00	CEO
EP010252	AUSTRALIA	ANNUAL MEMBERSHIP 2006 / 2007	406.50	EMCMS
EP010253	DRIVEWEST CAR RENTALS NORTHERN INFORMATION	CAR RENTAL JOHN GAULT STAFF TRAINING	182.86	CEO
EP010254	TECHNOLOGY SERVICES	DOMAIN HOSTING, REPAIR WORKSTATIONS	325.85	EMCPS
EP010255	SPORTSWORLD OF WA HAINES NORTON (WA) PTY LTD	SHOES FOR SALE FOR LEISURE CENTRE	160.05	EMCMS
EP010256		AUDIT FOR ROADS TO RECOVERY	660.00	EMCPS
EP010257	HOTEL GRAND CHANCELLOR	ACCOMMODATION - JOHN GAULT FOR TRAINING	514.00	CEO
EP010258	SHIRE OF MURRAY	STAFF DEDUCTION PAYMENT OCT 2006	56.00	EMCPS

TOTAL OF EFT PAYMENTS 885,171.09

TOTAL PAYMENTS 1,565,290.64

DIRECT DEBITS - OCTOBER 2006

RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,126.66
BANK FEES	398.55
DINERS TRANSACTION FEES	509.76

MERCHANT FEES	4,973.05
SALARY AND WAGES	173,594.07
VISA PAYMENT	2,800.82
MESSAGES ON HOLD	507.00
WESTNET P/L - LIBRARY	
ADSL	214.95
BILL EXPRESS FEE	27.50
HALLS CREEK RATES	
PAYMENTS TO US IN ERROR	9290.89
	193,443.25

OUTSTANDING INVOICES AS AT 31ST OCTOBER 2006

TOTAL OUTSTANDING 0.00

CANCELLED CHEQUES

TOTAL CANCELLED CHEQUES 0.00

Sundry Debtors as at October 2006

Sundry Debtor	Amounts Over 90 Days Outstanding	Balance @ 30 OCT 2006	Debt Collection Status for Debts over 90 Days
ARGYLE KIMBERLEY RESORT	540.00	11750.00	Debtor with Administrator
BIRD HEATHER	403.09	403.09	Being paid through debt collector - Credipac
CAVANAGH PAUL & NORMA	5,237.53	17,726.72	Final Notice Issued
CHADWICK, STEVE	208.28	812.87	Final Notice Issued
GILETE G & B CIVIL PTY LTD	215.00	215.00	Company with Administrator.
KEN MACDONALD	471.54	471.54	Debtor with Credipac
KUNUNURRA SOFTBALL CLUB	946.00	2,106.00	Reminder Notice Issued
KUNUNURRA TOUCH FOOTBALL	72.00	129.00	Reminder Notice Issued
NEIL LAVERS	2,640.00	2,640.00	Debtor with Credipac
ORD AIR CHARTER PTY LTD	55,305.60	54,429.45	Debtor with Credipac
ORD RIVER SPORTS CLUB	3,781.50	14,250.24	Monthly Repayments are being made
SOSBY JOHN	130.00	130.00	Debtor with Credipac
TATCHELL MARTIN	216.16	216.16	Debtor with Credipac

WARINGARRI CROWS	355.00	530.00	Final Notice Issued
WEST KIMBERLEY LANDSCAPING	1,490.00	1,490.00	Debtor with Administrator
WYNDHAM AVIATION	25,076.69	45,278.53	Reminder Notice Issued
WYNDHAM COMMUNITY CLUB	4,510.49	4,510.49	Monthly Repayments are being made
	101,598.88	157,089.09	

12.3.3 First Quarter Budget Review (*Minute No 7565*)

DATE:	21 November 2006
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Amanda Trengove, Manager Financial Services
REPORTING OFFICER:	Yale Bolto, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To present to Council the results of the September 2006 budget review and for Council to adopt a Bio Security Reserve.

BACKGROUND

This budget review has been completed in two parts. Firstly, from the Audited Carried Forward. SWEK budgeted on a \$3,209,010 surplus however the actual audited carried forward was \$2,683,857, thus we have a \$525,153 short fall / timing difference in cash for the 2006/2007 year which needs to be found in the current budget.

Secondly, budget reviews. Management reports are produced monthly and presented to line managers to keep them informed of income and expenditure within their business unit. On a quarterly basis all Managers are requested to attend a budget review which examines income and expenditure for their department. From this review an amended budget is produced taking into account actual income and expenditure plus estimated income and expenditure for the remainder of the financial year.

The following budget amendments are the result of the first quarter budget reviews across the Shire's functions. If Councillors wish to sight specific general ledger accounts please make an appointment with the Executive Manager Corporate Services or myself. I will only comment in detail about functions which have a variance of greater than \$20,000.

Schedule	Saving/(Loss)
General Purpose Funding	\$188
Governance	(\$16,912)
Law, Order & Public Safety	(\$30,007)
Health	(\$10,000)
Welfare	\$110,950
Housing	\$240,800
Community Amenities	(\$14,500)
Recreation and Culture	\$1,300
Transport	\$225,834
Economic Services	\$17,500
Total	\$525,153

STATUTORY IMPLICATIONS

6.2 Local government to prepare annual budget

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government;

POLICY IMPLICATIONS

Policy F7 – Significant Accounting Policies

Objective:

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

FINANCIAL IMPLICATIONS

Monitoring and managing the annual budget is a primary tool of Council to manage its finances.

STRATEGIC IMPLICATIONS

Key Result Area 5 - Governance

Goal 2 – Financial Management:

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

COMMENT

The following functions had budget amendments of greater than \$20,000. The Shire of Wyndham East Kimberley is currently working to a balanced budget as adopted by Council at the Ordinary Council Meeting on the 18th July 2006.

Law, Order & Public Safety – A deficit was realised due to a reduction in approved grant funding for 06/07. This reduction was caused by SES failing to spend funding from previous years. The expense has not reduced as it is based on the carried forward funding from 05/06 that has since been paid to the SES.

Health – Due to the surplus in other areas management have allocated \$10,000 to the newly approved University Traineeship Program.

Welfare – A surplus was located due to timing differences in payment of capital works on the Child Care Centre.

Housing - Surplus funds were recognised within this schedule with the completion of the new staff houses being in the 05/06 budget and a decrease in the proposed works on the Wyndham Health Clinic Flat.

Transport – A surplus was realised in this schedule due to the Shire not being awarded grant funding for the Lakeside Footbridge therefore that project will not be going ahead in 06/07. A saving of \$100,000 was found in the plant replacement program due to over expenditure in this area in 05/06. Where possible and when not to the detriment of Council and the community, 05/06 over expenditure has directly effected the areas where over expenditure occurred.

Bio-security Reserve – A Bio-Security reserve is to be created in 2006/2007, initially this money was deposited into a trust account as we did not create a reserve in 2005/2006. The Shire’s auditors confirmed it is correct to account for this as restricted cash and therefore create a reserve.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council approve the budget variations as listed

Schedule	Saving/(Loss)
General Purpose Funding	\$188
Governance	(\$16,912)
Law, Order & Public Safety	(\$30,007)
Health	(\$10,000)
Welfare	\$110,950
Housing	\$240,800
Community Amenities	(\$14,500)
Recreation and Culture	\$1,300
Transport	\$225,834
Economic Services	\$17,500
Total	\$525,153

2. That Council create a Bio-Security Reserve.

Minute No 7565

Moved: Cr K Wright

Seconded: Cr B Barnes

1. That Council approve the budget variations as listed

2. That Council create a Bio-Security Reserve.

Carried Unanimously: 7/0

**12.3.4 Tender And Design of New Three Bedroom Staff Houses
(Minute No 7566 – 7568)**

DATE:	21 November 2006
PROPONENT:	SWEK
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Yale Bolto, Executive Manager Corporate Services
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	66.55.05
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a recommended tender for the building two new staff houses.

BACKGROUND

Council adopted the 2006/2007 budget with a commitment to build two new three bedroom, two bathroom staff houses. The trigger for the staff houses to be built was the successful application for grant funding from the Country Housing Authority. The grant for the two new staff houses has been successful and administration is now seeking the approval of Council on tender specifications for the building of the new houses.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 3.57

Tenders for providing goods or services

3.57 . Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Within the 2006/2007 budget Council adopted to build two staff houses with a combined land and house value of \$710,000. Part of this funding package includes the sale, of two existing homes in Boobiulla St Kununurra. A \$100,000 grant has been secured for the project.

STRATEGIC IMPLICATIONS

The recruitment of professional staff is one of the largest sustainability factors effecting Local Government. The Shire of Wyndham East Kimberley can position itself to be an employer of choice by providing new and attractive housing to prospective and current employees.

The Shire can also play a contributing role to increasing the overall housing availability in Kununurra by rolling over its older housing and regularly building new accommodation.

COMMUNITY CONSULTATION

N/A

COMMENT

Kununurra is experiencing rapid growth in building activity. Management think it wise to start the building process early on the two new staff houses. This building activity will cross over into the 2007/2008 budget, the sooner we have firm tender prices the easier it will be to budget for in 2007/2008.

ATTACHMENTS

Draft Tender T00 06/07

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

1. That Council accept Tender T04 06/07 as per the attachment and advertise the tender state wide and locally commencing Saturday 25th November 2006, with tenders to close on the 17th January 2007.
2. That all tenders be presented to Council for consideration.
3. The amendment to outdoor area (rear) to remove reference to pine poles and replace steel poles.
4. To include dishwasher in additional features in section 3.5 of tender.
5. Solar generated power system to be included as an additional feature in section 3.5 of tender.

Minute No 7566

Moved: Cr D Ausburn

Seconded: Cr K Wright

1. ***That Council accept Tender T04 06/07 as per the attachment and advertise the tender state wide and locally commencing Saturday 25th November 2006, with tenders to close on the 17th January 2007.***
2. ***That all tenders be presented to Council for consideration.***
3. ***The amendment to outdoor area (rear) to remove reference to pine poles and replace steel poles.***
4. ***To include dishwasher in additional features in section 3.5 of tender.***
5. ***Solar generated power system to be included as an additional feature in section 3.5 of tender.***

Carried: 5/2

Minute No 7567

Moved: Cr B Barnes

Seconded: Cr J Buchanan

That Council amend the motion to remove all reference to a pool from the tender documents.

Carried: 5/2

Against: Cr M Pucci

Cr D Ausburn

The amended becomes the substantive motion.

Minute No 7568

Moved: Cr D Ausburn

Seconded: Cr K Wright

1. ***That Council accept Tender T04 06/07 as per the attachment and advertise the tender state wide and locally commencing Saturday 25th November 2006, with tenders to close on the 17th January 2007.***
2. ***That all tenders be presented to Council for consideration.***
3. ***The amendment to outdoor area (rear) to remove reference to pine poles and replace steel poles.***
4. ***To include dishwasher in additional features in section 3.5 of tender.***
5. ***Solar generated power system to be included as an additional feature in section 3.5 of tender.***
6. ***That Council remove all reference to a pool from the tender documents.***

Carried: 5/2



TENDER T04 06/07

SPECIFICATION FOR

DESIGN & CONSTRUCTION OF TWO

3 BEDROOM, 2 BATHROOM HOUSES

Tender must be on the Forms included
In this specification

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

TENDER CLOSES
2.00pm
WEDNESDAY 17th of January 2007

Tender Enquiries:
Sharon McLachlan
Ph: 9168 4100
Email: bsi@thelastfrontier.com.au

SHIRE OF WYNDHAM EAST KIMBERLEY

TENDER T00 06/07

DESIGN & CONSTRUCTION OF TWO 3 BEDROOM, 2 BATHROOM HOUSES

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SHIRE OF WYNDHAM EAST KIMBERLEY

TENDER T00 06/07

DESIGN & CONSTRUCTION OF TWO 3 BEDROOM, 2 BATHROOM HOUSES

1. GENERAL CONDITIONS OF TENDER

1.1 Tender Documentation

1.1.1 The tender submission shall comprise of the following documentation:

- (a) General Conditions of Tender
- (b) General Conditions of Contract
- (c) Contract Specifications
- (d) Tender Form
- (e) Tender Evaluation Schedule
- (f) Insurance Policy Declaration
- (g) Contract Safety Management Document
- (h) Contractors Safety Agreement

The tender shall be completed in ink or typed upon. Failure to provide the requested information as indicated above may render the tender invalid.

1.1.2 Alteration or amendment of the tender document is not permitted, unless it is in the form of a written addendum issued by the Shire of Wyndham East Kimberley.

1.2 Definitions and Interpretations.

The definitions and interpretations contained in the General Conditions of Contract apply to the General Conditions of Tender.

1.3 Tenderers to Inform Themselves

1.3.1 The tenderer shall be deemed to have: -

- a. Examined carefully and to have acquired actual knowledge of the contents of the Specifications, Schedules, Conditions of Tendering and General Conditions of Contract and any other information made available in writing by the Council to the Contractor for the purpose of tendering, and
- b. Examined all information relevant to the risks, contingencies and other circumstances having an effect on his/her tender and which is obtainable by the making of reasonable inquiries; and
- c. Satisfied himself/herself as to the correctness and sufficiency of his/her tender for the works and that his/her rates and prices cover the cost of complying with all his/her obligations under the Contract and of all matters and things necessary for the due and proper performance and completion of the Contract.
- d. Failure by the successful Contractor to do all or any of the things he/she is deemed to have done under this Clause will not relieve him/her of his/her liability to perform and complete the Contract in accordance with the terms and conditions thereof.

1.4 Tender Documents

- 1.4.1 Tenders will only be accepted if submitted on the Shire of Wyndham East Kimberley Tender Form. Lump sum tenders must show a total price on the schedule. A submitted tender will not be considered complete unless comprised of all documents originally issued for that tender. All documents compiled by the Tenderer must be signed by the Tenderer.

1.5 Lodgement of Tender

- 1.5.1 Tenders are to be enclosed in a sealed envelope marked "Strictly Confidential" and clearly endorsed with the name of the contract, tender number and closing date.

- 1.5.2 **Tenders close 2.00pm Wednesday, 17th of January 2007 and should be forwarded to:**

- **PO Box 614, Kununurra WA 6743, or;**
- **Placed in the tender box at Council's Administration Centre at 115 Coolibah Drive, Kununurra.**

- 1.5.3 Tenders that are mailed to the Shire of Wyndham East Kimberley will be put in the tender box when received.

However, the Shire of Wyndham East Kimberley will accept no responsibility in the event that the tender is not in the tender box at the time tenders close.

FACSIMILE, ELECTRONICALLY TRANSMITTED OR ORALLY CONVEYED TENDERS WILL NOT BE ACCEPTED

1.6 Tender to Remain Valid

- 1.6.1 A Tender placed in the Tender Box is to remain valid and capable of acceptance by the Principal for a period of sixty days from the close of the tender period.

1.7. Late Tenders

- 1.7.1 The Principal accepts no responsibility whatsoever for submitted tenders failing to be in the Tender Box at the time and date of closing.

Only tenders that are in the Tender Box at the date and time of closing will be accepted.

1.8 Attendance at Tender Opening

- 1.8.1 All tenderers may attend or be represented at the opening of tenders. All tenders will be opened in Council offices immediately following the advertised closing time. NO discussions will be entered into between Tenderers and Council officers present concerning the tenders submitted.

1.9 Alternative Proposals

- 1.9.1 To ensure consideration, a conforming tender is to be submitted strictly in accordance with the tender documents. However, tenderers may, in addition to the conforming tender, submit alternative tenders that will meet the intent of the contract and which would offer some benefit in terms of :-

- Cost;
- Completion date
- Use of innovative technology or process

- 1.9.2 Tenders that are submitted as alternative tenders or subject to conditions are to be clearly marked "ALTERNATIVE TENDER"
- 1.9.3 The Shire may, at its absolute discretion, accept or reject any part or parts of any alternative tender.
- 1.9.4 If a tender is submitted on any conditions of tender that differ in any way from the conditions stated in this invitation the differences must be clearly stated on separate pages attached to the Form of Tender.

1.10 Tender Variation

- 1.10.1 In the event that the Shire considers it necessary or desirable to make any variation in respect of the work or goods the subject of the tender (having regard to the total amount of work or goods comprised in the contract) the Shire may incorporate such variation in its contract with the successful tenderer (if the Tenderer is in agreement) without the requirement to call for new tenders. In the event that the successful tenderer is unable or unwilling to enter into such varied contract, the Shire may enter to such varied contract with the person who, in the opinion of Council of the Shire, submitted the next most advantageous tender.

1.11 Acceptance of Tenders

- 1.11.1 Council is negotiating with Stakeholders and acceptance of any tender will be subject to Council obtaining all necessary approvals from the Stakeholders.

The lowest, or any tender will not necessarily be accepted. No tender shall be deemed to have been accepted until the Tenderer has been notified of such acceptance in writing by or on behalf of Council.

Council reserves the right to accept the whole or any part of a tender.

1.12 Non-Conforming Tenders Subject to Rejection

- 1.12.1 At the discretion of Council, incomplete or improperly prepared tender documents may constitute grounds for rejection of a tender. However, the Tenderer may be requested to clarify his tender in any respect before final consideration provided that no variation to the tendered sum is offered.

1.13 Expiry or Withdrawal of Tenders

- 1.13.1 Tenders may not be withdrawn after the closing date, except with the consent of Council. Tenders will be considered to be a formal offer to enter into a Contract.

1.14 Goods and Service Tax (GST)

- 1.14.1 A Goods and Service Tax is applicable on the operation of this tender. All prices quoted in the tender to be GST exclusive.
- 1.14.2 By submitting a tender document, tenderers agree to register with the Australian Taxation Office to receive an Australian Business Number (ABN). The successful tenderer shall quote its ABN on all invoices as a result of this contract, to allow the Shire to claim input tax credits should it be entitled to do so.

1.15 Price Basis

- 1.15.1 The tendered price is to remain firm for the period of the contract.

1.16 Invoices

1.16.1 Invoices must show the supplier's ABN. Failure to state will result in the Shire of Wyndham East Kimberley withholding 48.5% of the value for payment direct to the ATO.

1.16.2 Invoices must also include :-

- The name of the Shire of Wyndham East Kimberley to appear on each Invoice;
- Shire of Wyndham East Kimberley's Purchase Order No.
- A brief description of the goods or services supplied for each item listed on an invoice;
- For each item, the quantity or the extent of services supplied; and
- The invoice must show clearly the price of each item and the GST charged for that item as well as the total of GST payable and the overall invoice total.

1.17 Contractor to supply all Plant, Tools and Equipment

1.17.1 The Contractor is responsible for providing all necessary plant, tools and equipment to effectively carry out the works required under this Contract. Non-availability of plant, tools and equipment will not be accepted as a reason for non-performance; the Contract is let on the basis that the Contractor will supply these as required.

1.17.2 Plant, tools and equipment are to be reliable and made available for immediate use when requested by the Council. They are also to be made available for inspection by the Council during tender evaluation and/or throughout the duration of the Contract, to determine their reliability and suitability to successfully undertake the Contract.

1.18 Western Australian Preferences

1.18.1 Tenderers are to prepare and submit tenders for a contract on the basis of using labour, materials, plant, equipment supplies and services available within Western Australia where it is reasonably and economically practicable.

1.19 Submission Of Tender

In the submission of a Tender the Tenderer shall provide:

- a. A completed and signed Form of Tender signed by an authorised officer of the Tenderer.
- b. A completed and signed Tender Evaluation Schedule.
- c. A completed and signed Insurance Policy Declaration
- d. A completed and signed Contractors Safety Agreement

1.20 Dispute Resolution

1.20.1 Any dispute regarding this contract is to be discussed at a meeting chaired by the Shire's Chief Executive Officer. The Contractor and the Contract Supervisor are to attend and may present their case of the matter in dispute.

1.20.2 Any agreement reached between the Contractor and Council involving a direction, requirement, decision, determination, or, an opinion given by the Council's Chief Executive Officer pursuant to these conditions is to be final and in writing with copies to both parties, and binding upon the Council and the Contractor.

1.20.3 If a matter in dispute is unable to be resolved by the Shire's Chief Executive Officer, and unless otherwise mutually agreed, it shall be referred to and determined by a mutually agreed third party, whose decision shall be binding on both parties with the decision forwarded in writing to both parties.

1.20.4 The costs of such determination are to be unless otherwise agreed borne by both parties in equal shares.

1.21 Canvassing of Councillors and Council Staff

1.21.1 Any tenderer canvassing (seeking to influence) Councillors and/or Council Staff with respect to the preparation, lodgement, evaluation and consideration of a tender shall have that tender disqualified and rejected.

1.22 Confidentiality (Freedom of Information Act WA) 1992

1.22.1 It is hereby notified that the provisions of the Freedom of Information Act may preclude Council from protecting any implied confidentiality associated with proposal documents.

1.23 Tender Evaluation

1.23.1 Tender Evaluation Criteria, where relevant, are contained within this Tender.

1.23.2 A tender evaluation panel will use the Evaluation Criteria to assist in determining the ability of the tenderer to provide the required level of service and/or complete the Contract Works.

1.23.3 Notwithstanding any other requirements of the tender documents, tenderers may be contacted during tender evaluation to provide further information. This information must be made available by such time as the Chief Executive Officer may reasonably specify.

1.23.4 If the tenderer fails to submit any of the required information by the specified time, the Council may thereafter treat the tender as non-confirming.

1.23.5 During the tender evaluations, the Chief Executive Officer may require any tenderer to attend an interview. Any tenderer who either fails or refuses to attend the interview may have his/her tender rejected.

1.24 Checklist for Tenderers

- Submitted all information required by the Shire of Wyndham East Kimberley
- Adequately addressed each part of the criteria
- Read and understood the specifications
- Completed the Form of Tender, cross-referenced and attached any schedules or additional information
- An authorised representative of the tenderer signs the Form of Tender and all attachments.
- Fully described any alternatives to the Tender Documents, signed and attached separately to the Form of Tender.

Appendix A

A. EVALUATION CRITERIA

The Tender Evaluation Panel will use a weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each Tenderer. The evaluation criteria will assess issues associated with qualitative and quantitative factors of tenders and provide the best value for money for the Principal. The relevant criteria area :-

Price:		60%
Experience	10%	
Design		15%
Construction Method/PC Items		15%
Total		100%

Details of the information required by Tender Evaluation Panel to adequately assess tender bids is contained within the Tender Evaluation Schedule section of this document.

2. GENERAL CONDITIONS OF CONTRACT

The Contract is for the supply of the goods and materials and/or the services shown in any specification and Schedule and the performance of the Contract is under and subject to any special stipulations or conditions notified to the Contractor before the acceptance of its tender and to the following General Conditions and those in accordance with Australian Standard 4000-1997 insofar as such conditions are respectively applicable, that is to say: -

2.1 Interpretation

In these General Conditions of Contract and in every document annexed hereto or incorporated with or forming part of the Contract and in the Tender Form and the Conditions of Tender AS4000-1997 applies unless the contrary intention appears: -

“COUNCIL” means the Council of the Shire of Wyndham East Kimberley.

“CONTRACT” means and includes all of the tender and notification of acceptance hereof, the Conditions of Tender, the General Conditions of Contract, and any Appendices thereto together with any special stipulations or conditions notified to the Contractor before the acceptance of the tender.

“CHIEF EXECUTIVE OFFICER” means the Chief Executive Officer of the Shire of Wyndham East Kimberley or his/her nominated representative.

“SUPERVISOR” and “SITE SUPERINTENDANT” means the person authorised by the Chief Executive Officer as to having day to day on-site control of Council’s works.

“ORDERING OFFICER” means the person having authority on behalf of the Shire to order the goods and materials and services the subject of the Contract.

“RECEIVING OFFICER” means any person authorised by the Council or by a Department Head or the Ordering Officer to inspect, examine, test, receive, accept or reject goods, materials or services supplied by the Contractor.

“SHIRE” means the Shire of Wyndham East Kimberley.

“SPECIFICATIONS” shall be interpreted to include specifications in the ordinary sense of that term and any plan, section, diagram and drawing annexed hereto or referred to in the Contract as associated with the specifications.

“SUPPLIES” mean any or all of the goods and materials and services referred to in the Contract Specification and to be supplied by the Contractor under this Contract.

2.2 Contrary Provisions

- a. Where any inconsistencies shall arise between the provision of any Appendix and/or Schedule and the General Conditions of Contract, the provisions of that Appendix and/or Schedule shall prevail.
- b. The General Conditions shall be deemed to extend to and include any Appendix and also to any other document attached to and intended to form part of the Contract.

2.3 Standard and Quality

The following provisions shall be read and construed as supplementary to and not in substitution for or in derogation from any warranties or conditions applying to the sale or supply of goods arising out of or implied by any law or under any statute of the time being in force in the State of Western Australia: -

- a. All supplies unless otherwise specified shall be in accordance with the appropriate and current Australian Standard Specifications and if there are no Australian Standard Specifications, then with the appropriate and current British Standard Specifications.
- b. Where any supplies are foodstuffs or liquids intended for human consumption the Contractor shall supply only containers that are clean and in good repair and fit for the purpose.
- c. Any statement stipulation or requirement contained in this Contract as to the quality of any supplies to be supplied shall be construed as a condition of this Contract.
- d. When any supplies have been or are to be made or manufactured, it shall be a condition of this Contract that the supplies have been or will be made or manufactured in a good and workman like manner and of the best materials and further that the Shire may at any reasonable time by its officers, servants or agents;
 - (i) Inspect the goods being made or manufactured; and
 - (ii) wherever the supplies consist of plant and machines, then prior to delivery thereof may test the same by operating them during a period of not less than fourteen (14) days;

and if after any inspection or operation of any supplies, they are in the absolute opinion of the Shire found to be faulty or of poor manufacture or fail to operate efficiently, they may be rejected.

- e. Where the supplies consist of or include dangerous or explosive goods, the Contractor shall notwithstanding that the goods may be sold with all faults give to the Shire adequate warning of the nature of the extent of the danger involved and notice of any special handling, storing or other precautions which should be taken by the Shire in relation to the goods or their use.

2.4 Examination of Site

The Contractor acknowledges that it has examined the site or location on which any works or services are to be performed or supplied pursuant to this contract and has informed itself of all relevant physical and structural conditions upon and below the surface of the site and has informed itself of the nature of the works and materials necessary for the execution of the contract and the facilities of the site and transport facilities for deliveries to the site.

2.5 Insurance

The Contractor shall take out and maintain during the performance of its obligations under the contract the following insurances:

- a. Insurances on all work in progress either on the Contractor's premises or on land vested in or controlled by the Shire. Minimum value to be \$10,000,000.
- b. Worker's Compensation Insurance and any other insurances required by law for the protection of the Contractor's employees servants agents and independent contractors.

- c. Third Party Liability insurance in respect of any works to be carried out on land owned by or vested in the Shire, minimum value to be \$10,000,000.
- d. The Contractor shall sign the Insurance Policy Declaration as evidence of the currency of such policies and if awarded the Contract will need to provide a Certificate of Currency of each Insurance Policy.

2.6 Ordering of Supplies

- a. Where any quantity set out in the Contract Specification is an estimate it shall be regarded only as an indication of the quantity which may be required under the Contract. The Shire shall not be required to purchase the whole or any part of the estimated quantity of supplies so listed but only such of the supplies and in such quantities as may be required from time to time during the period **provided however** that the Shire shall be entitled to order in excess of the estimated quantities
- b. The right is reserved for the Shire to order its requirements of any one line either at one time or in instalments as required.

2.7 Delivery and Receipt of Supplies

- a. Where provision is made for supplies to be supplied in instalments or in such quantities as may be ordered from time to time the Contractor shall supply and deliver the supplies in such quantities and at such times as may be ordered in writing by the Shire.
- b. A delivery note containing a reference to the number and date of the order concerned and a correct statement of the supplies delivered shall be handed by the contractor to the Receiving Officer who shall sign a receipt for the supplies accepted.
- c. The acceptance of the delivery shall be subject to confirmation as to quantity and quality by a person who by reason of experience and/or qualification is competent to make the necessary survey, measurements and evaluations.

2.8 Quality/Testing

All supplies forming part of any contract shall be quality certified in accordance with the appropriate testing standard. When requested, the Contractor shall provide proof of such certification. The costs associated with any testing of materials directed by the Shire during the course of the contract shall be met by the Contractor.

2.9 Rejection of Supplies

- a. The acceptance of the supplies shall be subject to the approval of the Receiving Officer.
- b. Where within forty-eight hours from the time of acceptance of supplies or within further time as the Order Officer considers reasonable and notwithstanding the exercise of any act of ownership by the Shire, any breakage, leakage, deficiency in quantity or defect in quality is discovered therein or the supplies are found to be in any respect not in accordance with the Contract the supplies may be rejected.
- c. In the case of supplies being so rejected the Shire shall give to the Contractor notice of such rejection requiring the Contractor to remove the rejected supplies within a stated time and the Shire may, at its absolute discretion, by the Ordering Officer or otherwise direct that the Contractor replace within a stated time the rejected supplies with supplies conforming to the Contract.
- d. Should the Contractor fail to remove the rejected supplies within the time specified on the rejection notice, such supplies shall become liable to a storage fee to be determined at the discretion of the Shire, and the Shire shall be entitled to exercise upon the goods :

- (i) a general lien to cover all costs fees and expenses to which it may have been put;
- (ii) the right of sale where such costs, fees and expenses approximate or exceed the market value of the goods as at the time when such right of sales arises.

2.10 Purchase at Contractor's Risk

Should the Contractor fail to deliver supplies of acceptable quality in such quantities and at such times as ordered or directed by any rejection notice, the Shire may purchase at the Contractor's expense such substitutes for the supplies as it considers most suitable and any extra expenses incurred over and above the contract price shall be met by the Contractor.

2.11 Contract Period

This contract is for the supply of goods and materials for the works detailed in the attached specification. The contractor shall undertake the works in a reasonable time period. Such period shall be agreed upon at the commencement of the contract.

2.12 Termination of the Contract

If the Contractor fails to supply any of the supplies as and when specified, or fails to duly and punctually to observe and perform all or any of the terms or conditions set out in the Contract and, notwithstanding any action authorised and taken under the preceding clauses, the Shire may forthwith cancel this Contract, but without prejudice to any right of action of the Shire in respect of any breach of the terms, conditions or warranties of this Contract and in either case the Contractor shall pay liquidated damages if they are so specified.

2.13 Payments

- a. The Contractor shall render an invoice promptly following delivery and acceptance of supplies or completion of works. (Refer Invoices, Item 1.16.)
- b. The Contractor shall make correct claims for payment and if so required by the Shire shall produce to it the order for the supply and the receipt for delivery of the supplies in question.
- c. Accounts shall be rendered according to reasonable requirements of the Shire and shall in all cases set out the number or quantity and description of the supplies with contract and order number and rates and values.

2.14 Compliance with Laws

The Contractor shall comply with the requirements of the provision of all Acts of Parliament of Australia and of the State of Western Australia and Regulations and By-laws in force in the said State and with the lawful requirements of public municipal and other authorities in any way effecting or applicable to the execution of works or the delivery of supplies.

2.15 Safety

The Tenderer must sign the Tenderer's Safety Agreement and provide all relevant information in accordance with the Contract Safety Management Guidelines for Contractor.

3. CONTRACT SPECIFICATIONS

3.1 Introduction

The Shire of Wyndham East Kimberley is seeking to construct two new 3 bedroom, 2 bathroom residences in the Lakeside area of Kununurra.

The Shire wishes to have constructed two energy efficient dwellings that maximise solar energy including, but not limited to, solar hot water and solar electrical power which can transfer power back into the Western Power grid as power credits.

A minimum standard for the design and construction of the properties has been identified. Details of the Shire's minimum requirements for the properties have been listed below.

Alternate tender submissions may be accepted by the Council. Alternate tenders may modify the minimum standard proposed by Council by adding additional features, modifying floor spaces etc. **Please note that any alternate tender must be accompanied with a conforming tender bid.**

3.2 Location Details

Address: (new Residential Subdivision)

Area: xxxm²

Zoning: Residential R15

Current Use: Vacant land

3.3 Design/Construction Requirements

General

- Construction style:
 - Brick; or
 - Steel wall and roof frames with corrugated iron walls and roofing; or
 - Concrete tilt slab; or
 - A combination of the above

- Dwelling is to include as a minimum:
 - 3 bedrooms
 - 2 bathrooms (Main and en-suite)
 - Lounge Area
 - Living Area
 - Dining Area
 - Laundry
 - 2 x undercover car parks
 - Storage Space
 - Garden shed
 - Wide span return verandas
 - Roof pitch to main roof a minimum of 22 degrees, with a shallower pitch acceptable for verandahs, carports and canopies
 - Roof ventilation.
 - Roof colour to be lighter than BHP "Gull Grey". Zinalume roofing is not encouraged due to reflective nature and potential glare issues with adjacent properties.
 - Full width paved/concrete driveway and crossover to Council's specification standards
 - Clearly defined entrances
 - Passive solar design, including appropriate room location and zoning for day lighting and ventilation
 - Minimum 75mm exposed slab edge to main dwelling, except at thresholds
 - Outdoor landscaped areas

- Internal floor spaces of 130m² (minimum)

3.4 ROOM REQUIREMENTS (MINIMUM)

General

- Ceiling fans to all bedrooms and living areas
- Split (Inverter) air conditioning to all bedrooms and living areas
- Tiled floors throughout all internal areas.
- Energy efficient lighting throughout all rooms, ie halogen fixtures
- Roof and wall insulation (internal/external).
- Painting of internal and external areas
- Window treatments
- Sensor security lighting (front and rear),
- Crimsafe screens on windows, front and rear doors and sliding screens,
- Smoke detectors in compliance with BCA requirements,

Bedroom 1

- Minimum area of 16m², excluding walk in robes.
- Walk in robes, with sliding doors.
- En-suite bathroom with toilet, shower, vanity and mirror and fitting and fixtures, wall tiles to a height of 1.8 metres in shower enclosure/ recess, skirting & splashback tiling and mechanical exhaust flumed to open air,
- Water efficiency Fittings and fixtures, such as AAA rated dual flush toilet systems
- 2 towel rails

Bedroom 2 & 3

- Minimum area of 14m² each, excluding walk in robes.
- Built in robes, with sliding doors.

Kitchen

- Minimum area 12m²
- Four burner gas hotplate with range hood exhaust flued to open air,
- Underbench electric oven,
- Dual basins,
- Pantry,
- Under bench and overhead storage,
- Dishwasher alcove with electrics and plumbing,
- Water efficiency Fittings and fixtures,

Main Bathroom

- Enclosed shower,
- Bath,
- Vanity and Mirror,
- Mechanical exhaust flumed to open air,
- Water efficiency Fittings and fixtures, such as AAA rated dual flush toilet systems
- 2 towel rails
- wall tiles to a height of 1.8 metres in shower enclosure/ recess, skirting & splashback tiling

Laundry

- Minimum area of 5m²
- Basin,
- Storage cupboard/s,
- Water efficiency Fittings and fixtures,

Lounge/Living/Dining

- Minimum combined area of 52m²

Storage

- Minimum of 5m²

Outdoor Area (rear)

- Bush poles (Perma-pine) used as columns for Veranda supports,
- Covered patio/verandah - minimum 25 m² area, with a minimum dimension of 5 metres
- Concrete/paved area to patio/verandah
- ceiling fans to patio/verandah,
- High quality landscaped garden, including reticulation,
- Clothes drying area, including clothesline installation,
- Garden shed (Minimum 16m²) with shelving,
- Fully fenced rear yard with colourbond 1.8m high modular neighbour friendly fencing,

Outdoor Area (front)

- Veranda with paved or coloured concrete extending out to the driveway,
- Landscaping & dwelling mower strip paving and paths throughout (inc reticulation),

Miscellaneous Requirements

- Quality timber front door,
- Linen cupboard,
- Generous entry and passage spaces,
- White ant treatment to house area and permanent insitu building perimeters leach pipe,
- Solar hot water system,
- Solar generated household electrical system.
- TV aerial installation including 2 x television aerial points, 110cm satellite dish and connection.
- 2 x telephone connection points

Fees and Charges

- Service connections (including head works charges)
- All fees and charges associated with development

Planning Requirements

- Front setbacks of at least 6m
- Side setbacks of least 1m
- Compliance with all Residential Design Code and Building Code of Australia requirements.

3.5 Additional Features

The following additional features may be required as a component of the construction. The Shire reserves the right to select any, all or none of the features. Tenderers are required to indicate the costs of including these items in the tender schedule.

- Study/ Computer room or recess with ADSL connection (minimum 8m²)
- Granite bench tops to kitchen benches.
- Below ground swimming pool (including shade, paving and landscaping)
- Electric garage door
- Spa bath in en-suite
- Bay window

3.6 Selection of Colours/Materials

During the construction, the successful tenderer shall provide the Shire with a selection of colours and/or materials for the following items:

- Tiles
- Benchtops
- Paint
- Plumbing fittings
- Laminates
- Window furnishings
- Light fittings
- Others as identified.

The selection of materials provided shall be within the lump tendered price. The choice of colours/material shall be solely at the discretion of the Council

3.7 Map of indicating location of Lot

4. TENDER FORM

The Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

PLEASE USE CAPITAL LETTERS

I/We
(Name of person, firm or company tendering)

Address

ABN, hereby tender for the Design and Construction of two 3 Bedroom, 2 Bathroom Houses
(Tender No.T00 06/07) in accordance with the following documents.

Dated Day of2005

Signature of Tenderer:

Printed Name:

Position/Capacity:

Signature of Witness:

Printed Name:

Position/Capacity:

Address of Tenderer:

ABN No.: ACN No.

Contact Person:

Telephone No.:Facsimile No:

5. TENDER EVALUATION SCHEDULE

Tender submitted by:

The prices tendered shall include all delivery charges, custom tariffs, labour and material components. **All rates to be GST exclusive.** The successful tenderer will need to provide GST separately on invoice.

The rates and prices entered shall include fully for all the obligations of the Tenderer under the Contract.

WHILE THE PROVISION OF INFORMATION REQUESTED IN THIS SCHEDULE IS MANDATORY, TENDERERS ARE INVITED TO SUPPLY ANY OTHER INFORMATION THAT THEY BELIEVE WILL SUPPORT THEIR BID.

Price (60%)

Indicate the lump sum price to acquire the property at the minimum standard specified in the Council's tender specification.

\$ (GST Exclusive)

Indicate the additional cost of providing the following features in the property:

Feature	Additional Cost (GST Exclusive)
Study/ Computer room (Minimum 8m2)	
Granite bench tops to kitchen benches.	
Below ground swimming pool – small/medium size	
Spa bath in en-suite – in lieu of bath	
Bay window	

Note: If features are included in standard price please write 'included' in space provided.

Experience (10%)

In the table provided below, please provide examples of similar types of constructions that the tenderer has undertaken:

Location	Nature of Construction	Construction Value

Design (15%)

Tenders are required to provide an indicative lot layout plan, internal floor plans and elevation plans for the building. The evaluation will consider:

- Proposed lot lay out - 5 points
- Proposed floor plan - 5 points
- Proposed elevations - 5 points

Items that will be reviewed in the design include:

- Functionality of internal design
- Appropriate use of lot area.
- Visual appearance of property from street.
- Active and passive energy efficient design (solar orientation, awnings, eaves, overhangs, screening, breezes, shade structures/solar pergolas, etc.)
- Passive surveillance of street and communal areas

Construction Method and PC Items (15%)

1. Please stipulate the proposed construction style (ie. Brick, steel frame with corrugated sheeting, tilt slab)

2. Within the Lump Sum tender price submitted, what budget allocation has been made for the following PC items:

Kitchen Carpentry	\$
Plumbing fittings/fixtures	\$
Tiling	\$
Landscaping	\$

Signature of Tenderer: Date:

Printed Name:

6. INSURANCE POLICY DECLARATION

Tenderer's Name :

<i>Type of Policy</i>	<i>Name of Insurer</i>	<i>Policy Number</i>	<i>Expiry Date</i>	<i>Value of Policy</i>
Worker Compensation				
Public Liability				
Motor Vehicle				
Personal Sickness & Accident				

I, hereby confirm that the above details are correct and that if I am the successful Tenderer I will provide copies of the above stated policies prior to the signing of the Contract.

Signature of Tenderer: Date:

Printed Name:

7. CONTRACT SAFETY MANAGEMENT Guidelines for Contractors

7.1 General

Council is obligated to provide and maintain, so far as is practical, a working environment for its employees and members of the public, that is safe and without risk to health. As a condition of this contract, Council requires that any contractors or sub-contractors who may be engaged to perform a service on its behalf will at all times exercise all necessary precautions for the health and safety of all persons including contractor employees, council employees or members of the public who may be affected by the services.

7.2 Legislative Compliance

The contractor must obey and ensure that its employees, subcontractors and agents comply with any Acts, regulations, local laws and by-laws, Codes of Practice and Australian Standards which are in any way applicable to the performance of the services of this contract.

7.3 Contractor OH Management Systems

The Occupational Safety and Health (OH) management system of the contractor must as a minimum requirement demonstrate compliance with employer duties specified in the Occupational Safety & Health Act 1984.

The contractor must, when requested by Council, submit a complete copy of its company OSH management system documentation describing:

- | | |
|---|---|
| □ Safety policies and objectives | □ Safety auditing and inspection procedures |
| □ Organisation structure & responsibilities | □ Safety consultation procedures |
| □ Safe work practices and procedures | □ Safety performance monitoring |
| □ Safety training and induction | □ Hazard Identification and Control |
| □ Emergency Procedures | |

7.4 Specific Obligations of the Tenderer Under This Contract

The specific obligations of the contractor under this contract include:

7.4.1 NOTIFICATION - The contractor will notify the Council of all compensatable injuries sustained by the Contractor (or his employees) while on the Council's work-site.

7.4.2 PERSONAL PROTECTIVE EQUIPMENT - Any person who has a need to alight from their vehicle while on the Council's work-site shall wear:

- Steel toe-capped footwear
- A high visibility garment/vest if the job is within or immediately adjacent to a road reserve.
- Safety glasses (if airborne dust is apparent in the vicinity)
- Minimum dress shall be long sleeved shirt, buttoned at the cuff and wide brimmed hat.

7.4.3 INSPECTIONS - VEHICLE/PLANT HAZARDS - The contractor/supplier will conduct regular hazard inspections of all relevant vehicles and plant on a frequency as agreed with the Council.

- 7.4.4 DISPOSAL OF WASTE MATERIALS - The Contractor is responsible for the removal from site and disposal of relevant waste materials in a manner acceptable to the Environmental Protection Authority and the WA Health Department.
- 7.4.5 ROAD SIGNAGE - Where the contract calls for the contractor to take responsibility for traffic management (cones and signs etc) are to be installed as per the Main Roads WA "Traffic Management for Roadworks" and Australian Standard AS 1742.3-1985
- 7.4.6 SAFETY ORIENTATION SESSIONS FOR CONTRACTOR'S EMPLOYEES - At the discretion of Council, the contractor's employees may be required to attend a 2 hour safety orientation session to discuss the statutory responsibility of the parties to the contract, key aspects of the Council's safety management plan and specific hazards associated with the relevant on-site activities.
- 7.4.7 DISCUSSION OF ACCIDENT HISTORY AND SAFETY MANAGEMENT PLAN - The contractor will ensure that a suitable line management person is available on a monthly basis to discuss the safety management aspects on the job, should the Council deem it necessary.
- 7.4.8 COMPLIANCE WITH RELEVANT STATUTES, AUSTRALIAN STANDARDS AND CODES OF PRACTICE - The contractor's (and his/her employees) activities, plant and equipment must comply with the Occupational Safety and Health Act and Regulations, the Environmental Protection Act, specified Australian Standards.
- 7.4.9 CHILDREN - Children are not permitted on any (construction) site. (CHILD means a person/s who is not of leaving age or older.)

7.5 The Rights of the Council

Under this contract, the Council will have the right to :-

- a. Deny entry of the contractor's drivers or other employees should they be thought to be under the influence of alcohol or other illegal drugs or substances.
- b. Stop the work, if safe work practices are not being adhered to. (Contractor costs associated with such stoppage will not be borne by the Council.)
- c. Have removed from site any of the contractor's management/supervisory personnel who the Council believes is compromising the safe running of the site.
- d. Audit the contractor with respect to the compliance with safety requirements as specified.

8. TENDERER'S SAFETY AGREEMENT

On behalf of the Tenderer named below, I confirm that a copy of the Shire of Wyndham East Kimberley's "GUIDELINES FOR CONTRACTORS" summarising rules and conditions under which this contract is issued has been given to me and I have read and fully understood and accept its terms.

I do acknowledge, that I, and all persons employed by the Tenderer shall be provided with a copy of this document and to comply with the Shire of Wyndham East Kimberley's operating rules and that failure to do so will be sufficient grounds for cancelling the contract should the Shire of Wyndham East Kimberley choose to exercise this option.

Tenderer's Name: _____

Business Address: _____

Postcode: _____

Telephone No.: _____ A/Hours: _____

	YES	NO	
Tenderer's Status:	EMPLOYER		
	<input type="checkbox"/>	<input type="checkbox"/>	
	SOLE TRADER		
	<input type="checkbox"/>	<input type="checkbox"/>	

(Please tick appropriately)

Tenderer's representative's signature:.....

Date:

Shire of Wyndham East Kimberley's authorised representative's signature:

Date:

Dan Hulands left the room at 7.14pm

12.4 COMMUNITY SERVICES

12.4.1 Wyndham Child Care Centre – Changes to Fee Structure (*Minute No 7569*)

DATE:	21 November 2006
PROPONENT:	SWEK
LOCATION:	Wyndham Child Care Centre 46 Koolama Street Wyndham
ATLAS REFERENCE:	Map 60 1 D
AUTHOR:	Karyn Apperley – Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley – Executive Manager Community Services
FILE NO:	31.14.03
ASSESSMENT NO:	1813

PURPOSE

For Council to consider changes to the fee structure for the Wyndham Child Care Centre, effective January 2007.

BACKGROUND

The Wyndham Childcare Centre operates under the auspice of the Shire of Wyndham-East Kimberley and is therefore subject to the Shire's budget process. However, an oversight in the budget process has meant that the Centre's fees have not been advertised as part of the fees and charges schedule for the past few years.

Fees charged by the Centre have remained at the same level for the past three years, in part due to the socio economic factors in Wyndham, including the low availability of jobs leading to less people working and therefore less demand for child care. The Centre has not had a waiting list for at least the past 9 years.

The Centre is licensed for 20 places and currently has up to 14 children attending per day and 27 children per week. There are 24 families using the Centre on a regular basis, however as some partners are shift and mine workers, hours of care vary to meet their schedules.

The Centre is operating at a very high level with staff obtaining training and the needs of all families and children are being met through a well structured programme. The Centre Director, Betty McKinlay recently completed her Certificate 111 in Community Services (Child Care) through TAFE's recognition of prior learning programme.

The Wyndham Child Care Centre's operating hours are 7.30am to 4.30pm Monday to Friday. Parents are required to provide their child's lunch, while the Centre provides morning and afternoon tea. Under the licensing regulations, a 20 place Centre is not required to employ a cook.

The current fee structure for the Centre is:

Wyndham Child Care Centre	
Period	Fee
Full Week	\$215
Full Day	\$50
Half Day	\$33
Hourly Rate for occasional care & outside session hours	\$6

Comparatively, the Ewin Centre's current fee structure is provided below. The Ewin Centre operates 7.30am to 5.30pm each weekday (one hour per day longer than the Wyndham Child Care Centre), has two different fee rates dependent on the child's age and provides meals for all children (morning tea, lunch and afternoon tea).

Ewin Centre, Kununurra		
Period	Age Range	Fee
Full Week	0-2 yrs	\$270
	3-6 yrs	\$255
Full Day	0-2 yrs	\$60
	3-6 yrs	\$57
Half Day	0-2 yrs	\$40
	3-6 yrs	\$37

STATUTORY IMPLICATIONS

Section 6.19 of the Local Government Act 1995 states

Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Section 1.7 of the Local Government Act 1995 outlines the requirements for local public notice

Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district;
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
(i) the time prescribed for the purposes of this paragraph; or
(ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed fee increase seeks to reduce the level of subsidisation of the Centre's operations by recognising the increase in costs of operation over the past three years.

STRATEGIC IMPLICATIONS

Shire of Wyndham East Kimberley 2005/06 Strategic Plan:

Goal 2 – Youth and Family

That the residents of the Shire have access to appropriate youth and community services and facilities.

Strategy 3

Review the model of operation and council resources provided to childcare services in Wyndham and Kununurra.

COMMUNITY CONSULTATION

Community consultation will be undertaken in the form of mandatory local public notice of the proposed fee change as required by the Local Government Act 1995.

COMMENT

The Wyndham Child Care Centre fees have not changed since the 22 July 2003 while wages and Child Care Assistance rates/subsidies have risen in this time. The cumulative CPI increase from June 2003 to June 2006 is 11.5%.

Considering the current operating costs for the Centre and the level of subsidies by way of grants, fees paid and subsidisation by ratepayers, it is proposed that fees increase from the first operating day in 2007, being 29 January. In the past, as a result of a rise in fees some families have terminated their use of the Centre. However by commencing the rise at the beginning of the calendar year, children who have been attending the Centre over a number of years are heading off to school next year, resulting in reduced care hours required by those working parents and new families tend to arrive in town over the Christmas break, some with children who will attend the Centre.

Therefore, the following changes in fee structure are proposed for implementation on the 29 January 2007:

Wyndham Child Care Centre Proposed Fees			
Period	Current Fee	Proposed Fee	% Increase
Full Week	\$215	\$230	9%
Full Day	\$50	\$55	10%
Half Day	\$33	\$37	15%
Hourly Rate for occasional care & hours outside of sessions	\$6	\$8	33%

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council adopts the following 2007 fee structure for the Wyndham Child Care Centre, effective 29 January 2007 and advertises the proposal in accordance with the Local Government Act 1995:

Full Week - \$230
 Full Day - \$55
 Half Day - \$37
 Hourly Rate - \$8

Minute No 7569

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council adopts the following 2007 fee structure for the Wyndham Child Care Centre, effective 29 January 2007 and advertises the proposal in accordance with the Local Government Act 1995:

***Full Week - \$230
 Full Day - \$55
 Half Day - \$37
 Hourly Rate - \$8***

Carried Unanimously: 7/0

12.4.2 Kununurra Child Care Centre – Expression Of Interest Evaluation Report (Minute No 7570)

The Shire President has been notified by the Ewin Children's Services Inc that Cr Buchanan is a delegate of the Shire and not a member of the Ewin Children's Services Inc as stated on the first page of this report.

DATE:	21 November 2006
PROPONENT:	SWEK
LOCATION:	Chestnut Avenue, Kununurra
ATLAS REFERENCE:	Map 51 G4
AUTHOR:	Karyn Apperley – Executive Manager Community Services
REPORTING OFFICER:	Peter Stubbs – Chief Executive Officer
FILE NO:	66.55.02
ASSESSMENT NO:	2529

DECLARATION OF INTERESTS – Impartiality Interests

Cr K Wright is Supervising Officer for the Ewin Centre Children's Services Inc.
Cr J Buchanan is a member of the Ewin Centre Children's Services Inc Committee.
Steven Chadwick's wife is an employee of the Ewin Centre Children's Services Inc.
Dan Hulands' wife is an employee of the Ewin Centre Children's Services Inc.

BACKGROUND

The Expression of Interest process was decided upon by Council to assist the determination of a capable and sustainable management option for the Kununurra Child Care Centre. This process has been developed and implemented over the past 6 months.

The Council approved the expression of interest response period and the selection criteria at the special meeting of 28 March 2006 as follows:

MINUTE NO 7418 Moved Cr R Devenish-Meares/K Wright

That Council:

1. *Develop a detailed information package and advertise for Expressions of Interest for the management and operation of the new Kununurra Child Care Centre, with a minimum 6 week response period*
2. *Authorise the following selection criteria, of equal weighting, for the assessment of expressions of interest*
 - *Demonstrated experience in child care service provision*
 - *Ability to provide return on Shire investment*
 - *Ability to provide high quality, responsive child care*
 - *Ability to meet the needs of the local community, which includes occasional and long day childcare options*
 - *Ability to provide a sustainable service*
 - *Ability to provide ongoing employment and training opportunities to local people*

- *Ability and willingness to provide continuation of current staff employment and conditions*
3. *Upon consideration of the outcomes of the expression of interest process, Council will determine if there are any persons capable of satisfactorily providing the required management and operation of the Child Care Centre and, dependent on the outcome, identify the next steps in determining the management and operation of the Kununurra Child Care Centre.*

CARRIED UNANIMOUSLY (7-0)

Subsequently, at its meeting of 19 September 2006 Council resolved to adopt the expression of interest documentation and determined the membership and role of the EOI assessment panel as follows:

MINUTE NO 7529 Moved Cr R Devenish-Meares Seconded Cr G Green

1. *That Council adopts the Expression of Interest documentation for the management and operation of the Kununurra Child Care Centre.*
2. *That Council appoints the EOI Assessment Panel as:*
Cr M Pucci
Karyn Apperley
Andrew Blitz (WALGA)
3. *That Council define the EOI Assessment Panel's role as:*
Management of advertising of EOI
Management of probity matters
Assessment of EOI's received
Preparation of report and recommendation to Council for its Council Meeting on 21 November 2006.

CARRIED UNANIMOUSLY (6-0)

The Council clearly identified in the EOI documentation that it would be submitting an in-house submission as given the remote location, the Shire needed to be in a position to provide child care services to the local community should other options not be available.

The Expression of Interest for the Management and Operation of the Kununurra Child Care Centre closed on Friday 3 November 2006 at 4pm.

Two submissions were received – one from the Shire and one from the Ewin Centre Children's Services Inc. The Shire CEO encouraged Cr Di Ausburn to attend and support Karyn Apperley, Executive Manager Community Services and Fiona Kuiper, Executive Support Officer who were authorised by the CEO to open the submissions. Cr Keith Wright and members of the Ewin Centre Committee, Jo Cullimore, Michelle Bickers and Maria Heidke were also present.

The two EOI submissions that were received are available for inspection at the Kununurra Shire Office prior to and at the Council meeting at the Wyndham Shire Office.

STATUTORY IMPLICATIONS

Though an Expression of Interest process was engaged, as is provided for under the *Local Government (Functions and General) Regulations 1998* – Regulation 21, a range of the legislative requirements for tendering also apply as outlined below.

The *Local Government (Functions and General) Regulations 1996* specifically provides for the submission of in-house bids by local councils under Regulation 14 (4) (d);

14. Requirements for publicly inviting tenders

(1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.

(2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.

(2a) If a local government —

- (a) is required to invite a tender; or*
- (b) not being required to invite a tender, decides to invite a tender,*

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

(3) The notice, whether under subregulation (1) or (2), is required to include —

- (a) a brief description of the goods or services required;*
- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;*
- (c) information as to where and how tenders may be submitted; and*
- (d) the date and time after which tenders cannot be submitted.*

(4) In subregulation (3)(b) a reference to detailed information includes a reference to —

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender;*
- (b) detailed specifications of the goods or services required;*
- (c) the criteria for deciding which tender should be accepted;*
- (d) whether or not the local government has decided to submit a tender; and***
- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*

(5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

Regulation 16 of the *Local Government (Functions and General) Regulations 1996* outlines the requirements for receiving and opening tenders;

16. Receiving and opening tenders

(1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.

(2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.

(3) When tenders are opened, examined, or assessed —

(a) at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present;

(b) members of the public are entitled to be present; and

(c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

Under the *Local Government (Functions and General) Regulations 1996* Regulations 18 and 23 outline the provisions for the choice and acceptance of submissions;

18. Choice of tender

(1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.

(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

(3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.

(4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.

(4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.

(5) The local government may decline to accept any tender.

(6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

(7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

23. Choice of acceptable tenderers

(1) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.

(2) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.

(3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

(4) The CEO is to list each of those persons as an acceptable tenderer.

Regulation 20 of the *Local Government (Functions and General) Regulations 1996* outlines the provisions enabling variations prior to entering into contractual arrangements with a successful respondent;

20. Variation of requirements before entry into contract

(1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

(2) If —

(a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or

(b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

(3) In subregulation (1) —

“minor variation” means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Generally, the provisions for Expressions of Interest in Regulation 23 are used to create a short list of potential tenderers and a selective tender process is then conducted. However,

there is nothing in the *Local Government Act 1995* or the *Local Government (Functions and General) Regulations 1998* to prohibit the development of contractual arrangements with a successful respondent following the outcome of an Expression of Interest process without proceeding through a subsequent tender process.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

The two submissions received made financial statements based on a variety of budgetary assumptions. A summary of key points is provided below to assist in outlining the financial implications of each submission;

Respondent 1 Ewin Centre Children's Services Inc	Respondent 2 Shire of Wyndham East Kimberley
Operating deficit of \$32,956 for 2007	Operating surplus of \$39,456 for 07/08
60% occupancy = 43 LDC & 20 B/ASC & 20 VAC	60% occupancy = 55 LDC & 9 B/ASC/VAC
Total staffing costs = \$625,304 based on approx 15.5 FTEs	Total staffing costs = \$587,883 based on 12 FTEs
\$10,500 facility fee to be provided to Shire for facility use – NOT included in operating budget	\$81,518 annual loan repayment included in operating budget
Total Expenditure = \$805,740	Total Expenditure = \$795,991
Total Fee Income = \$757,956	Total Fee Income = \$799,440
Total Grant/Other Income = \$47,784	Total Grant/Other Income = \$36,008

LDC – Long Day Care B/ASC – Before and After School Care VAC – Vacation Care

The above table highlights;

- there is approximately 1.2% difference in expenditure, which is considered negligible overall. However, significant differences in both common and non-common line items are apparent.
- there is 5.5% difference in fee income, due to the different calculation of child numbers for different types of care
- there is 32.7% difference in grant/other income as while both Respondents have identified the same core grant funding, Respondent 1 has identified additional grants for setup of B/ASC and VAC and a Vacation Care subsidy grant.

Detailed analysis shows there are a number of variant line items for each respondent so it is difficult to achieve meaningful comparison at any further level of detail.

The overall financial implications for Council in relation to the Kununurra Child Care Centre include consideration of;

- loan repayments and interest on \$950,00 over 20 years or \$81,516.56 per year
- building maintenance and associated costs – using 06/07 budget figures, it is estimated that a minimum of \$40,000 per annum is required for these items.

STRATEGIC IMPLICATIONS

The Shire of Wyndham East Kimberley 2005/06 Strategic Plan identifies:

Key Result Area 2 – Community Development

Goal 2 – Youth and Family

That the residents of the Shire have access to appropriate youth and community services and facilities.

Strategy 3

Review the model of operation and council resources provided to childcare services in Wyndham and Kununurra.

COMMUNITY CONSULTATION

N/A

COMMENT

The new Kununurra Child Care Centre is a \$2.28 million facility, with a capacity for 76 long day care places and 30 before/after school care and vacation care places. With the Shire's financial investment in this facility being 63% of total cost, the Council needs to be responsible and accountable to residents and ratepayers by being confident that the organisation selected to manage and operate the Centre has the capacity to do so. Hence the Expression of Interest process was used to test the market and required documentation of demonstrated capacity rather than assuming capacity of an existing organisation.

Respondent 1 – Ewin Centre Inc. clearly demonstrated a strong capacity to provide quality child care as evidenced by the scoring from the evaluation panel, however financial viability appears concerning. That submission included commentary regarding possible strategies and initiatives to improve the financial position. On the other hand, Respondent 2 – the Shire, scored highly in regard to financial viability but did not demonstrate as well the capacity to provide the required service.

As previously noted in the agenda item to Council on 19 September 2006, a condition of approval of the \$100,000 Lotterywest grant towards construction of the Centre is a long term lease agreement with a not for profit organisation to manage and operate the Child Care Centre. Both respondents are considered not for profit organisations. While Lotterywest has verbally indicated a long term lease may be 10 to 15 years, it is considered that a 5 year lease with the opportunity to extend, provided performance and other conditions are met, will meet this requirement.

Respondent 1 – Ewin Centre Inc. has not indicated how the operating deficit will be met. It is strongly suggested that Council seek clarification of how this deficit will be met before entering into any contractual arrangements for management and operation of the Centre. While the Ewin Centre Inc's financial statements of the past three years demonstrate financial viability through operating surpluses, it should be noted that the Shire has contributed in excess of \$205,000 in the past 4 years to the existing Ewin Centre. A breakdown of this expenditure is as follows;

- \$47,555 in 02/03 – staffing costs and building maintenance
- \$36,000 in 03/04 – contract accounting and building maintenance
- \$41,452 in 04/05 – contract accounting, capital and building maintenance and insurance
- \$24,466 in 05/06 – contract accounting, capital and building maintenance and insurance
- \$55,882 in 05/06 – donga related costs

It is acknowledged that some of this expenditure is directly related to issues associated with building maintenance resulting from pest damage and the closure of the Pindan Centre.

As outlined in the attached Evaluation/Assessment Panel Report, the decision for Council in appointing an organisation to manage and operate the Kununurra Child Care Centre rests on two principals – the social role of Council in supporting the delivery of child care services to the local community and the role of Council as owner and operator of community buildings as a facilities manager. A balance between these two apparently competing roles should be sought.

The Evaluation/Assessment Panel has recommended;

“That Ewin Centre Children’s Services Incorporated be appointed by Council, subject to minor variations and agreement on use of facilities, to operate the Kununurra Child Care Centre for a term of five years.”

There are a number of variations and specific requirements for use of the facility that Council may consider for inclusion in a facility use agreement. For example;

- Given the Shire receives electricity at a cheaper rate than non-government organisations and that the Shire receives a bulk insurance rate based on overall building values, there may be an opportunity to enter into a partnership to reduce these costs to the Ewin Centre Inc. and thus potentially increase the annual return to the Shire for use of the facility.
- The Ewin Centre Inc’s submission showed no expenditure for some items e.g. water and garden maintenance. The Ewin Centre Inc will need to identify how the costs for unbudgeted items will be met.
- The Ewin Centre Inc’s submission proposes the adoption of a facility levy of \$3 per family per week to provide a minimum return to the Shire on the Shire’s investment. On current usage rates, this has been calculated at \$10,500 per annum.
- The Ewin Centre Inc’s submission states that discussions have been held with the Ord Enhancement Scheme Committee and Kimberley Development Commission regarding affordable child care and employment and training opportunities for Mirriwung-Gajerrong people. The Shire is aware that the Ord Enhancement Scheme Committee have expressed interest in working with the Ewin Centre Children’s Services Inc on these matters. This is seen as an extremely positive move due to skills shortages for qualified child care workers both locally and nationally and the Council has an important role in ensuring the ongoing development of culturally appropriate, accessible and affordable child care.
- Staffing ratios to be achieved at levels which meet the legislative requirements as a minimum, ensuring recognised quality of care and additional staffing ratios to be achieved within financial parameters. The two submissions show some discrepancy in relation to the legislative requirements for qualified staff for long day care. Clarification from the Child Care Centre Licensing Board supports the staffing ratios used in the financial calculations of the Shire’s submission, while those stated in the Ewin Centre Inc’s submission are higher, implying higher staffing cost structures than required by legislation.

In regard to a separate matter, the building of the new \$2.28 million Kununurra Child Care Centre marks a significant change in the provision of child care services in Kununurra and should represent a shift to a new era of child care services rather than business as usual in new premises. Thus, consideration should be given to the name of the new Centre. The Expression of Interest documentation proposed the Child Care Centre would be known as ‘Chestnuts’. No advice to the contrary from Councillors or members of the public has been received to date. Notwithstanding, the significant contribution and legacy of the Ewin’s in the provision of child care services in Kununurra deserves to continue to be recognised.

Appropriate public recognition of important pioneering and championing of children's services could be provided at the new Centre in forms other than the Centre name.

ATTACHMENTS

Evaluation/Assessment Panel Recommendation Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council

1. Support the recommendation of the Expression of Interest Evaluation/Assessment Panel being; *"That Ewin Centre Children's Services Incorporated be appointed by Council, subject to minor variations and agreement on use of facilities, to operate the Kununurra Child Care Centre for a term of five years."*
2. Appoint the Ewin Centre Children's Services Incorporated to operate the Kununurra Child Care Centre
 - a. Subject to clarification being sought in regard to how the proposed operating deficit for the first year, any annual subsequent deficits and current unbudgeted items will be met by the Ewin Centre Children's Services Incorporated
 - b. Subject to the development of a contractual agreement for use of the facilities signed off by the Shire's Chief Executive Officer and the Chairperson of the Ewin Centre Children's Services Incorporated, which includes:
 - i. A 5 year lease term for use of the facility as a Child Care Centre
 - ii. Annual review of the performance of Centre operations, including quarterly financial reports with the review being presented to Council in April each year
 - iii. Annual payment of \$10,500 for the first year of operation and subject to the annual review process as documented in the signed agreement, an agreed amount for each of the subsequent years
 - iv. Investigation of cost savings and efficiencies that may be achieved through partnership arrangements between the two parties
 - v. Clarification of how operating expenditure items not included in the Ewin Centre Children's Services Incorporated's proposed budget will be met
 - vi. Agreement by Ewin Centre Children's Services Incorporated to improve accessibility of child care to indigenous families through the ongoing employment and training of indigenous child care staff and the investigation of payment structures to support affordability of child care to low income families

- vii. Other minor variations as agreed by both parties.
3. Name the Kununurra Child Care Centre 'Chestnuts Child Care Centre' and provide appropriate acknowledgement of the Ewin's contribution and legacy to children services at the new Centre.

Minute No 7570

Moved: Cr K Wright

Seconded: Cr G Green

That Council

- 1. Support the recommendation of the Expression of Interest Evaluation/Assessment Panel being; "That Ewin Centre Children's Services Incorporated be appointed by Council, subject to minor variations and agreement on use of facilities, to operate the Kununurra Child Care Centre for a term of five years."**
- 2. Appoint the Ewin Centre Children's Services Incorporated to operate the Kununurra Child Care Centre**
 - a. Subject to clarification being sought in regard to how the proposed operating deficit for the first year, any annual subsequent deficits and current unbudgeted items will be met by the Ewin Centre Children's Services Incorporated**
 - b. Subject to the development of a contractual agreement for use of the facilities signed off by the Shire's Chief Executive Officer and the Chairperson of the Ewin Centre Children's Services Incorporated, which include:**
 - i. A 5 year lease term for use of the facility as a Child Care Centre**
 - ii. Annual review of the performance of Centre operations, including quarterly financial reports with the review being presented to Council in April each year**
 - iii. Annual payment of \$10,500 for the first year of operation and subject to the annual review process as documented in the signed agreement, an agreed amount for each of the subsequent years**
 - iv. Investigation of cost savings and efficiencies that may be achieved through partnership arrangements between the two parties**
 - v. Clarification of how operating expenditure items not included in the Ewin Centre Children's Services Incorporated's proposed budget will be met**
 - vi. Agreement by Ewin Centre Children's Services Incorporated to improve accessibility of child care to indigenous families through the ongoing employment and training of indigenous child care staff and the investigation of payment structures to support affordability of child care to low income families**
 - vii. Other minor variations as agreed by both parties.**

Carried Unanimously: 7/0

Note: Council moved the resolution without dot point 3 of the officer's recommendation.

EVALUATION PANEL RECOMMENDATION REPORT



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION



Title of Expression of Interest:	Kununurra Child Care Centre Management
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EOI Number:	E02 0607
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1. Introduction

1.1 EXPRESSION OF INTEREST

In 2005, the Shire of Wyndham East Kimberley commenced planning and subsequent construction of a new child care facility to cater for the short, medium and long term needs of the Kununurra community. The facility is located on the corners of Coolabah and Chestnut Drives, Kununurra.

As construction is nearing completion, the Shire has called for Expressions of Interest from suitably qualified individuals or organisations to provide the management and operation of the Kununurra Child Care Centre, to be known as "Chestnuts".

At its meeting of 19 September 2006, Council resolved the following:

1. *That Council adopts the Expression of Interest documentation for the management and operation of the Kununurra Child Care Centre.*
2. *That Council appoints the EOI Assessment Panel as:
Cr M Pucci
Karyn Apperley
Andrew Blitz (WALGA)*
3. *That Council define the EOI Assessment Panel's role as:
Management of advertising of EOI
Management of probity matters
Assessment of EOI's received
Preparation of report and recommendation to Council for its Council Meeting on 21 November 2006.*

MINUTE NO 7529

Moved Cr R Devenish-Meares

Seconded Cr G Green

*CARRIED
UNANIMOUSLY (6/0)*

1.2 ADVERTISING DETAILS

The Request for Expression of Interest was advertised in the Australian and the West Australian on 23 September 2006 and in the Kimberley Echo on 28 September 2006. The Expression of Interest Deadline for submissions was 4.00 PM on 3 November 2006.

1.3 RESPONDENTS NAMES

Submissions were received from:

Respondent 1	Ewin Centre Children's Services Inc
Respondent 2	Shire of Wyndham East Kimberley

2. EVALUATION PANEL

2.1 PARTICIPANTS

Each EOI was assessed by an Evaluation Panel. Evaluation Panel Members were:

Name	Position/Role
Karyn Apperley	Executive Manager Community Services
Michele Pucci	Shire President
Andrew Blitz	Services Manager (WALGA)

3. SELECTION CRITERIA AND RATING SCALE

3.1 COMPLIANCE CRITERIA AND ASSESSMENT

These criteria were not point scored. Compliance was evaluated on a Yes / No basis.

Respondents:	1	2
• Compliance with Specification Contained in EOI	Yes	No
• Compliance with Conditions of Responding contained in EOI	Yes	Yes

Respondents were required to provide attachments providing information about the following:

- Completed and signed Offer Form
- Organisational Profile
- Referees
- Agents
- Trusts
- Sub-Contractors
- Conflicts of Interest
- Financial Position
- Quality Assurance
- Insurance Coverage
- Key personnel

Respondents were also requested to provide a Yes / No response to the following Compliance Criteria:

- Compliance with the Specification contained in the Expression of Interest.
- Compliance with the Conditions of Responding contained in the Expression of Interest
- Compliance with the Quality Assurance requirement for the Request.
- Compliance with the Delivery Date.

Both submissions were delivered by the Deadline. The initial compliance check was conducted on 9 & 10 November 2006 to identify submissions that were non-conforming with the immediate requirements of the EOI. This included compliance with contractual requirements and provision of requested information.

- It is noted that the required qualitative criteria received from Respondent two (in-house bid) was not sufficiently detailed to assess whether the respondent has the capability and capacity to deliver childcare services. In most instances the response to the qualitative criteria did not meet the minimum requirements as stated in the EOI. The specification was addressed with 1.5 pages of commentary and tables of financial projection. As the Request is for an EOI (Expression of Interest) and not a

RFT (Request for Tender), it was deemed that a further phase of evaluation to assess these competencies could be established if required.

As identified in the EOI document, the Shire of Wyndham East Kimberley proposed to submit an in-house submission as given the remote environment, the Shire needed to be in a position to provide child care services to the local community should other options not be available.

- Respondent two was stapled but not bound in accordance with the conditions of EOI. Pages were not numbered or indexed in accordance with the conditions of EOI. A copy of NCAC accreditation and Statement of Financial position were not included.
- Respondent one checked the box to declare no conflicts of interest. However they indicated and included an attachment disclosing a potential conflict of interest, and the panel deemed that this box had been checked in error.

On the basis of the compliance assessment, inclusive of consideration of the above qualifications, all submissions received were deemed to be compliant for the purposes of assessment.

3.2 QUALITATIVE CRITERIA

The following Qualitative Criteria were applied and rated through the assessment of this tender:

<p>A) Demonstrated Experience WEIGHTING – 14.3%</p> <p>Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, address the following information:</p> <ul style="list-style-type: none">(a) Provide details of similar work;(b) Provide scope of the Tenderer’s involvement including details of outcomes;(c) Provide details of issues that arose during the project and how these were managed;(d) Demonstrate sound judgement and discretion; and(e) Demonstrate competency and proven track record of achieving outcomes.
<p>B) Return on Investment WEIGHTING – 14.3%</p> <p>Respondents should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ul style="list-style-type: none">(a) The social/ community and economic returns to be delivered to both the Shire and the community through the respondents management and operation of the Centre;(b) Pervious achievements in this area

- (c) Basic financial modelling using estimated costing;
Any additional information.

C) High Quality Responsive Child Care
WEIGHTING – 14.3%

Respondents should demonstrate their ability to:

- (a) Supply and sustain the necessary quality of care to meet the relevant legislative requirements;
- (b) Exceed minimum requirements and achieve high quality service standards, including the development of continuous improvement plans;
- (c) Further to information listed under 3.2.8 (QA attachment); provide an accreditation and licensing profile by commenting on issues associated with attainment and compliance for NCAC Child care Quality Assurance.

D) Meet needs of the Local Community
WEIGHTING – 14.3%

Respondents should provide the following information as a minimum:

- (a) Demonstrated experience in providing long day care, occasional care and vacation care options concurrently and consistently;
- (b) Demonstrated experience in providing accessible and culturally appropriate child care services
- (c) Experience in providing opportunities and formal mechanism for consultation with and decision making input by service users.

E) Sustainability
WEIGHTING – 14.3%

Respondents should demonstrate their ability to supply and sustain the necessary::

- (a) Resources, including personnel and staff retention rates, equipment and materials
- (b) Operating policies and procedures;
- (c) Financial capacity and management;
- (d) Any contingency measures or back up of resources including personnel (where applicable).

F) Employment and Training
WEIGHTING – 14.3%

Respondents should demonstrate their ability and experience in regard to:

- (a) Local employment policies and processes for recruitment and selection
- (b) Professional development
- (c) Collaborative engagement and partnerships with local training providers to meet local industry needs.

G) Continuation of Employment and Conditions
WEIGHTING – 14.3%

Respondents should outline how the continuation of current staff employment and conditions will be provided for; including the induction and transition process, human resource policies and procedures, other staff management processes and any other relevant information such as timelines and staff schedules.

3.3 RATING SCALE

Ratings for the evaluation were from 0-10 and represent the following descriptions:

Qualitative Criteria A - D

Score	Description
0	Inadequate or non appropriate offer, many deficiencies, does not meet criterion
2	Marginal offer, some deficiencies, partly meets criterion
4	Fair offer, few deficiencies, almost meets criterion
6	Good offer, no deficiencies, meets criterion
8	Very good offer, exceeds criterion
10	Outstanding offer, greatly exceeds criterion

4 EVALUATION METHODOLOGY

4.1 INITIAL COMPLIANCE CHECK

An initial compliance check was undertaken as outlined in section 3.1.

4.2 QUALITATIVE CRITERIA ASSESSMENT

The Qualitative Criteria assessment was carried out by the Evaluation Panel with the Evaluation Panel scoring the EOI's according to the evaluation matrix. All applicants were assessed against the Qualitative Criteria. Specific criteria were weighted equal in importance as adopted by the Council at its meeting of 19 September 2006. The equal relative weightings were published within the EOI.

Price analysis was considered under separate discussion following assessment of qualitative competence.

5 EVALUATION

The evaluation matrix below is the result of allocating points against the Qualitative Criteria. Refer to Section 3.2 of the Evaluation Report for a description of the Qualitative Criteria.

5.1 EVALUATION MATRIX – QUALITATIVE CRITERIA

Rank	Tenderer	Score
1	Ewin Centre Children’s Services Inc	67.21
2	Shire of Wyndham East Kimberley	32.89

5.2 SUMMARY AND COMMENT OF SUBMISSIONS

5.2.1) Ewin Centre Children’s Services Inc

This submission obtained a high qualitative rating as it demonstrated its operations and experience as well as the direction, aims and objectives, community focus and resources offered. Tenderers resources are well set out, and the number of qualified staff suggests good support and business continuity. The social and community returns are well articulated. Competency in each of the qualitative criteria required is demonstrated and evidenced.

This submission noted a potential conflict of interest by Cr Keith Wright. The submission notes that his role as Supervising Officer will shortly terminate. This declared position does not impact the evaluation and assessment for the operation of the Child Care through the Merged Scorecard

Rating Scale:

- 10 = Outstanding offer, greatly exceeds criterion
- 8 = Very good offer, exceeds criterion
- 6 = Good offer, no deficiencies, meets criterion
- 4 = Fair offer, few deficiencies, almost meets criterion
- 2 = Marginal offer, some deficiencies, partly meets criterion
- 0 = Inadequate offer, many deficiencies, does not meet criterion

Selection Criteria	Weighting	EWIN		SWEK	
		Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score
Demonstrated Experience	14.3%	7	10.01	3	4.29
Return on Investment	14.3%	4	5.72	9	12.87
High Quality Responsive Child Care	14.3%	8	11.44	3	4.29
Meet needs of the Local Community	14.3%	8	11.44	2	2.86
Sustainability	14.3%	6	8.58	2	2.86
Employment and Training	14.3%	7	10.01	2	2.86
Continuation of Employment and Conditions	14.3%	7	10.01	2	2.86
Totals	130 100%		67.21		32.89

5.2.2) Shire of Wyndham East Kimberley

This submission scored a low qualitative response as it did not demonstrate its experience, process and methodology, or objectives and vision for the operation of a childcare centre.

It is noted that accreditation for the NCAC is claimed by the shire, but not evidenced with the submission. The criteria for obtaining NCAC accreditation is sufficiently comprehensive to assume competence in the delivery of child care services, so the evaluation panel have scored on this basis, subject to the presentation of certification.

However the evaluation panel are unable to score highly against many of its stated qualitative criteria without the provision of further information. It was deemed that this was requested through the EOI and that the respondent had the opportunity to deliver this information with the submission. On this basis, it was not considered appropriate at the evaluation stage to request additional material for assessment. As this is an EOI and not an RFT, this opportunity remains open, and is recommended subject to the decision of Council. Please refer to the evaluation comments under section 6.1 for further commentary relating to this position.

It is noted that the incumbent manager of the Child Care Centre is a Shire employee with experience. The submission notes that the Child Care Centre will have access to the HR and finance resources of the Shire, but does not go on to define the extent of access or how these are to be applied to the future operating structure.

The Shire has experience of over 20 years in operating Child Care, but has not outlined or demonstrated this experience within their submission.

This submission has sample accounts that include provision for repayment of loan interest and capital. No further information was included in the submission to clarify this commitment.

5.3 COMPARATIVE STATEMENT OF TENDERED PRICES

5.3.1 Ewin Centre Children's Services Inc

The submission offers a facility levy, which will at current levels deliver a revenue return of \$10,500 to the Shire. The possibility of a future revenue return through rental is also proposed from year two onwards. This would be determined under a committee structure.

The 2007 financial projections show a deficit budget of \$32,956, qualified by commentary demonstrating initiatives and strategies to improve the financial position. The Financial Statements for the previous three years indicate the financial sustainability of the respondent.

5.3.2 Shire of Wyndham East Kimberley

This submission contained three financial projections assuming occupancy of 60% (2007/08 profit of \$39,456) 80% (2007/08 profit of \$138,887) and 100% (2007/08 profit of 292,642). It is noted that these submitted figures have been accepted by the evaluation panel and not tested for assumptions. No details are provided relating to financial accountability, contingency and application of financial resources. As the in-house bid projects a financial

return, it is assumed that this revenue can be applied by Council if it so chooses to cover overheads and facilities maintenance.

6 BASIS OF DECISION

6.1 BASIS FOR RECOMMENDING A TENDERER

On the basis of the established weightings and assessment process the Ewin Centre Children's services Inc has emerged as the most advantageous respondent due to the lodgement of superior qualitative information relating to the structure and operation of the Kununurra Child Care Centre. This submission is recommended by the Evaluation Panel as the most advantageous offer.

The panel notes that it is guided by the weightings and criteria adopted for the EOI, and not solely by matters of financial sustainability that may be a relevant and overriding consideration for Council. When awarding this contract matters of short term budget capacity and medium term financial objectives (a revenue stream to the Shire for use and maintenance of premises) may impact the ultimate decision of Council.

The recommended submission has offered a revenue stream to the Shire of Wyndham East Kimberley by way of the return of a facility levy, however a fixed proposal for the return of revenue in the form of rental payments and profit share is not costed or presented. The capacity to secure a future rental income (year two onwards) is incorporated into the response through a future determination by operation of a joint committee. However, Council should consider that the overall nature of the recommended submission may require the investment of the Shires financial resources into the Kununurra Child Care Centre facility to maintain the standard of premises. This is on the basis that facility levy or other future income may be insufficient to meet the total costs of asset management, particularly in the medium term.

Acceptance of the recommendation below is a determination by Council relating to its future objectives for the operation of the Kununurra Child Care Centre. The recommendation recognises the Councils social role in supporting child care services into the local community, as expressed through the EOI.

Should Council alternatively define its role as the owner and operator of community buildings from a facilities management perspective only (the effective "landlord"), the in-house bid with projected financial returns of up to \$300,000 per annum may be preferred. This philosophic divide of objectives has clearly emerged through assessment of the two submissions. In the instance that the in-house bid is preferred, further evaluation and assessment would be recommended by the panel under the framework of this EOI to ensure that the qualitative standards of care offered by the Shire are to an acceptable standard and competence. An alternative recommendation to the one below would then read: *"That Council directs the evaluation panel to obtain further information relating to the in-house bid of the Shire of Wyndham East Kimberley to assess the qualitative capability of the Shire to operate child care facilities to a satisfactory*

standard in accordance with its accreditation. Subject to this assessment by the evaluation panel by 1 December 2006, Council delegates authority to the Chief Executive Officer to proceed to operate in-house Child Care facilities for a term of five years.

Prior to entry to contract with the successful respondent it is recommended that reference checks be undertaken, and that discussions relating to minor variation of terms are concluded. This would include the contracting of use of facilities and a revenue return to the Shire. Contract performance reviews should also be considered, with the right to terminate if less than satisfactory.

7. DECISION

Recommendation:

That Ewin Centre Children's Services Incorporated be appointed by Council, subject to minor variations and agreement on use of facilities, to operate the Kununurra Child Care Centre for a term of five years.

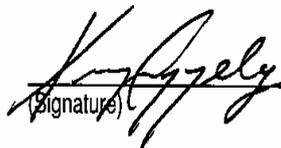
8 ENDORSEMENT BY EVALUATION PANEL

Michele Pucci
Shire President


(Signature)

10. 11. 2006
(Date)

Karyn Apperley
Executive Manager
Community Services


(Signature)

10-11-2006
(Date)

Andrew Blitz
Services Manager
WALGA


(Signature)

10/11/2006
(Date)

12.5 CHIEF EXECUTIVE OFFICER

12.5.1 Proposed Extension To Department Of Water Premises Lot 2384, Victoria Highway (*Minute No 7571*)

DATE:	21 November 2006
PROPONENT:	SWEK
LOCATION:	Lot 2384, Reserve 41993, Bandicoot Drive
ATLAS REFERENCE:	Map 52 E4
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2047.02
ASSESSMENT NO:	2047

PURPOSE

For Council to consider the proposed extension to the Department of Water premises at Lot 2384, Reserve 41993, adjacent Victoria Highway.

BACKGROUND

The State Government has included in its 2005/06 capital works budget for Kimberley an allocation to refurbish the Department of Water office facilities in Kununurra.

Council rezoned this land for future tourism development in 2001 as part of Town Planning Scheme No 7, indicating its preferred direction, this land use would progressively move to tourism uses.

The correspondence below was provided to the Department of Water to encourage the Department to think through the longer term issues and benefits to the district:

Our Ref: 01.2558.13

10 July 2006

David Munday
PO Box 625
KUNUNURRA WA 6743

Hello Dave,

Just following up on our lunchtime chat last week, when we considered alternative sites for a new Department of Water office versus an upgrade of the existing site.

As discussed, the zoning for the existing Department of Water site on Victoria Highway was changed some years ago to Tourism, as Council sees this land best used for Tourism purposes in the years ahead. Already there are two motels adjacent to the Department of Water site. The JSW industrial depot will soon be relocated, freeing up this land for Tourism related developments, and improving the appearance of the entry to Kununurra. Given the zoning change, it is the Shire of Wyndham East

Ordinary Council
21/11/06 Minutes

Kimberley's preference for the Department of Water to consider an alternative site for a new office complex.

With the rezoning and given that the Department of Water's is not highly reliant on public access to deliver its work; an alternate site is worth considering. Keeping in mind the site's Victoria Highway frontage and its views of Lily Creek Lagoon, the land value may considerably offset costs of constructing a new office.

There is a range of State Government reserve land available for new construction. FESA will shortly construct a new \$1.5M Office complex on State Government reserve land in Coolibah Drive, Kununurra west of the current St John Ambulance and Hospital site. There is ample room on this site for the Department of Water. If this option is pursued, you may even find some synergies and value for money by jointly tendering with FESA if construction can be timed to occur simultaneously.

Construction on the CALM site, since it also State Government reserve land, is another option worthy of evaluation.

Regards

Peter Stubbs
Chief Executive Officer

Cc Cr Maxine Middap
Keith Williams
Town Planner, Shire of Wyndham East Kimberley

DEPARTMENT OF WATER RESPONSE:

From: MUNDAY David [mailto:david.munday@water.wa.gov.au]
Sent: Wednesday, 8 November 2006 1:52 PM
To: Keith Williams
Subject: FW: letter

ANY hassles at all please give me a ring,

From: MUNDAY David
Sent: Friday, 3 November 2006 2:22 PM
To: 'keith.williams@thelastfrontier.com.au'
Subject: letter

Hi Keith

As briefly discussed, as part of pursuing the funds for our building upgrade....I asked Rod Chinnery to explain our obligations re SWEK for the building approvals, the below email is exactly what Rod sent me, which I subsequently forwarded to me Director General as part of a memo clarifying several points he raised to ensure funding for our building upgrade this financial year .

I have also spoken to Peter Stubbs previously and gained a very similar answer to the one below, I have every intention of submitting the final plans (to be completed later this year) to council for approval.

What my DG is seeking is some type of correspondance on SWEK letter head explaining what they expect, this is not considered an approval, just the steps and likely outcome as outlined below.

IF you have any trouble with this please give me a ring....the sooner I can get this in the sooner I can get the final funding allocation.

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21/11/06 Minutes*

Thanks
Dave

Shire of Wyndham East Kimberley formal approval:

Notes copied from email: Rod Chinnery, Regional Works Project Officer
DHW- Public Works and Building Services
Kununurra
Dated Friday 20/10/06

“As previously discussed, I have spoken to the Shire of Wyndham East Kimberley’s Town Planner a Mr. Keith Williams and have also just spoken to the shire Building Surveyor a Mrs Sharon McLachlan.

With regards to Planning approval, if the building is located on Crown Land and is deemed to be the sole property of a State or Federal Government Authority no planning approval is required.

As a matter of courtesy, Keith did request that when the final plans and documents are prepared we present the documents informally to Council for approval. The indication given by Keith was that the Council were very pleased that the department was upgrading the existing facility which in turn will improve the aesthetics of the building.

With regards to the requirement of a Building Licence, as above there is no legal requirement for this. The building surveyor has requested that the successful contractor for this project make application for a Building Licence in order that correct records can be kept by the Shire”.

If necessary I could seek a letter of support from the Shire Wyndham East Kimberley documenting this verbal advice.

*Dave Munday
Regional Manager Kimberley
Department of Water
PO BOX 625
Kununurra
08 91664101
0429118585*

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

*Ordinary Council
21/11/06 Minutes*

STRATEGIC IMPLICATIONS

Council's decision to zone this land for Tourism purposes provides clear direction about the strategic intent for this part of Kununurra.

COMMENT

As a State Government agency the Department of Water is not obliged to relocate its office despite Councils rezoning of this land for future tourism purposes. State Government and its Agencies are not subservient to Local Government decisions and the Planning and Development Act 2005 provides exemptions to agencies for development of public infrastructure. Never the less, there is desire for a whole of government approach to long term development of communities and regional centres. Council has set a strategic direction by rezoning this land for tourism purposes. It will become increasingly difficult for Council to realise that aim and see this land used for tourism purposes if it does not follow through and encourage this direction. The issue of precedence could also arise in the future, where other private landowners cite government as an example of not complying with the tourism zoning, and this may further compromise the change Council is seeking.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council convey to the Department of Water that whilst it appreciates the commitment to provide improved office facilities for the Department's staff in Kununurra, that Council's strong preference is for the Department of Water to relocate from its current site at Lot 2384, adjacent the Victoria Highway, to facilitate the conversion of this land for future tourism purposes consistent with the Council's Town Planning Scheme.

Minute No 7571

Moved: Cr K Wright

Seconded: Cr J Parker

That Council convey to the Department of Water that whilst it appreciates the commitment to provide improved office facilities for the Department's staff in Kununurra, that Council's strong preference is for the Department of Water to relocate from its current site at Lot 2384, adjacent the Victoria Highway, to facilitate the conversion of this land for future tourism purposes consistent with the Council's Town Planning Scheme.

Carried Unanimously: 7/0

12.5.2 Emergency Mangement Act (*Minute No 7572*)

DATE:	13 November 2006
PROPONENT:	SWEK
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	65.01.08
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the implications for the Emergency Management Act 2006 on Local Government and on the ability of Local Government to deliver the requirements of this Act.

BACKGROUND

The State Government introduced the Emergency Management Act in 2005.

The Western Australian Local Government Association (WALGA) has adopted the position as outlined in their Infoline 31st August 2006. (Attached)

WALGA also reported in its Local Government News 13th October 2006 that the WALGA President Cr Bill Mitchell and senior WALGA staff met with Minister for the Police and Emergency Services, the Hon John Kobelke, to reiterate the impact WALGA believes this Act will have on Local Government Councils.

Former Minister for Police and Emergency Services Michelle Roberts stated that the new Emergency Management Act 2005 does not impose additional responsibilities upon Local Government. That is view not shared by WALGA.

Minister Koneke has previously indicated that if Local Government finds the Emergency Management Act 2005, overly burdensome then they have the ability to seek assistance of FESA and the WA Police Service with its implementation. This statement seems at odds with that of former Minister Roberts.

ATTACHMENTS

WALGA Discussion Paper "*State Government support to local Government to implement requirements under the Emergency Management Act 2005*". August 2006

STATUTORY IMPLICATIONS

The Emergency Management Act is new legislation impacting on Local Government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The full cost of the Shire of Wyndham East Kimberley implanting the requirements of the Emergency Management Act 2005 are not well understood, but the suggestion of WALGA of \$50,000 does seem unreasonable given the extent of remote Indigenous communities in this district which the Act requires Local Government to undertake emergency planning response for.

STRATEGIC IMPLICATIONS

Having a district well prepared for emergency contingencies as obvious strategic benefits.

COMMENT

Local Government will always have a key role in emergency management in remote and regional areas. If emergency management is to be done well then it needs to be appropriately resourced.

The Emergency Management Act 2005 implies a new role for Local Government in relation to emergencies on Crown Land. Previously such emergencies would have been the responsibility of the relevant State Government Agency. The Act in this respect amounts to a cost and responsibility shift from State Government to Local Government. Importantly over time this shift raises expectations on Local Government. Expectations that Local Government is not equipped to meet.

Much publicity has been given to the recently completed Sustainability Report on Local Government in WA. Responsibility and cost shifts such as this that will occur with the Emergency Management Act 2005, indicate that lip service is being given by the State to the sustainability of Local Government.

Increasingly Local Governments are needing to target Commonwealth funds via the Emergency Management Australia program to assist meet the financial gap this State legislation is having. That then amounts to a cost shift from the State to the Commonwealth.

The Intergovernmental Agreement (IGA) on Cost Shifting requires the cost and resourcing impacts on Local Government to be taken into consideration by State and Commonwealth Governments in their decision making. The Minister for Local Government has committed to developing the required assessment mechanisms within the IGA for application to State Government and these will be negotiated through the State/Local Government Partnership process. The IGA does not relate to existing legislation, but applies to all future legislation and policy proposals adopted by the State Government. As such, it provides a valuable tool which can be utilised to target attempts at cost shifting and address any implications on Local Government. The way the State Government has handled this new Emergency Services Legislation does not live up to the IGA.

Precedent

WALGA has highlighted the precedents of the State Government providing specific dedicated funding to support Local Government new State Legislation and policy initiatives. Examples include:

- The Crime Prevention and Community Safety Initiative
- Disability Access and Inclusion Plans
- Local Government Physical Activity Grants

The State Government provides a program called AWARE to support Local Government undertake emergency mitigation programs, but this program existed before the Emergency Management Act 2005.

The Fire and Emergency Management Services (FESA) has established a network of seven Community Emergency Management Officers (CEMO's) to work with Local Governments to develop Bushfire Response Plans. These officers are in Perth, Bunbury, Geraldton, Albany, and Northam - all within the South West Land Division of Western Australia. Meanwhile up to 40% of the Kimberley land mass burns each year. Arguably that is the States most severe impact from fire each year.

Interestingly Section 38 of the Emergency Management Act 2005 requires that Local Emergency Management Committees be established within Local Government districts. The terms and conditions and membership of Local Emergency Management Committees are to be determined by the State Emergency Management Committee however. In effect Local Government has to provide all the leadership, but is told both the terms by which Local Emergency Management Committees will operate and the membership of it. If the State wish to dictate that, then it is considered appropriate that State assume responsibility for the Act itself.

ATTACHMENTS

WALGA Discussion Paper *"State Government support to local Government to implement requirements under the Emergency Management Act 2005"*. August 2006

WALGA Infoline 31st August 2006.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. Invite the Police and Emergency Services, the Hon John Kolbelke, and the Chief Executive Officer for the Fire and Emergency Services to meet with the Kimberley Zone for Local Governments to fully inform Kimberley Councils of what support FESA will be making to assist achieve the requirements of the Emergency Management Act 2005.
2. Advise the Minister for the Police and Emergency Services, the Hon John Kolbelke, that is not able to implement the Emergency Management Act 2005, with the existing resources it has available to it, and request that an annual amount of \$50,000 per

annum be provided by the State Government to the Shire of Wyndham East Kimberley to assist with this implementation if it is to occur.

3. Request the State Auditor General to review the capacity of Local Government to deliver the expectations the Emergency Management Act 2005 places on Local Government.
4. Request FESA to base a Community Emergency Management Officer to be based in the Kimberley, as it is has done in regional communities in the South West Land Division of Western Australia, to facilitate the delivery of the Emergency Management Act 2005 across Kimberley communities.
5. Advise FESA that under Section 41 of the Emergency Management Act 2005 it nominates FESA as the Local Recovery Coordinator for emergencies in the Shire of Wyndham East Kimberley.

Minute No 7572

Moved: Cr K Wright

Seconded: Cr J Parker

1. ***Invite the Police and Emergency Services, the Hon John Kolbelke, and the Chief Executive Officer for the Fire and Emergency Services to meet with the Kimberley Zone for Local Governments to fully inform Kimberley Councils of what support FESA will be making to assist achieve the requirements of the Emergency Management Act 2005.***
2. ***Advise the Minister for the Police and Emergency Services, the Hon John Kolbelke that is not able to implement the Emergency Management Act 2005, with the existing resources it has available to it, and request that an annual amount of \$50,000 per annum be provided by the State Government to the Shire of Wyndham East Kimberley to assist with this implementation if it is to occur.***
3. ***Request the State Auditor General to review the capacity of Local Government to deliver the expectations the Emergency Management Act 2005 places on Local Government.***
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5. ***Advise FESA that under Section 41 of the Emergency Management Act 2005 it nominates FESA as the Local Recovery Coordinator for emergencies in the Shire of Wyndham East Kimberley.***

Carried Unanimously: 7/0



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

Discussion Paper

**State Government support to Local Government
to implement requirements under the
*Emergency Management Act 2005***

August 2006

For more information

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Summary

The *Emergency Management Act 2005* places administrative functions necessary for the successful implementation of Statewide emergency management onto Local Government. This is in contrast to the previous policy environment in which each Local Government made their own judgment as to the level of support and involvement it would have with emergency management in their community

Funding was not provided to Local Government to meet legislative requirements. Feedback from our members indicates that Local Government recognizes its role in emergency management (EM). Local Government's ability to provide effective EM arrangements is related to the resources available to meet this role. The EM Act will have significant implications on Local Government staffing and resources. Emergency Management (EM) is too important to be left to the capacity of Local Government and their ability to access competitive grant funding. Given the significance of Local Government EM planning it is appropriate for the State to fund Local Government in the undertaking of EM activities. There are examples of State initiatives which fund and support new policy and legislative requirements of Local Government.

The Association's position, endorsed in June 2005 by State Council, is that *Local Government does not support the Emergency Management Bill 2004 in its current form, in particular the potential shift of responsibilities to Local Government without any indication of mandatory allocation of funding resources.*

An agenda item is being presented to the October meeting of the Association's State Council where feedback will be sought from Local Government. A separate paper is being developed to focus on Local Government and Indigenous community arrangements.

Principles

1. The *Emergency Management Act 2005* mandates new legislative requirements for Local Government
2. The State Government should provide a sustainable revenue stream to support Local Government in undertaking new emergency management legislative requirements
3. Given the significance of Local Government EM planning it is appropriate for the State to provide specific funding to Local Government to assist in the development of EM activities

Recommendations

1. That the State Government, in consultation with Local Government, develops specific
 - a. Training for Local Government elected members and staff in EM requirements
 - b. Training for State Government agencies in their EM requirements
 - c. Local Government Resource Manual which includes the roles and responsibilities of State and Local Government agencies, template policies and plans, case studies on good practices;
2. That the State Government gives a commitment to the ongoing funding of Local Government mitigation planning, training and activities;
3. That the State Government extends the regional Community Emergency Management Officers network to assist Local Government and their communities undertake emergency management planning;
4. That the State Government establishes a dedicated emergency management funding allocation that includes up to \$50,000 per Council to assist with the development of Recovery Plans and/or to implement an emergency management priority project; and
5. That dedicated support and funding is established by the State Government to support emergency management planning on remote Indigenous communities.

Emergency Management Act 2005

The *Emergency Management Act 2005*, gazetted in December 2005, provides for prompt and coordinated organization of emergency management in the State, and for related purposes.

The Act establishes a planning infrastructure based upon the existing arrangements outlined in the previous State Emergency Management Committee Policy Statement No. 7. Details on the function of the Act are outlined in Appendix One.

New Role for Local Government

The Act mandates legislates emergency management (EM) functions for Local Government. Previous EM functions relied on in State Government policy.

This imposes a new legal requirement on Local Government. As the Act binds the Crown there is a new role for Local Government in relation to emergency management functions on Crown land managed by agencies such as Port Authorities, the Department of Environment, Conservation and Land Management and the Aboriginal Lands Trust – including the State's 236 remote Indigenous communities.



Appendix Two lists the details of Local Government's requirements under the EM Act. In summary Local Government is required to:

- To ensure effective local emergency management arrangements are prepared and maintained – including, policies for emergency management; the roles and responsibilities of public authorities and other persons in emergency management and a recovery plan and the nomination of a local recovery co-ordinator.
- To manage recovery following an emergency affecting the community in its district
- To establish one or more local emergency management committees

Regulations

The detail of the Act's requirements will be explicit through the regulations. The proposed scope of regulations are:

- prescribe Hazard Management Agencies for hazards, plus Combat Agencies and Support Organisations.
- may limit the circumstances, and regulate the manner, in which the powers under the Act may be exercised.
- made to require emergency management agencies to provide insurance cover for volunteers for compensation for injury caused.

It is imperative that the State Government consults with Local Government in an appropriate and timely way on the development of the regulations

Principle

The *Emergency Management Act 2005* mandates new legislative requirements for Local Government

Capacity for other agencies to undertake EM functions

Section 35 of the Act provides for the State Emergency Management Committee (SEMC) to specify a public authority to undertake the emergency management functions of a Local Government in some areas. The intention is that ensure EM arrangements cover the whole state including the Abrolchs Islands, over which Department of Fisheries holds a land management order, Rottenest Island and Kings Park. This is outlined in Appendix Three.

The capacity of other authorities to undertake Local Government functions has implications for Local Government's role on Crown Land, including land managed by State agencies including the Department of Environment and Conservation and the Aboriginal Lands Trust.

The State Government's view of Local Government's capacity

The Association advised the Minister for Emergency Services in June 2005 that Local Government does not support the Emergency Management Bill 2004 in its current form, in particular the potential shift of responsibilities to Local Government without any indication of mandatory allocation of funding resources¹

There was no new funding provided by the State Government to Local Government to assist with new legislative requirements.

Previous Emergency Services Ministers Roberts and D'Orazio reiterated that if Local Government funds the Act overly burdensome then they have the ability to seek the assistance of FESA and the WA Police. This is outlined in Appendix Four. Minister Kobelke Minister for Police and Emergency Services, in response to a request for funding support from the Kimberley Zone Councils for the development of emergency management plans wrote: *The process required to identify and justify direct emergency management funding to local government on the basis of need...is burdensome.*²

Systemic Sustainability Landscape of Local Government

The Association's Systemic Sustainability Study interim report *In Your Hand: Shaping the future of Local Government in Western Australia* found that Western Australian Councils are facing a funding crisis and a greater commitment to genuine growth revenue streams from both State and Federal Governments is vital for a for a successful Local Government sector. In addition to the uncertainty of the revenue allocation is the issue of cost shifting by State and Federal governments whereby additional services are required without corresponding additional funding, leading to financial unsustainability.

In acknowledgement of cost shifting the State Government through the *Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters*, April 2006, has agreed that it will consult with relevant peak local government representative bodies to ensure the financial implications and other impacts of new legislation or regulatory requirements are taken into account.³

¹ State Council Resolution June 2005

² John Kobelke, Minister for Police and Emergency Services, 5th July 2006, letter to Kimberley Zone Secretary

³ *Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on local Government Matters*, April 2006, Part II 6.10

Principle

The State Government should provide a sustainable revenue stream to support Local Government in undertaking new emergency management legislative requirements

Issues Identified by Local Government with implementing the EM Act

The Association, in response to concerns from members with the ability to implement new EM requirements, surveyed members in June and July 2006 to determine if the legislation was a continuation of the status quo or if it would impact on Council staff and resources. If the latter, the aim of the survey was to determine the cost of the new legislation on Local Government. Survey data is contained in Appendix Five.

Of respondents the majority do not fully understand their EM requirements. However, they do believe that the Act will impact on their staff and resources, in particular in the employment of new staff and the restructuring of current staff positions. The majority of respondents will need to develop new policies and plans, and develop risk management and recovery plans to meet new legislative requirements.

The majority of respondents do not have an emergency risk management plan in place. Of those that do over 80% will need to revise their current plan in line with the new Act. The majority of respondents do not have a recovery plan. Of those that have a plan, the majority (63%) will have to revise it in line with the new Act

The Association asked members what State Government support would assist them in implementing Emergency Management requirements: The following State support was identified as needed by Local Government:

- Training: held across the regions and targeted at elected members and operational staff
- Funding assistance: for Local Government to employ staff and to develop plans
- Education: A clear list of roles and responsibilities of Local Government and State agencies in recovery, template policies and plans and case studies on good practice
- State Government Resources: Greater resources to FESA to assist Local Government
- Aboriginal community arrangements: Clarity around Local Government and Aboriginal community arrangements

The reports of Local Emergency Management Committees indicate that Local Government is not prepared to embrace its role under the EM Act. As of 30 June 2005:

- Only 93 Local Governments had local emergency management arrangements in place, with a further 27 local governments having at least draft arrangements in place;
- Only 77 of the 126 LEMCs have already undertaken or are undertaking an emergency risk management study – a key element of local emergency management arrangements.⁴

93 Local Governments represents 64% of Councils. Feedback from the survey indicates that whilst these arrangements are in place Councils have questioned their adequacy.

⁴ Source – Minister's letter 14th September 2005

Recommendation

That the State Government, in consultation with Local Government, develops specific

- Training for Local Government elected members and staff in EM requirements
- Training for State Government agencies in their EM requirements
- Local Government Resource Manual which includes the roles and responsibilities of State and Local Government agencies, template policies and plans, case studies on good practices
- Dedicated funding for Local Government to develop and implement Recovery Plans

Broader Emergency Services Concerns

Local Government's responses to the Emergency Management Act resonate with a number of issues in relation to the roles, responsibilities and funding of State and Local Government emergency services. These include concerns include funding pool and allocation of the Emergency Services Levy, and the management of Bush fires

Current State Government support for Local Government EM

There is no specific State Government funding for Local Government to assist Councils in developing local emergency management plans.

The AWARE, All Western Australians Reducing Emergencies competitive grant programme program enables local government to identify emergency risks or hazards within their community and develop appropriate treatment options through the emergency risk management process. AWARE will not provide funding to develop their local emergency management arrangements or plans. Information on AWARE is contained in Appendix Six

Mitigation is critical to planning for and assuaging disasters. AWARE funding is currently operating at full capacity for the amount of funding and resources. The programme commenced in 2002/03 – secure funding into the future has not been discussed

Recommendation

That the State Government gives a commitment to the ongoing funding of Local Government mitigation planning, training and activities

In response to the Emergency Management Act the State government has:

- advised all Councils them of key areas of the Act and seeking input into regulations
- Held an information seminar (Sunrise Seminar) in Perth
- Held regional seminar for DEMCs
- Undertaken State Government agency specific presentations outlining roles
- Undertaken policy development regarding remote Indigenous community arrangements

- Commenced the development of Local Recovery Planning Guidelines FESA, through the EMS, An Initial draft prepared by metropolitan group and being trialed by 3 regional local governments

There is no State Government funding for Local Government to develop EM recovery plans.

Commonwealth funding support for EM

The Commonwealth Working Together to Manage Emergencies' initiative is a competitive grant programme which will fund the development and implementation of emergency risk management initiatives, and recovery plans. In addition to funding EM Plans, the Commonwealth has a number of funds to implement mitigation initiatives. These are outlined in Appendix Seven.

*Cost Shift
to Awareness*

It is of concern that Local Government is using Commonwealth funds to develop EM plans mandated by the State. The opportunity cost is that Local Government not accessing these funds for other activities such as treatment options and capital requirements.

State Government support for Local Government to implement State Initiatives

There is precedence in the State Government providing specific, dedicated funding and support to Local Government to assist Councils implement new State legislative and policy initiatives. Information on these is included in Appendix Eight. This includes:

✱

- Disability Access and Inclusion Plan (DAIP) Grants: Up to \$7,500 per Council to assist Local Government respond to 2005 amendments to the Disability Services Act 1993.
- Community Safety and Crime Prevention Plans: non competitive grants of up to \$10,000 to develop plans, plus \$2400 per for administrative costs plus extensive assistance to Councils from a Community Engagement Team
- Up to \$40,000 per Council to assist with the implementation of a priority project identified in their plan
- Local Government Local Activity Grants: Up to \$10,000 per Local Government to assist Local Government develop local activity plans

The AWARE programme is a positive example of a State Government initiative supporting Local Government to undertake mitigation activities. Given the significance of Local Government EM planning it is appropriate for the State to provide specific funding to Local Government to assist in the development of recovery plans.

Principle

Given the significance of Local Government EM planning it is appropriate for the State to provide specific funding to Local Government to assist in the development of EM activities

Bushfire Planning

FESA has established a network of 7 Community Emergency Management Officers (CEMOs) to work with Local Governments to develop Bushfire Response plans. The appointments are in Perth (2), Bunbury (2),

- WA 7 new Kimberley WA 40% Bushfire

Geraldton, Albany and Northam. The appointments were initially for 6 months but have been extended to 12 months. The positions are managed from Perth.

The CEMO network provides a foundation of State Government staff familiar with the role and responsibilities of Local Government in relation to bushfire planning. The opportunity exists to expand this network to include emergency management planning.

Recommendation

That the State Government extends the regional Community Emergency Management Officers network to assist Local Government and their communities undertake emergency management planning

Notional Cost of Funding Emergency Management Plans

Minister Kobelke indicated that: *The process required to identify and justify direct emergency management funding to local government on the basis of need...is burdensome.*⁵

The Association survey indicated that:

- Most Emergency Risk Management plans have been developed in house.
- Number of hours varied ranging from 20 hours to 2330 hours
- The average number of hours from respondents was 254 hrs
- The use of consultants to develop an ERM Plan was approximately \$30,000

Data from the Commonwealth Working Together to Management Emergencies Funding for ERM and RM Plans indicates that a number of Councils received funds to develop plans. Appendix Nine illustrates the funding allocated to Local Governments specifically to develop plans:

Based on information from Councils and funding bodies, it would be appropriate for the State Government to budget:

- Up to \$50,000 per Local Government to develop recovery plans or to implement a priority project.
- Total cost: \$7,200,000

Recommendation

That the State Government establishes a dedicated emergency management funding allocation that includes up to \$50,000 per Council to assist with the development of Recovery Plans and/or to implement an emergency management priority project.

⁵ John Kobelke, Minister for Police and Emergency Services, 5th July 2006, letter to Kimberley Zone Secretary

Emergency Management Arrangements to remote Indigenous Communities

A policy framework for Emergency Management arrangements to remote Indigenous communities is currently being developed by FESA in partnership with the Association. Given the unique requirements of remote Indigenous communities it is appropriate that a separate, dedicated fund is established based on good policy.

Recommendation

That dedicated support and funding is established by the State Government to support emergency management planning on remote Indigenous communities

Conclusion

Local Government recognizes its role in emergency management. The *Emergency Management Act 2005* legislates new requirements on Local Government.

The Minister has indicated that it is burdensome to identify and justify direct emergency management funding to local government on the basis of need. The Association through consultation with members has justified the need to support Local Government and identified an appropriate cost. Emergency Management planning is too important to be left to the capacity of Local Government and their ability to access competitive grant funding. There is precedence with State Government providing special purpose grants to Local Government to assist with planning and implementing government policy and to deploy a network of staff to assist with this planning. It is appropriate for these models to be applied to EM activities.

Appendix One – Details of the Emergency Management Act 2005

Under the *Emergency Management Act 2005*, "Emergency Management" means the management of the adverse effects of an emergency including;

- Prevention – mitigation or prevention of potential effects of emergency (through reducing the likelihood of events or their consequences)
- Preparedness – for response to an emergency
- Response – combating effects, assisting casualties, reducing further damage, help to speed recovery
- Recovery – support in repair of communities, in reconstructing and restoring infrastructure, the environment and community, psychosocial and economic wellbeing.

"Hazard" means; Cyclone, earthquake, flood, storm, tsunami or other natural event; Fire; Road, rail or air crash; Plague or epidemic; Terrorist act; and Any event resulting in loss of life, destruction or damage to property and environment, prejudice to safety, harm or health of the community.

The Act establishes a planning infrastructure based upon the existing arrangements outlined in Policy Statement No. 7, including:⁶

- i. The State Emergency Management Committee (SEMC) - responsible for planning and preparing for an efficient emergency management capability for the State. The Act requires SEMC to establish policies and plans.
- ii. District Emergency Management Committees – established for each emergency management district to assist in the establishment and maintenance of effective emergency management arrangements for its district.
- iii. Local Emergency Management Committees - established by the respective local government to advise and assist the local government in ensuring that local emergency management arrangements are established for its district.
- iv. Hazard management agencies – responsible for developing and maintaining State emergency management plans for designated hazards.
- v. Combat agencies and support organisations, and the activity or function for which they are responsible.
- vi. Local governments' responsibilities in relation to local, community-centred emergency management.

The Act also establishes an operations infrastructure, including:

(i) The State Emergency Coordinator (the Commissioner of Police) – responsible for coordinating the response to an emergency during a declared 'state of emergency', for chairing the State Emergency Coordination Group, and for providing advice to the Minister and the State Disaster Council.

(ii) The State Emergency Coordination Group (SECG) – which is automatically established if a 'state of emergency' is declared, or may be formed at other times at the request of a Hazard Management Agency. The SECG is responsible for ensuring the provision of a coordinated emergency management response across whole of government.

(iii) The State Disaster Council (SDC) – which is automatically formed if a 'state of emergency' is declared. The SDC is chaired by the Premier, and includes relevant Ministers and the State Emergency Coordinator. Establishment of the SDC ensures that Government is involved in the management of a declared 'state of

⁶ Source – Letter to WALGA

emergency', and has the opportunity (via the State Emergency Coordinator) to provide the Government's input to the State Emergency Coordination Group.

Regulations

The proposed scope of regulations are:

- a. Regulations will prescribe Hazard Management Agencies for hazards, plus Combat Agencies and Support Organisations.
- b. Regulations may limit the circumstances, and regulate the manner, in which the powers under the Act may be exercised.
- c. Regulations are to be made to require emergency management agencies to provide insurance cover for volunteers for compensation for injury caused.

Appendix Two - Functions of Local Government under the Emergency Management Act 2005.

Section 36 Functions of local government

It is a function of Local Government -

- (a) subject to the Act, to ensure effective local emergency management arrangements are prepared and maintained for its district;
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act

*NOT SEMC
Appoint. is it
is h.g. is
Responsible?*

Section 37 Local emergency coordinators

- (1) SEMC is to appoint a local emergency management co-ordinator for each local government district
- (2) Before appointing a local emergency management coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government *→ Has it?*
- (3) In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government
- (4) The local emergency coordinator for a local government district has the following functions -
 - (a) to provide advice and support to the local emergency management committee for the district in the development and maintenance of emergency management arrangements for the district
 - (b) to assist hazard management agencies in the provision of a co-ordinated response during an emergency in the district
 - (c) to carry out other emergency management activities in accordance with the directions of the State Emergency Co-ordinator

Section 38 Local Emergency Management Committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district

Blicky Sasson Review

Emergency Planning +
 Response is ^{someone's} responsibility
 unless h/c has commanding power + is
 resource to ^{that}.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC

They can be responsible then!

Section 39 Functions of the Local Emergency Management Committee

The functions of a local emergency management committee are, in relation to its district or the area for which it is established –

- (a) to advise and assist Local Government to ensure emergency management arrangements are established for its district
- (b) to liaise with public authorities and other persons in the development, review and testing of local management arrangements; and
- (c) to carry out emergency management activities as directed by SEMC or prescribed by the regulations

Section 40 Annual Report

- (1) ...each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year

Section 41 Emergency management arrangements in local government district.

(1) A local government is to ensure that arrangements ("local emergency management arrangements") for emergency management in the local government's district are prepared.

like what?

- (2) The local emergency management arrangements are to set out -
 - (a) the local government's policies for emergency management;
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - (c) provisions about the co-ordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
 - (d) a description of the emergencies likely to occur in the local government district;
 - (e) strategies and priorities for emergency management in the local government district prescribed by the regulations; and
 - (f) other matters about emergency management in the local government district the local government considers appropriate.
 - (g) other emergency management matters that the Local Government considers appropriate
- (3) Local emergency management arrangements to be consistent with the State emergency management policies and State emergency management plans
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery co-ordinator = FCSA
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as practicable after they are prepared

Section 42 Reviewing and renewing local emergency management arrangements

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC

Section 43 Local emergency management arrangements to be available for inspection

- (2) The arrangements are to be available for inspection, free of charge, by members of the public during office hours

Section 47 Local governments may require owner or occupier of land to take action

- And what about the Dent?*
- (1) If a local government is of the opinion that any vegetation or premises on land in a cyclone area in the district of the local government may, as a result of the cyclonic activitya direction in writing requiring the person to take measures specified in the direction to prevent or minimise the loss, prejudice, harm destruction or damage.

Section 48 Additional powers when direction given

- (2) If the person who is given the direction (the "direction recipient") fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the direction was given
- (3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice. *- What about cost of recovery?*

Section 55 61 Hazard management officer and authorized officers *Staff time (etc)*

The Act provides for a HMA to authorise officers to act as Hazard Management Officers (HMOs), and for the State Emergency Coordinator to authorise officers to act as Authorised Officers (AOs), who may then exercise the emergency powers under Part 6 of the Act during an 'emergency situation' or a 'state of emergency'.

Some of the issues that will need to be considered are whether:

- Appointments should be by individual's name or by position. (For ease of administration, the latter would be the preferred option.);
- The employees and officers of a local government might need to be appointed as HMOs/AOs, even if the local government is not a HMA, or is not the HMA for the hazard/s for which its employees/officers might need to be appointed as HMOs/AOs;
- There is a need for the authorisation of certain positions as HMOs/AOs across all hazards/HMAs (e.g. the Emergency Services Coordinator of the Department for Community Development); and
- Pro-forma documents can be developed for the authorisation of HMOs and AOs. (FESA will explore this option further.)

Section 78 Entitlement to compensation

- (1) Subject to this Division a person who suffer loss of damage because of the exercise, or purported exercise, of a power under section 46, 47, 48, 69 or 75(1)(f) is entitled to be paid just and reasonable compensation for the loss of damage
- (2) Compensation is not payable to the person for loss or damage to the extend that
- (a) An amount for the loss or damage is recovered or recoverable by the person under a policy of insurance; or

- (b) the conduct of the person contributed to the loss or damage
- (3) compensation is not payable to the person for loss or damage if the loss or damage would have happened in any event irrespective of the exercise, or purported exercise, of the power.

101 Regulations as to compensation of volunteers

- (4) Regulations made under this section may require an emergency management agency to take out and keep current in accordance with the regulations a policy of insurance that insures volunteers for compensation for injury caused to them while they are engaged in carrying out prescribed emergency activities
- (5) (a) provide for the compensation that is payable for injury caused to a volunteer and the circumstances in which the compensation is payable

Appendix Three – Capacity for other agencies to undertake Emergency management functions of Local Government

35 Specified public authorities may exercise functions of local government

Section 35 (1) of the Act provides for the SEMC to specify a public authority to undertake the emergency management functions of a Local Government in some areas.

Before this is to occur the SEMC is to notify each local government of what is proposed to be done and allow a reasonable time for submissions on the proposal (2) and in designating the area the SEMC is to have regard to any submissions of the local government (3)

A Local Government is not to perform or exercise functions in relation to an area within its district that has been designated.

Section 4 of the Act defines a public authority as:

- an agency as defined in the *Public Sector Management Act 1994*;
- a body, corporate or unincorporated, that is established or continued for a public purpose by the State, regardless of the way it is established;
- Local Government or regional Local Government
- the Police Force of Western Australia;
- a person or officer of a body referred to above; or
- A person or body prescribed by the regulations as a public authority for the purposes of this definition

Appendix Four – Ministerial Responses

Minister Roberts Former Minister for Police and Emergency Services wrote to the Association stating that⁷:

The Emergency Management Bill does not impose any additional responsibilities upon local government. Rather, the Bill formalizes the roles and responsibilities that local governments have been encouraged to

⁷ Correspondence received by the Association on 14th September 2005 from the Minister for Police and Emergency Services, Michelle Roberts

under (and which many local governments have been undertaking) prior to and since the establishment of the current Western Australian emergency management arrangements under a 1985 Cabinet minute.

The Bill does not provide any punitive measures in respect of a failure of a local government to undertake its roles and responsibilities.

If local government finds it overly burdensome to undertake its roles and responsibilities under the legislation.....has the ability to seek the assistance of FESA and the WA Police

Minister D'Orazio Former Minister for Police and Emergency Services gave a commitment to the Association's President ^{at their} that the implementation of the Act is a joint process between State and Local Government and that the State will fully support and provide expertise to Councils to assist in the planning process. The Minister will make resources available to Councils where requested and required. If there are problems in the implementation of the Act, the Minister wants to hear them.

Good. Ignore it. The il.
Letter
Revised 1/10
JAH

Appendix Five WALGA Survey Responses

79 (56%) responses
19 (24%) of responses metropolitan Councils
60 (76%) of responses country Councils

54% of respondents do not fully understand EM requirements

Impact on Local Government

New Staff

- 28% of respondents – need to employ new staff
- 35% not sure if they will need new staff

Restructuring of Staff

- 50% will need to restructure current staff
- 26% not sure if they will need to

Policies and Plans

- 72% of respondents will need to develop new EM Policies
- 72% need to develop a Risk Management Plan
- 74% need to develop Recovery Plan

- 31% of respondents have an emergency risk management plan
- Of those that do: only 41% only describe their plan as good
- 84% of respondents with plans will need to revise it in line with the new Act

- 68% of respondents do not have a recovery plan
- 43% of those that do describe their plans as good
- 63% of those that have a plan will have to revise it in line with the new Act

Impact on Local Government

⁸ meeting on 27th March 2006

Cost of developing ERM Plans

In house development of plans

- 73% of respondents with ERM plans developed these in house
- Number of hours varied
- The average number of hours from respondents was 254 hrs
- 76% of respondents did not receive external funding to develop these plans

Maintenance of plans

- The average number of hours to maintain the plan per year – 95hrs

Use of consultants

- \$30,000 for a consultant to develop an ERM Plan

What would assist Local Government

Training

- Must be held across the regions
- Targeted at elected members
- Targeted at operational staff

Funding assistance:

- to employ staff
- to develop plans

Education

- Written guidelines
- Clear list of roles and responsibilities of Local Government
- Clear list of State agency roles in recovery – i.e. DCD, FESA, police
- Template policies and plans
- Case studies on good practice

State Government Resources

- Greater resources to FESA to assist Local Government

Aboriginal community arrangements

- Clarity around Local Government and Aboriginal community arrangements

Appendix Six AWARE – All Western Australians Reducing Emergencies

AWARE program enables local government to identify emergency risks or hazards within their community and develop appropriate treatment options through the emergency risk management process.

AWARE grant scheme provides grants:

- up to \$30,000 including GST for salary subsidization, administration costs and/or research studies or
- up to \$40,000 including GST for treatment options.

AWARE funding

- \$200,000 per year.
- Reoccurring basis since the program started in the 2002-03 financial year.
- Securing funding for the long term future has not been discussed at this point.

Number of applicants received

Applicant numbers vary from year to year, 2006-07 saw 25 applications for grant and/or training which is the most received since the programs inception.

Financial Year	Grant	Training	Scholarship
2002/03	16	17	7
2003/04	7	13	4
2004/05	4	9	3
2005/06	6	9	N/A
2006/07	9	18	N/A
TOTAL	42	66	14

- The AWARE program is currently operating at full capacity for the amount of funding and resources attached to it.
- Previous years' under-subscription has allowed us to provide higher than notional funding for the 2006-07 applications

The average amount of grant monies paid to local governments has varied over the years

Financial Year	Amount of Grants	Average Paid (\$)
02/03	17	\$6,549
03/04	6	\$18,962
04/05	4	\$20,478
05/06	6	\$14,210
06/07	9	\$25,235

Appendix Seven – Commonwealth EM Funding Programmes

Working Together to Manage Emergencies

The final funding round of the WTTM initiative is scheduled for 2007/08. However, this is subject to review and there is the potential for the Programme to continue.

For the 2006-07 financial year there was 9 grants.

The average in kind costs contributed by local governments for the 2006-07 financial year is \$7,663.

The programs are managed by Emergency Management Australia (EMA)

The LGS provides grants at the local government level to assist communities to:

- develop and implement emergency risk management initiatives,
- enhance protective measures for critical infrastructure and
- provide emergency management and security awareness training for local government staff.

The NEVSF provides grants for projects developed to boost the recruitment, retention and training of volunteer organisations at the frontline of emergency management.

Local Grants Scheme

2005/06 Western Australia funding: \$1,802,598:

- Mix of capital equipment, training and planning

- 46 applicants funded:
- 18 from Local Government \$610,714
- 9 from FESA \$692,000

2006/07

30 from Local Government	\$1,192,452
2 from FESA	\$46,249

Commonwealth

Natural Disaster Mitigation Programme

The Natural Disaster Mitigation Program (NDMP) is a national initiative aimed at addressing natural disaster risk priorities across the nation.

The program is administered by the Department of Transport and Regional Services (DOTARS).

The Australian Government has committed to NDMP funding for five years until 30/6/08.

The purpose of the NDMP is to encourage state and local governments to undertake natural disaster mitigation works, measures and related activities that contribute to safer, sustainable communities better able to withstand the effects of natural disasters.

Australian Government funding under the program is contingent on at least a matching contribution from the State for each of its approved projects.

Where the project involves a local agency, the Australian Government will meet up to one third of the cost of each approved project, with the remaining two thirds being met by State/local agency arrangements, except for agreed exceptional circumstances where remote Indigenous communities, low capacity local governments or unincorporated communities would otherwise be precluded from participating in the program.

In 2006-07 Notional allocation to Western Australia is \$990,000 (i.e. 11 per cent).

Although these figures were the same as last year, actual funding approved for 2005-06 for Western Australia amounted to \$1,157,366.

The application period for 2006/07 closed on 24 February 2006. A total of 28 applications were received, amounting to a potential bid of \$2,115,970 for NDMP funding. The State Assessment Panel convened on April 4 to assess and prioritise the projects before submitting the final bid to DOTARS. It is anticipated that successful applicants will be announced in August 2006.

Regional Flood Mitigation Programme

The *Regional Flood Mitigation Programme* is an Australian Government initiative to assist State and Territory Governments and local agencies in the implementation of priority, cost effective flood mitigation works and measures in rural, regional and outer metropolitan Australia.

The Programme commenced in 1999/2000 and is designed to integrate with the Australian Government's approach to natural disaster mitigation throughout Australia. The Federal Government's annual total funding for Australia is \$9.6 million of which WA's notional annual allocation is \$480,000 (i.e., 5%). The Federal Government's contribution is for a maximum of one third of the cost of the approved project, with the remaining two thirds of the cost being met by the combined resources of the state and local agencies. The State Government must at least match the Federal Government funding.

The Department of Water is the State's co-ordinator for this programme

Bushfire Mitigation Programme

\$15.5M over three year

objectives are to construct, maintain and sign an effective fire trail network to increase the:

- safety of firefighting personnel involved in a fire suppression effort;
- rapidity with which fire suppression agencies are able to access a fire; and
- type of resources that can safely be made available to a fire suppression effort, including fuel reduction and other mitigation activities.

The States and Territories administer the 'day-to-day' operation of the Bushfire Mitigation Programme on behalf of the Australian Government. Local government and other local key stakeholders will be engaged in the development of applications or as a partner, where matching funding is available.

The allocation to Western Australia is a minimum of \$0.55 million per annum over three years, with the capacity to bid for additional funds that may be available from under-spending by other jurisdictions.

Appendix Eight- State Government Local Government Grant Programmes

Disability Access and Inclusion Plan (DAIP) Grants

The Disability Services Commission provided specific funding and resources to assist Local Government respond to 2005 amendments to the Disability Services Act 1993. This included:

- Local Government Resource Manual – includes background information for Local Government on the Disability Services Act, 1993, information on the 2005 amendments and their implication for Local Government, template Local Government policies and two template DAIP Plans – one for a small rural Council and one for a larger Council
- Staff resources at the Disability Services Commission to assist Councils in developing their plan
- Series of regional workshops
- Up to \$7,500 (greater funding will be considered) per Council to implement a priority project identified in their DAIP

Community Safety and Crime Prevention Plans

The State Government through the Office of Crime Prevention provided specific support to Local Government to assist with the State's new structure on crime prevention. This included:

12.5.3 Regional Governance and Service Delivery to Remote Indigenous Communities (*Minute No 7573*)

DATE:	21 November 2006
PROPONENT:	Shire Wyndham East Kimberley
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the impact of the Bilateral Agreement on Indigenous Affairs in regard to alternative means of service delivery to remote indigenous communities and the Kimberley Zone resolution to investigate methods of improving regional governance.

BACKGROUND

The Commonwealth and State Governments have jointly agreed through the Bilateral Agreement 2006 – 2010 to changes in the way that services are delivered to remote Indigenous Communities.

The Agreements specifically states;

“The Governments will work towards achieving one level of service delivery for provision of each of, housing, infrastructure, essential services, & municipal services to all indigenous communities in WA by 30th June 2008. This should be the WA government & Local Government respectively for services they would normally provide to comparable non indigenous communities.” p 7

“It is envisaged that this will involve a progressive transfer of responsibility & agreed levels of funding from the Australian Government to the WA Government & increased involvement of Local Government in service delivery to indigenous communities.”p8.

“An intergovernmental group will undertake the planning & consultation required on the terms of transfer, including funding, timeframes, & administrative arrangements.”

In addition, the Kimberley Country Zone for Local Government considered two items related to regional governance and the use of funding from the Connecting Local Governments program at its August 2006 Zone meeting. At this meeting, the Zone requested that the Shire Chief Executive Officers consider ways of improved regional governance.

Also, the Kimberley Country Zone has considered maintenance of Aboriginal access roads and other associated infrastructure and resolved to adopt the following report recommendation at its meeting of 20 November 2005;

That the WA Local Government Association’s Kimberley Country Zone endorses the request from the Malarabah Civil Works Committee for all Kimberley Shires to enter into joint

maintenance arrangements for Aboriginal access roads and maintenance of other associated infrastructure not currently covered by the Local Government's jurisdiction.

ZONE RESOLUTION

Moved: Cr. E Archer

Seconded: Cr. P McKay

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

These three elements – the Bilateral Agreement, regional governance structures and local government service delivery to Indigenous communities – are inextricably linked to the sustainability of local governments, especially in the Kimberley.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications of the Bilateral Agreement are unknown at any level of government at this stage. However, the Bilateral Agreement states;

"It is acknowledged that increased involvement of local government will require the development of mechanisms to augment the revenue of local governments." p 8

STRATEGIC IMPLICATIONS

The Kimberley region has one of the highest birth rates in Australia. This is largely due to birth rates of the Indigenous population, who are also, in too many instances, disadvantaged in the areas of health and education standards and over represented in the justice system. The extent to which the Kimberley region genuinely engages with indigenous people to assist in raising standards of living and life outcomes is likely to influence greatly the long term success and liveability of the Kimberley region.

COMMENT

The Bilateral Agreement appears to have been developed and signed off by the Commonwealth and the West Australian State Governments without the involvement of the local government sector. In addition, the intergovernmental bodies proposed to oversee the implementation and review of the Bilateral Agreement do not include local government representation.

Communities in the Halls Creek Shire and the Wyndham East Kimberley Shire are specifically identified in the Bilateral Agreement in regard to trials and blue prints for municipal service delivery and joint interventions. In addition, Beagle Bay has been identified for involvement in alternative governance arrangements. Details regarding these sites are not provided in the Agreement.

The opportunity is there for the Kimberley Local Governments to constructively influence and guide the evolution of service delivery to remote indigenous communities. It would seem that given the Bilateral Agreement, it is a case of get involved or sit back and wait and see the outcome. A wait and see approach increases the likelihood of such outcomes being imposed on local government rather than shaped by input from local government.

It is recommended that Kimberley Local Governments, individually and through their Zone, engage proactively in seeking to shape their own and their constituent's future in terms of service delivery.

The Intergovernmental Agreement (IGA) on Cost Shifting requires the cost and resourcing impacts on Local Government to be taken into consideration by State and Commonwealth Governments in their decision making. The Bilateral Agreement contains a statement of acknowledgement regarding the need to 'augment' local government revenue in relation to changed service delivery arrangements. However, if the local government sector has not been represented in the development or proposed implementation and review of the Bilateral Agreement, the other two spheres of Government have and are clearly disregarding the Intergovernmental Agreement (IGA) on Cost Shifting.

ATTACHMENTS

Bilateral Agreement on Indigenous Affairs 2006 – 2010.

VOTING REQUIREMENT

Simple Majority

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That given the Bilateral Agreement on Indigenous Affairs by the Commonwealth & State Governments Council recommend to the Kimberley Country Zone that it allocate funding (~ \$4,000) to prepare a submission to the Connecting Local Governments fund seeking to evaluate the potential benefits & issues for delivery of municipal services to Kimberley indigenous communities through a Regional Council model under the Local Government Act 1995.
2. That given the potential implications for Local Government in Kimberley region emanating from the Bilateral Agreement on Indigenous Affairs the Zone request the Commonwealth & State Governments to include the Kimberley Zone Local Government President on all intergovernmental bodies established to progress & review the Bilateral Agreement.
3. That given the Intergovernmental Agreement on Cost Shifting, the Council express its extreme dissatisfaction with the lack of consultation with and involvement of Local Government in the Bilateral Agreement development and implementation to the Prime Minister and the Premier, as the signatories to the Bilateral Agreement.

Minute No 7573

Moved: Cr K Wright

Seconded: Cr G Green

- 1. That given the Bilateral Agreement on Indigenous Affairs by the Commonwealth & State Governments Council recommend to the Kimberley Country Zone that it allocate funding (~ \$4,000) to prepare a submission to the Connecting Local Governments fund seeking to evaluate the potential benefits & issues for delivery of municipal services to Kimberley indigenous communities through a Regional Council model under the Local Government Act 1995.**
- 2. That given the potential implications for Local Government in Kimberley region emanating from the Bilateral Agreement on Indigenous Affairs the Zone request the Commonwealth & State Governments to include the Kimberley Zone Local Government President on all intergovernmental bodies established to progress & review the Bilateral Agreement.**
- 3. That given the Intergovernmental Agreement on Cost Shifting, the Council express its extreme dissatisfaction with the lack of consultation with and involvement of Local Government in the Bilateral Agreement development and implementation to the Prime Minister and the Premier, as the signatories to the Bilateral Agreement.**

Carried Unanimously: 7/0



Australian Government



Bilateral Agreement on Indigenous Affairs

Between

The Commonwealth
of Australia

and

The State of
Western Australia

2006–2010

Relating to Indigenous Affairs Arrangements and Enhanced Effort for Indigenous Service Delivery



1. Preamble

The Australian and Western Australian Governments (collectively the Governments) are committed to achieving better outcomes for Indigenous people in Western Australia.

This Agreement provides a framework and establishes priorities for the Governments to work together.

The Agreement will:

- improve and streamline service delivery so that appropriate services are accessible to Indigenous Australians, their families and communities in Western Australia;
- set out strategic approaches for joint, collaborative, flexible and innovative action by the Governments in partnership with Indigenous people and communities;
- provide a mechanism for the Governments to work cooperatively on service planning, delivery and investment in Indigenous communities;
- build on effective existing arrangements and complement related bilateral agreements;
- bring under its auspices, the collaborative work initiated under the Council of Australian Governments (COAG) trial;
- enhance effort in agreed priority areas and strategies;
- identify opportunities where existing expenditure can be redirected to ensure more effective and efficient investment strategies in Indigenous affairs;
- promote flexible arrangements for engagement with Indigenous people and obtaining community input into government priorities, policies and services;
- support the implementation of a strategic, whole of government framework for Indigenous affairs in Western Australia; and
- commit the Governments to increase effort in Indigenous Affairs.



2. Principles for Government Service Delivery

This Agreement is underpinned by the *National Framework of Principles for Delivering Services to Indigenous Australians*, endorsed at the COAG meeting on 24 June 2004 (Attachment 1).

These principles are:

- sharing responsibility;
- harnessing the mainstream;
- streamlining service delivery;
- establishing transparency and accountability;
- developing a learning framework; and
- focussing on priority areas.

3. Priorities, Strategies and Actions

The Governments' priorities (consistent with the COAG Framework) are:

- early childhood intervention - a key focus of which will be improved mental and physical health, and in particular primary health, and early educational outcomes;
- safer communities (which includes issues of authority, law and order, but necessarily also focuses on dealing with issues of governance to ensure that communities are functional and effective), and developing community capacity; and
- building Indigenous wealth, employment and entrepreneurial culture, as these are integral to boosting economic development and reducing poverty and dependence.

The Governments will address the priorities by taking action in the following key outcome areas:

3.1 Law and Order and Safe Places for People

The levels of violence and child abuse in some Indigenous communities require urgent responses. In June 2004, COAG agreed to work cooperatively to address family violence and child abuse under the *National Framework for Preventing Family Violence and Child Abuse in Indigenous Communities*.

The Governments are committed to ensuring that women and children in particular are protected wherever they live and that they have confidence in the justice system. Effective



policing and an efficient and fair justice system are essential prerequisites to achieving sustainable outcomes across a range of critical areas including housing, health, economic development and education.

The Western Australian Government has given a high priority to addressing the unacceptably high rates of violence and abuse experienced by Indigenous communities through its response to the *Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (the Gordon Inquiry)*. Through this Agreement, the Governments agree to work together to support initiatives that promote safe and secure Indigenous communities and to reduce the over-representation of Indigenous people in the justice system. As a priority, the Governments agree to identify ways that they can work together to complement and expand the initiatives already put in place by the Western Australian Government in response to the Gordon Inquiry.

The Governments are committed to supporting regional and local approaches to crime prevention and to tackle the underlying causes of Indigenous offending. The Governments also recognise the deleterious impact of alcohol and other drugs on many Indigenous people and communities and agree to work together to improve responsiveness to these issues.

Regional Petrol Sniffing Strategy for the Central Deserts Region of Australia

As an initial priority, the Governments agree to work together, and with Indigenous people in the area identified in the attached map (Attachment 2), to implement the Regional Petrol Sniffing Strategy for the Central Deserts Region of Australia. The Governments also agree to work with the Northern Territory and South Australian Governments, who have responsibilities under that Strategy.

This will involve the Governments contributing as agreed to the Strategy, in particular:

- A. the Governments will actively participate in the cross-jurisdictional steering group for the development and implementation of the Regional Petrol Sniffing Strategy for the Central Deserts Region of Australia;
- B. the Australian Government will roll out Opal fuel to affected Western Australian communities, roadhouses and pastoral properties in the agreed region;
- C. the Western Australian Government will work cooperatively with the other jurisdictions to ensure that there is a consistent legal framework across the region dealing with petrol sniffing and mental health;



- D. the Western Australian Government will provide appropriate levels of policing, including a permanent presence where agreed to support the community to target traffickers and both Governments will participate in the set-up of the Alice Springs drug desk operations;
- E. the Governments will facilitate alternative activities for people in the area to encourage them not to sniff petrol, including:
 - a. the Western Australian Government will implement strategies to improve engagement of, and educational outcomes for, children in the area; and
 - b. the Australian Government will provide access to a range of services that will support business, employment and participation outcomes for people in the area;
- F. the Governments will contribute to the provision of respite and support services for families;
- G. the Governments will contribute to strengthening and supporting communities, including by the placement of place-managers, youth workers and sport and recreation officers in the communities as agreed and the provision of other capacity building activities; and
- H. the Governments will ensure that their agencies are aware of the Regional Petrol Sniffing Strategy for the Central Deserts Region of Australia and that they operate in a way that is consistent with the objectives and agreed implementation plan for that Strategy.

The Regional Petrol Sniffing Strategy will be implemented by both Governments in partnership with the South Australian and Northern Territory Governments and Indigenous people in the region, progressively from 1 January 2006. The Strategy is planned to operate over the long term and will be assessed with regular evaluations and amended as required.

The Governments agree to monitor the need for similar initiatives in other communities.

3.2 Skills, Jobs and Opportunities

The Governments recognise that participating in economic development through improved education and training outcomes, sustainable employment, business development and wealth creation, is fundamental to Indigenous people breaking the cycle of poverty and disadvantage. The Governments have agreed to an Indigenous Economic Development Framework for Western Australia (the Economic Development Framework).

The Economic Development Framework describes how the Governments will work together and where efforts will be focussed. The Economic Development Framework is attached to and forms part of this Agreement (Attachment 3).



The Economic Development Framework outlines three priority outcome areas and related strategic focus areas as follows:

Priority Outcome Area One – Growing sustainable employment opportunities

- Work readiness
- Valuing Indigenous people and workforce capacity
- Lifestyle advantages of employment

Objective: Increase the Indigenous employment rate so as to reduce the gap between it and unemployment levels in Western Australia.

Priority Outcome Area Two – Building Investment and Asset Ownership

- Indigenous owned and controlled land
- Land and asset management
- Indigenous home ownership

Objective: Increase the levels of Indigenous investment and asset ownership in Western Australia.

Priority Outcome Area Three – Fostering Opportunities for Business Development

- Business relationships
- Business development and support

Objective: Increase in the number of sustainable Indigenous business enterprises in Western Australia.

The Economic Development Framework includes a major initiative involving the private sector. The Governments will work together with key mining and energy companies including through the Memorandum of Understanding between the Minerals Council of Australia and the Australian Government. The Governments will work with Industry and Indigenous people to overcome barriers to Indigenous employment in identified sites through the development of Regional Partnership Agreements in locations including:

- East Kimberley;
- Pilbara;
- Wiluna; and
- Boddington.

3.3 Healthy and Strong People

The Governments agree that improving the health status of Indigenous people is vital in order to ensure that Indigenous people enjoy the same level of health and well being as other Western Australians. Both Governments will work together within the context of the *National Strategic Framework for Aboriginal and Torres Strait Islander Health*, which establishes a whole of government and cross government commitment to addressing Indigenous health issues.

It is recognised that good health is dependent upon a number of social determinants such as adequate living conditions, level of education, safety and levels of poverty. Progress in all of the key outcome areas is therefore fundamental to building healthy and strong people.

Health services

The Governments agree to work within the *Western Australian Framework Agreement on Aboriginal and Torres Strait Islander Health* (Health Framework Agreement) to continue to improve primary health care services for Indigenous people. The Governments agree, in the context of the renegotiation of the Health Framework Agreement, to explore opportunities for further streamlining and integrating the provision of primary health care services to Indigenous people consistent with the COAG Service Delivery Principles. Any changes as a result of these negotiations will be incorporated into a revised framework agreement as necessary.

Early childhood

The Governments agree to work together to improve outcomes in early childhood through a prevention and early intervention approach. A number of collaborative projects will be undertaken to improve the way services and supports (currently provided across levels of government) are developed and delivered to young children and their families. Activity will be informed by the new COAG National Reform Agenda and linked to four key action areas of the National Agenda for Early Childhood - healthy families with young children, early learning and care, supporting families and parenting and child friendly communities. Targets for improved outcomes will be established where appropriate. This will include:

- establishing a joint planning mechanism, building on existing planning structures where possible, to identify and realise opportunities for joined-up early childhood services;
- building and documenting a model of holistic and integrated early childhood service provision in a remote location(s);

- 
- parenting support/education, and early childhood education and care;
 - development (with communities) of localised parenting information resources; and
 - development of a culturally appropriate early childhood program/curriculum.

3.4 Sustainable Environmental Health and Infrastructure

Healthy communities are underpinned by adequate and appropriate physical infrastructure, public health services and regulatory standards. The Governments are committed to working together with local governments and Indigenous communities to ensure efficient and effective delivery of essential and municipal services and the provision of reliable and sustainable infrastructure.

Housing, Infrastructure, Essential and Municipal Service Provision

The Governments currently provide housing, infrastructure and essential service support to Indigenous communities through the *Agreement for the Provision of Housing, Infrastructure and Essential Services for Indigenous People in Western Australia (November 2005 – June 2008)*. That agreement provides for the integration of the Australian and Western Australian Governments' funding allocated for this purpose and for the establishment of agreed planning, funds allocation and reporting arrangements.

The Governments acknowledge that continuous improvement is needed in coordinating and integrating the provision of housing, infrastructure, essential and municipal services for Indigenous people in order to reduce duplication of services and promote resource efficiency.

The Governments agree to work towards achieving one level of service delivery for the provision of each of housing, infrastructure, essential and municipal services to all Indigenous communities in Western Australia by 30 June 2008. This should be the Western Australian Government and local governments respectively for services that they would normally provide to comparable non-Indigenous communities.

It is acknowledged that responsibility for service delivery by the Western Australian Government to Indigenous communities will reflect the standard of services received by comparable non-Indigenous communities.

The Governments agree as a priority to work together to improve the delivery of municipal services to Indigenous communities in Western Australia. To this end, the Governments



will work cooperatively to progress the transfer of activities currently undertaken through the Australian Government's municipal services funding. It is envisaged that this will involve a progressive transfer of responsibility and agreed levels of funding from the Australian Government to the Western Australian Government and increased involvement of local governments in service delivery to Indigenous communities.

The Governments agree that transfers of responsibility will not result in an overall reduction in effort by either party. It is acknowledged that increased involvement of local governments will require the development of mechanisms to augment the revenue of local governments.

It is acknowledged that this proposed transfer will involve the development and trialling of new models and approaches for the delivery of these services. As a priority, the parties will commence work on the possible transfer of municipal services funding for the COAG communities of Balgo, Ringer Soak, Billiluna, and Mulan to the Shire of Halls Creek. This will involve a move to the delivery of services in a more regularised manner in these communities.

An intergovernmental group will undertake the planning and consultation required on the terms of transfer, including funding, timeframes and administrative arrangements.

3.5 Land, Sea and Culture

The Governments recognise the continuing rights and responsibilities of Indigenous people, including traditional ownership of and connection to land and waters, and agree to support Indigenous Western Australians enjoy better economic, social and cultural outcomes by addressing Indigenous land and heritage aspirations.

The Governments agree to work together to promote complementarity between their approaches to supporting Indigenous land needs. The Governments will work together to address impediments to investment in land such as the lack of title/tenure.

Native Title

Both the Western Australian and Australian Governments' approach to native title is focussed on the resolution of native title matters by negotiation and agreement rather than litigation where possible.

In order to achieve this, the Governments are committed to cooperating on native title issues. Both Governments acknowledge that the effective resolution of native title matters will be



achieved through a more cooperative relationship, quicker responses and better coordination, with a particular focus on priority issues.

Communications

Effective communications between the Governments offers the prospect of increased understanding, more open dialogue and greater cooperation in the resolution of native title determination applications and other native title matters.

The Governments have agreed to the adoption of a communications protocol between the relevant agencies in each jurisdiction.

Native Title Alternative Settlement Outcomes

In cases where native title determination applications are not able to meet the requirements of the *Native Title Act 1993 (Cth) (NTA)* it is desirable that they be resolved by agreement where possible. Both Governments are committed to alternative settlement packages to resolve such matters as appropriate.

To facilitate this the Western Australian Government will advise the Australian Government of native title determination applications it proposes be resolved by way of alternative settlement and the reasons for that decision. The Australian Government will consider its involvement and how it can contribute towards any settlement package.

Financial Assistance Agreement

The Western Australian Government acknowledges the Australian Government's offer of financial assistance to meet its compensation liability arising from the provisions of the *NTA*. Agreement on the conditions of that offer have not been finalised. However, the Governments commit to seeking to reach agreement on the terms of a native title financial assistance agreement that is consistent with the native title operational environment of mediation and agreement making.

To achieve this, the Western Australian Government will advise the Australian Government of any concerns it may have regarding the current offer of financial assistance. The Australian Government is committed to a process of continuing dialogue with the Western Australian Government on the terms and conditions of a native title financial assistance package and will therefore consider concerns raised by the Western Australian Government and respond promptly.



Prescribed Bodies Corporate

Prescribed Bodies Corporate (PBCs) need to operate effectively to enable native title holders to manage and utilise their native title rights and interests.

The Governments agree to explore options for improving the effectiveness of PBCs. The Australian Government will consult widely with the Western Australian Government and others on options for improving the effectiveness of PBCs and the Western Australian Government will provide relevant information to assist this process. The Governments will continue to consult on identified options once they have been explored.

Native Title Representative Bodies

Native Title Representative Bodies (NTRBs) are a fundamental part of the native title system and must operate effectively in order for the system, as a whole, to function. The Governments agree the value of improving the capacity and performance of NTRBs in representing claimants in the resolution of native title matters.

The Western Australian Government will work with NTRBs to develop a regional planning process to identify priority claims to be progressed and the Australian Government will have regard to the regional planning process both in its role as a party and as the provider of funds to NTRBs.

Supporting Indigenous Art

The Governments agree to coordinate planning and delivery of Indigenous arts centre support programs in Western Australia.

The key issues to be addressed are:

- a coordinated whole of government approach to building a strong and sustainable Indigenous visual arts sector, characterised by a stable and profitable base of Indigenous art centres involved in supporting the production and marketing of works of art;
- elevating the importance of the industry and strengthening the economic opportunities it can provide, particularly for those living in regional and remote areas, as well as recognising its cultural significance;
- improving art centre infrastructure and accommodation for art centre coordinators; and

- 
- establishing stronger partnerships between the Western Australian Government and the Australian Government to develop agreed priorities and long-term support strategies for art centres.

In regard to funding arrangements, the Governments have agreed to:

- examine options for improved funding models, including the provision of triennial funding, that support existing and emerging art centres to become sustainable and viable commercial businesses, whilst recognising the vulnerability of the industry and individual communities;
- take a whole of government approach and ensure Indigenous specific and mainstream business development and training programs provide appropriate support to art centres;
- maintain responsibility for delivering funding under these strategies using the coordination mechanisms identified below to set strategic priorities and avoid any duplication or ineffective use of these resources; and
- examine options for supporting community priorities through Shared Responsibility Agreements.

Arrangements will be coordinated through a joint management group that will meet quarterly and work in consultation with peak advocacy groups.

The success of program delivery will be measured against concrete outcomes, including:

- an increased proportion of art centres successfully utilising sound business practices that enhance their economic viability; and
- improved infrastructure and operational capability of art centres (as evidenced through realistic and useful business planning, stable governance arrangements, and improvements in record keeping).

3.6 Strong Leadership and Governance

The Governments recognise that effective Indigenous organisations, communities and leadership are essential ingredients for effective partnerships and agreement making between Governments and Indigenous people. They are also prerequisites for sustainable responses to Indigenous poverty and disadvantage and for enabling Indigenous people to manage the many complex issues that impact on their lives.



The Governments agree to work together to develop new and innovative models of community governance and management that support Indigenous needs and expectations across Western Australia but which also ensure that Governments meet their responsibilities to provide access to appropriate services and facilities.

Governance of infrastructure services

It is recognised that many Indigenous communities have struggled under the increasing responsibilities associated with running the equivalent of small towns, without access to the technical skills, expertise and resources available to mainstream communities.

The Governments agree to work with Indigenous communities to improve access to the skills and resources necessary for effective and efficient service delivery. Where appropriate, this may involve the development of alternative service delivery models (for example the Aboriginal and Remote Community Power Supply Program), which ensure that Governments meet their responsibility to provide essential services comparable to mainstream towns, while relieving the inequitable burden currently placed on many Indigenous governing institutions.

In a small number of communities initially, the Governments will work with people to separate Government business from community business. This will ensure that Governments are taking responsibility for managing essential services and will also provide the capacity for communities to address community issues and objectives.

In the first instance, the Governments will approach a number of communities to ask them to be involved in trialling new approaches to community and Government business management. Beagle Bay will be involved in alternative governance arrangements. In addition, and as outlined under Section 3.4, the Governments will commence work on the possible transfer of municipal services funding for the COAG trial communities to the Shire of Halls Creek.

The Governments will evaluate the success or otherwise of the approaches taken in those communities.

Communities in acute crisis

While new models of community governance and management are developed and trialled, the Governments acknowledge that urgent action will be required to respond to and support Indigenous communities and locations that are assessed to be in acute crisis. The



Governments agree to work together to improve the responsiveness to such communities and to ensure appropriate levels of support are provided. This will involve:

- Coordinating immediate action between the Governments to engage appropriately with community stakeholders;
- Assessing the underlying issues and community support needs and negotiating an agreed plan of action to address these;
- Considering the regional context and implications for interventions at the local level;
- Developing effective coordination arrangements, including the identification of key stakeholders and defining respective agency and community responsibilities;
- Providing additional funding and support that might be required to support the action plan; and
- Establishing performance indicators, accountability mechanisms and timelines.

The Governments agree that they will initially work together at Kalumburu to assist in developing a blue print for future joint interventions in Western Australia.

Engagement with Indigenous People

The Governments agree to work with Indigenous people to determine effective arrangements for engagement. This can involve:

- Regional Indigenous engagement arrangements;
- Negotiating how and when consultations will occur;
- Joint facilitation of consultation sessions;
- Sharing of costs associated with the agreed consultation processes; and
- Taking account of local circumstances and regional needs/differences.

Regional Partnership Agreements will then be negotiated between the Governments and the Indigenous groups identified by the consultation processes. The agreements will set out strategic approaches for joint, innovative action by the parties, in collaboration with Indigenous people and communities, to work on service planning and delivery of investment.



4. Working Arrangements for Intergovernmental Cooperation

4.1 Shared Responsibility

Shared responsibility and shared leadership are about Governments and communities working as partners and sharing the responsibility to achieve better outcomes for communities, individuals and families.

The Governments agree to work as partners to implement a strategic, whole of government framework for Indigenous affairs in Western Australia.

Shared responsibility and partnerships will also be achieved through agreements at the local and regional levels. Regional Partnership Agreements (RPAs) and Shared Responsibility Agreements (SRAs) are agreements between Governments and Indigenous communities. These agreements are based on partnerships which are founded on the following principles:

- improved outcomes for communities, families and individuals at the local and regional levels;
- a spirit of cooperation;
- agreed priority setting;
- shared responsibilities and commitments – by Governments and Indigenous partners to achieve outcomes;
- measurable outcomes;
- clear accountability requirements; and
- strengthened capacity and governance.

Regional Partnership Agreements (RPAs):

- provide a mechanism for all levels of government, in conjunction with Indigenous communities and others, to work cooperatively to meet identified priorities for a region;
- promote coordinated effort and the elimination of overlaps or gaps; and
- may address a number of matters or focus on a single issue across a region.



Shared Responsibility Agreements (SRAs):

- are agreements operating at a family or community level that spell out what all partners – communities, Governments and others – will contribute to bring about long-term changes which will achieve better outcomes for Indigenous communities; and
- involve only the discretionary funding that governments provide through special Indigenous programs and do not put additional conditions on Indigenous people's access to benefits or services available to all Australians.

Development and Monitoring of SRAs and RPAs

The Governments agree to work together to develop SRAs and RPAs with Indigenous communities. In particular the Governments will:

- consult with each other about potential agreements;
- where practical, conduct joint meetings with communities;
- work on SRAs and RPAs collaboratively to avoid duplication and to maximise outcomes; and
- establish processes for the ongoing monitoring and review of the outcomes achieved from SRAs and RPAs.

4.2 Joint Planning and Administrative Arrangements

The structures for overseeing and implementing this agreement and for joint planning are:

- A. Joint Ministerial oversight and reporting;
- B. Peak steering body, called the Intergovernmental Indigenous Affairs Group, which will consist of senior officials, including representatives from the Department of Prime Minister and Cabinet, the Office of Indigenous Policy Coordination and the Western Australian Departments of Premier and Cabinet, Indigenous Affairs and Treasury and Finance. The officials will meet twice a year and will review and jointly report on the progress of this Agreement and proposed new areas of action through their respective departmental heads to the Secretaries' Group on Indigenous Affairs and to the Director-Generals' Group respectively;

- 
- C. State Coordination Group involving the Australian Government (State) Managers and Western Australian Directors-General will have primary responsibility for ensuring that the strategies and actions outlined in the Agreement are implemented and that further areas of action are identified and developed. They will meet four times a year for this purpose; and
 - D. Regional forums involving Indigenous Coordination Centre Managers and Western Australian Regional Managers will meet quarterly.

The Governments will work with Indigenous people and communities, including any representative groups that are established, in the implementation of the priorities under this Agreement.

Common administrative arrangements will be developed that will enable the Governments to work to the same geographic regions. A map of the common Indigenous affairs administrative boundaries for both Governments is attached (Attachment 4) and forms part of this Agreement.

Where it is practical to do so and there are benefits to be gained, the Governments will explore opportunities for the co-location of relevant offices.

4.3 Information Sharing and Reporting

The Governments recognise the importance of sharing program and operational information to collaborate effectively. In this regard the Governments agree to:

- provide information to report against the *Overcoming Indigenous Disadvantage* (OID) framework; and
- collaborate in improving the quality of information and on intergovernmental information sharing to enhance planning, delivery and monitoring of services.

4.4 Dispute resolution

Every attempt will be made to resolve disputes at the level at which they occur. When disputes cannot be resolved, the issue will be taken to a higher level for consideration through the coordinating arrangements outlined above.



4.5 Monitoring and Review of the Agreement

The Governments agree to monitor and evaluate progress against agreed benchmarks and milestones (where possible building on the OID framework) and make performance information available for evaluations. These are to be determined by the Intergovernmental Indigenous Affairs Group within the first twelve months of the Agreement.

Specific plans within this Agreement will be jointly reviewed on an ongoing basis, to take account of the development of a whole of government framework for Indigenous affairs in Western Australia and any other information that becomes available.

The Governments also agree to identify further opportunities for joint action, which may be added as schedules to the Agreement.

4.6 Funding

The Governments are committed to improving Indigenous outcomes and to the initiatives outlined in this Agreement.

Both Governments recognise that not all initiatives in this Agreement can be reliably costed and budgeted for at this time. Where additional funding is required to implement this Agreement, provision of this funding by both Governments will be subject to negotiation and normal budgeting/appropriation processes.

5. Duration of Agreement

The term of this Agreement will be for five years and will be jointly reviewed after two years.

This Agreement can be amended at any time with the consent of both parties.



Attachments

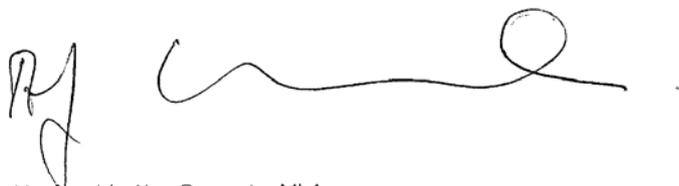
1. National Framework of Principles for Delivering Services to Indigenous Australians
2. Central Australian Petrol Sniffing Strategy Zone as at May 2006
3. Building Prosperity for Indigenous Western Australians - Indigenous Economic Development Framework
4. Map of Indigenous Affairs Administrative Boundaries



Signed by:



The Honourable John Winston Howard MP
Prime Minister of the Commonwealth of Australia



The Honourable Alan Carpenter MLA
Premier of Western Australia

National Framework of Principles for Delivering Services to Indigenous Australians

All jurisdictions are committed to achieving better outcomes for Indigenous Australians, improving the delivery of services, building greater opportunities and helping indigenous families and individuals to become self-sufficient. To this end, and in delivering services to indigenous people, COAG agreed to national framework of principles for delivering services to indigenous Australians.

Sharing responsibility

- Committing to cooperative approaches on policy and service delivery between agencies, at all levels of government and maintaining and strengthening government effort to address indigenous disadvantage.
- Building partnerships with indigenous communities and organisations based on shared responsibilities and mutual obligations.
- Committing to indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.
- Committing to cooperation between jurisdictions on native title, consistent with Commonwealth native title legislation.

Harnessing the mainstream

- Ensuring that indigenous-specific and mainstream programmes and services are complementary.
- Lifting the performance of programs and services by:
 - reducing bureaucratic red tape;
 - increasing flexibility of funding (mainstream and indigenous-specific) wherever practicable;
 - demonstrating improved access for indigenous people;
 - maintaining a focus on regional areas and local communities and outcomes; and
 - identifying and working together on priority issues.

- 
- Supporting indigenous communities to harness the engagement of corporate, non-government and philanthropic sectors.

Streamlining service delivery

- Delivering services and programmes that are appropriate, coordinated, flexible and avoid duplication:
 - including fostering opportunities for indigenous delivered services.
- Addressing jurisdictional overlap and rationalising government interaction with indigenous communities:
 - negotiating bi-lateral agreements that provide for one level of government having primary responsibility for particular service delivery, or where jurisdictions continue to have overlapping responsibilities, that services would be delivered in accordance with an agreed coherent approach.
- Maximising the effectiveness of action at the local and regional level through whole-of-government(s) responses.
- Recognising the need for services to take account of local circumstances and be informed by appropriate consultations and negotiations with local representatives.

Establishing transparency and accountability

- Strengthening the accountability of governments for the effectiveness of their programmes and services through regular performance review, evaluation and reporting.
- Ensuring the accountability of organisations for the government funds that they administer on behalf of indigenous people.
- Tasking the Productivity Commission to continue to measure the effect of the COAG commitment through the jointly-agreed set of indicators.

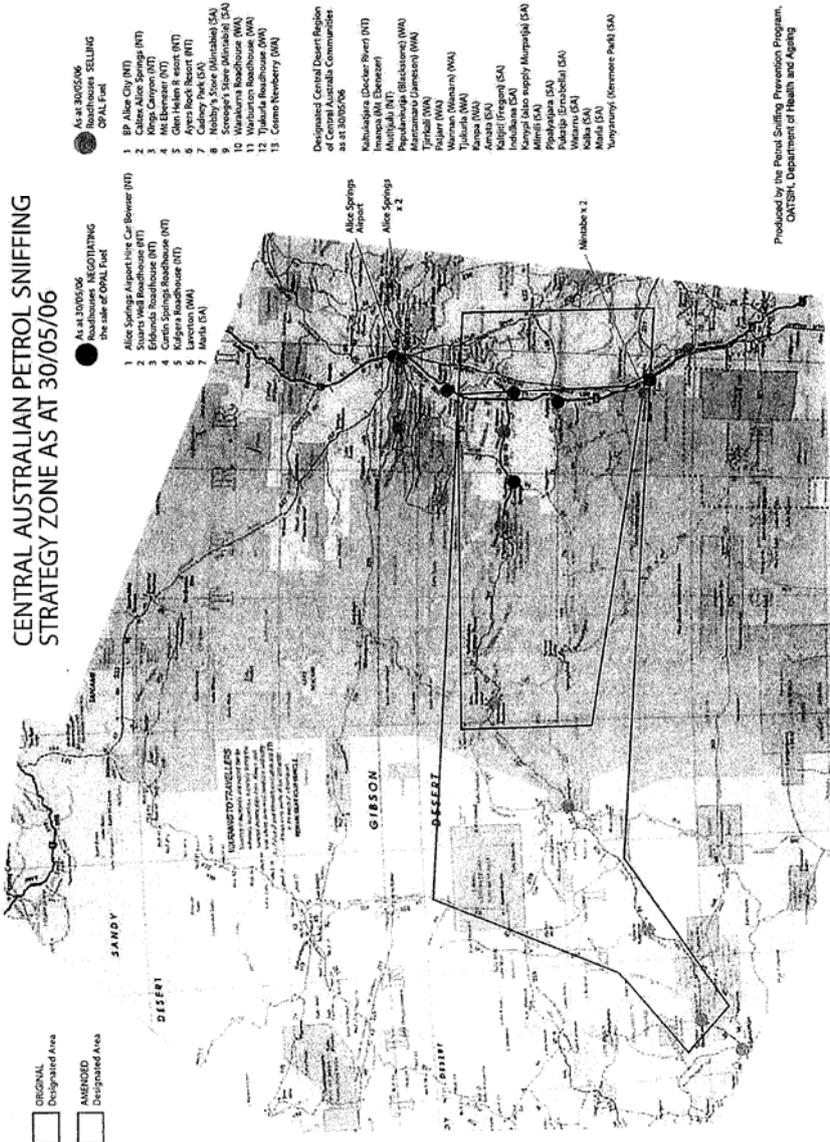
Developing a learning framework

- Sharing information and experience about what is working and what is not.
- Striving for best practice in the delivery of services to indigenous people, families and communities.



Focussing on priority areas

- Tackling agreed priority issues, including the seven Strategic Areas for Action identified in the Overcoming Indigenous Disadvantage Report:
 - early childhood development and growth; early school engagement and performance, positive childhood and transition to adulthood; substance use and misuse; functional and resilient families and communities; effective environmental health systems; and, economic participation and development.



Attachment 2

Produced by the Petrol Sniffing Prevention Program,
OATSIH, Department of Health and Ageing



Attachment 3

BUILDING PROSPERITY FOR INDIGENOUS WESTERN AUSTRALIANS
INDIGENOUS ECONOMIC DEVELOPMENT FRAMEWORK

*The Western Australian and Australian Governments working together with the
Indigenous peoples of Western Australia.*

13 June 2006

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Introduction – Meeting Need By Maximising Opportunity

In recent years, strong and vibrant growth in a number of economic sectors has led to a new optimism regarding the economic challenges facing Western Australia and its place in the global economy. This success has presented substantial benefits and new opportunities for many in this State.

However, Indigenous people have remained largely on the sidelines of this rising prosperity, despite the fact that the minerals and energy boom fuelling this growth is primarily located in regional and remote areas where many Indigenous people live.

The principle of equity demands that Indigenous Western Australians must have the opportunity and capacity to participate more fully in the economic life of this State and achieve the same level of economic independence and quality of life enjoyed by the wider community. However, the mandate to promote Indigenous economic capacity and opportunity is not just a matter of fairness.

The development of a well-educated and skilled Indigenous workforce would also significantly enhance Western Australia's ability to maintain this economic momentum into the future. Rapid growth in the Indigenous workforce over the next decade would provide a major new human resource at a time when the broader Western Australian population is ageing into retirement, particularly given the declining size of the available labour force in many regional areas.

While there are many deeply entrenched economic barriers and challenges confronting the Indigenous community, Western Australia's growing economy and regional diversity are strong foundations on which to build Indigenous wealth, employment and business ownership. At the same time, new technologies and changes in consumer tastes are redefining what constitutes an economic resource. With the right level of targeted support and enterprise, these changes in the global economic landscape present significant new opportunities to maximise the potential for Indigenous employment and prosperity in Western Australia.

However, these opportunities will only be captured on a broad scale by developing a strong partnership between the Indigenous community, Governments, educational institutions and industry working together to:

- Identify and develop the competitive strengths, skills base and economic priorities of the Indigenous community;

- 
- Enable Indigenous people to act as full participants in the economy, rather than be relegated to the role of welfare recipient or outsider;
 - Address the symptoms of Indigenous poverty and the historic lack of services, housing and other associated infrastructure;
 - Foster new and established Indigenous businesses and opinion leaders to promote a culture of economic success across the Indigenous community; and
 - Reinforce a positive image of the Indigenous community as a significant economic asset and a major contributor to the quality of life in Western Australia.

The role of the Government, at both the State and Commonwealth levels, in developing this partnership approach is critical. However, this role is not about Governments picking winners, subsidising Indigenous businesses or creating a raft of new programs that duplicate existing services.

It is about creating a stable environment for Indigenous economic development based on the fundamental levers of economic development – good health; high standards of education; possession of strategic market intelligence; and access to capital, essential infrastructure and effective social services.

It is about coordinated planning and streamlining Government services to avoid unnecessary and unproductive duplications that get in the way of delivering meaningful outcomes for Indigenous people.

It is about tackling the barriers to Indigenous prosperity and nurturing the capacity for Indigenous people to achieve their own economic goals by utilising the unique and diverse physical, intellectual and cultural assets they possess.

It is about measuring progress and evaluating experiences to identify the reasons for those successes or failures.

Perhaps the most important point to acknowledge is that, while there are no quick fixes or easy solutions to the economic challenges confronting Indigenous people, the momentum exists to encourage an environment for Indigenous economic development where success breeds success.

Figure 1: Evidence of Indigenous disadvantage

Education

Only 4% of Indigenous Western Australians aged 15 or over have completed Year 12, compared to 40% of the broader community.

Income

Of all Indigenous Western Australians over 15 years of age, 66% earn less than \$21,000 per year and 40% earn less than \$11,000 per year. By comparison, 41% of the general population earn less than \$21,000 per year and 20% earn less than \$11,000.

Employment

20% of the Indigenous work force is unemployed. If the number of unemployed is adjusted to include those participating in the Community Development and Employment Program (CDEP), Indigenous unemployment is 40%. By comparison, the proportion of unemployed non-Indigenous people was 5%.

Home ownership

32% of Indigenous people own or are buying their own home, compared to 70% of people across the broader community.

Source: ABS 2001 and Department of Treasury and Finance Labour Force Statistics – March 2005



Defining The Need for Economic Development

Most Indigenous Western Australians have a lower standard of living than people in the broader Western Australian community.

Indicators of education, income, employment and home ownership all show that Indigenous people are very disadvantaged relative to non-Indigenous people. Indigenous people also suffer from a number of constraints to economic prosperity, most of which could be overcome by an innovative approach and dedicated resources. These constraints include:

- Limited employment and commercial opportunities in remote areas where many Indigenous people live due to diseconomies of scale and relatively low populations;
- Comparatively low skills resulting from low educational attainments, particularly in relation to literacy and numeracy;
- Lack of coherent and commercially viable strategies to attract business investment and provide sustainable jobs for Indigenous people living in urban areas;
- Market failures for essential business infrastructure, banking services and other business support;
- Lack of access to capital;
- Lack of work and/or business experience.

Addressing these social and economic disadvantages will require targeted programs that assist Indigenous people to gain employment, create opportunities from land ownership, access capital to develop Indigenous enterprises and improve their financial management skills.

However, initiatives to promote Indigenous economic development also need to be informed by:

- The needs, experiences and aspirations of Indigenous people themselves;
- Rigorous evaluation of what commercial activity is realistically possible or culturally appropriate for Indigenous people; and
- Effective and streamlined bilateral Government arrangements that reduce duplication and compliance costs of Indigenous businesses and communities.



Indigenous Economic Development Framework (IEDF)

The IEDF is a joint statement of commitment from the Western Australian and Australian Governments to work with Indigenous people to deliver practical, results-focussed initiatives designed to eliminate the barriers to Indigenous economic development and promote the capacity of the Indigenous community to generate their own wealth.

OUR VISION for Western Australia in 2010 and beyond is: **To deliver greater prosperity and choice to Indigenous people.**

There are three elements to this vision.

Firstly, the available opportunities will be pursued in a manner that acknowledges and addresses the inter-dependent and systemic issues that underpin Indigenous Western Australian people's significant economic disadvantage, including the primary need to promote an inter-generational "jobs culture" in Indigenous communities.

Secondly, the IEDF is a new form of partnership linking Indigenous people, Government and the private sector to produce tangible wealth creation opportunities for the Indigenous community, not just more Government programs. Real progress in addressing barriers and achieving Indigenous prosperity requires a shift in the relationship between these parties and a more flexible approach to service delivery. In the past, problems and issues have often been dealt with in isolation, rather than working together to find solutions.

Thirdly, in measuring the results of these strategies, the Western Australian and Australian Governments will apply the same rigour and high expectations that are directed to its broader economic development strategies through regular examination of the IEDF's success or failure in delivering greater prosperity and choice to Indigenous people.

Timeframe of IEDF

The IEDF has a 5 year rolling Priority Action Plan. The first is for the period 2006-2011. This period coincides with the ABS census years and will allow an assessment of improvements in the overall levels of disadvantage experienced by Indigenous people. Longer term commitment to the IEDF, with progressive monitoring through ABS census data will provide an objective gauge in the march towards achieving the vision for Indigenous prosperity in Western Australia.



Our Principles

As a bilateral plan, the IEDF will be implemented in accordance with the Council of Australian Governments' (COAG) *National Framework of Principles for Delivering Services to Indigenous Australians*. These are:

1. Sharing Responsibility
2. Harnessing the Mainstream
3. Streamlining Service Delivery
4. Establishing Transparency and Accountability
5. Developing a Learning Framework
6. Focussing on Priority Areas

Our Priority Outcomes

The three priority outcomes for the IEDF are:

- Growing sustainable employment opportunities across a range of targeted industry sectors and regions of Western Australia;
- Building investment and asset ownership to expand wealth creation opportunities for Indigenous people; and
- Fostering opportunities for business development to create innovative and sustainable Indigenous business opportunities.

Under each Priority Outcome, a headline Objective and a set of Strategic Focus Areas have been identified to focus efforts for achieving the best outcome and gauging the success of the IEDF.

Roll-Out Approach

The IEDF initiatives adopt a targeted approach, concentrating on specific industry sectors or regional areas where Indigenous competitive strength is greatest or where immediate opportunities for Indigenous job creation are likely. The implementation is on a "pilot projects" basis to generate a culture of Indigenous economic success followed by extension of the project to the wider State.



Priority Outcome 1 – Growing Sustainable Employment

The greatest potential for Indigenous economic well-being and independence lies with increasing rates of employment. However, the fact that many Indigenous people do not currently possess the fundamental skills and capacities required to work in today's competitive environment remains a significant barrier.

There are a range of ongoing issues to be considered in promoting Indigenous employability including: improved secondary schooling achievement; greater accessibility to vocational and professional training; improved health standards; and the acquisition of work-enabling life skills by young people.

A number of industry sectors have demonstrated a genuine desire and commitment to increasing the number of Indigenous people directly employed in the private sector. Often however, this commitment cannot be met because of the low numbers of job-ready Indigenous people. Targeted industry strategies are being developed with the aim to link Indigenous communities that have high levels of unemployment with industries that operate in their region. The development of mechanisms to improve the work readiness of Indigenous people in areas of anticipated job growth is a very high priority. Employment and other service providers will take on a more proactive role to prepare and connect Indigenous job seekers to fill emerging job vacancies. Changes to CDEP will result in expanded job opportunities for Indigenous people.

The three priority skill areas identified as critical are:

- Literacy and numeracy skills;
- Personal and communication skills; and
- Technical skills in a number of important industry sectors, including mining and related services, tourism, transport, arts, fishing and construction.

The issue of Indigenous employment and "fitness for work" must be approached in a holistic manner that simultaneously addresses a range of lifestyle issues, such as access to culturally sensitive educational pathways, access to and retention of drivers' licences, drug and alcohol rehabilitation, promotion of family stability and access to adequate childcare services.

There is also a need to promote a greater awareness of the advantages and choices that having a job can bring, particularly among younger Indigenous people, as part of developing an inter-generational "jobs culture" in the Indigenous community.



Objective

Increase the Indigenous employment rate so as to reduce the gap between it and unemployment levels in Western Australia.

Strategic Focus Areas

Work Readiness

Developing the capacity of Indigenous people to actively participate in the workforce by focussing on:

- Promoting higher levels of literacy and numeracy;
- Enhancing access to and retention of drivers' licences;
- Increasing involvement in education and training;
- Achieving higher school retention rates and more successful transitions between school and work;
- Expanding the availability of apprenticeships and traineeships.

Valuing Indigenous People and Workforce Capacity

Expanding Indigenous employment opportunities by focussing on:

- Promoting the value of the Indigenous workforce;
- Enhancing industry readiness to employ Indigenous people;
- Supporting positive Indigenous employment practices;
- Linking Indigenous people with major employers in priority regions and industry sectors;
- Directing resources to support Indigenous companies to employ Indigenous people;
- Encouraging flexible workplace practices such as employment opportunities offering the potential for job sharing or seasonal/part-time work.



Lifestyle Advantages of Employment

Encouraging the development of an inter-generational "jobs culture" in the Indigenous community by focussing on:

- Publicising Indigenous success stories and case examples;
- Building greater appreciation for the value and benefits of having a job.



Priority Outcome Area 2 – Building Investment and Asset Ownership

Land is fundamental to Indigenous identity and underpins the cultural and spiritual life of many Indigenous people. In the broader context, ownership of land and housing also underpins wealth creation. Unresolved issues regarding native title and Indigenous land holdings create uncertainty and make it difficult for Indigenous communities to attract and retain investment opportunities. There is a need to develop and establish appropriate tenures that will support Indigenous home ownership and economic development. Similarly, home ownership among Indigenous people is lower than for non-Indigenous people and any wealth creation strategy for Indigenous people must address this issue.

Lack of equity and access to capital are major impediments to Indigenous economic development. An important opportunity for Indigenous people to build assets is through 'unlocking' the economic value of resources they possess through land and their cultural heritage.

Any significant increase in the level of Indigenous employment and income levels will create opportunities for Indigenous people to make choices about investment and wealth-creation options. To do this effectively by making informed decisions, Indigenous people must have access to information about financial management and consumer protection.

Objective

Increase the levels of Indigenous investment and asset ownership in Western Australia.

Strategic Focus Areas

Indigenous Owned and Controlled Land

Supporting Indigenous people to unlock the economic value of available resources by focussing on:

- Accelerating opportunities for Indigenous land management;
- Resolving native title determinations and agreements;
- Improving government coordination to provide better access to economic development opportunities for Indigenous people.



Land and Asset Management

Assisting Indigenous people to sustainably manage their assets by focussing on:

- Governance and management skills;
- Developing high levels of financial management capacity;
- Better awareness of consumer protection laws;
- Looking at ways to improve yields from trusts and joint venture arrangements to improve outcomes for Indigenous people by using these funds to contribute to increased economic development and to obtain equity in larger local commercial opportunities leading to more effective use of land rights and native title;
- Improving the skill base of Native Title Representative Bodies, Land Councils and Prescribed Bodies Corporate to ensure they have the skills needed in economic and business development.

Indigenous Home Ownership

Assisting Indigenous people to own their own home by focussing on:

- Increasing access to bank finance and other forms of equity,
- Introduction of more flexible Aboriginal land titles and bank security arrangements for enhanced mortgagability of Indigenous-held lands.



Priority Outcome Area 3 – Fostering Opportunities for Sustainable Business Development

The creation and expansion of sustainable and viable Indigenous-owned or operated businesses is a critical component for improving the economic prosperity of Indigenous people. However, there are many challenges to overcome, including:

- difficulties attracting capital investment, particularly for the purposes of small business establishment;
- scarce opportunities to obtain business management skills and experience; and
- limited exposure to successful entrepreneurs and mentoring.

The provision of access to seed and equity capital, effective business planning and financial management expertise are critical components of any strategy to foster Indigenous enterprise and business development. Efforts will focus on areas of importance to individual communities. Business development will be encouraged in areas such as stand alone businesses, use of franchise arrangements and setting up central businesses with satellite outlets, particularly in very remote areas.

While these issues also confront many non-Indigenous businesses, strong and positive actions will be taken by both the Western Australian and Australian Governments to improve access to these essential business services for Indigenous entrepreneurs. Access to business development programs will be made easier and allow seamless service delivery utilising a range of different support services. CDEP reforms will also provide support for Indigenous business development with potential business and contracting opportunities being identified.

However, Indigenous business development is not just about providing access to capital funds or expertise. It is also about establishing productive and positive relationships with both the private and public sectors that lead to effective and mutually beneficial business arrangements, such as the establishment of joint ventures or direct investment in Indigenous businesses by non-Indigenous partners or investors. This may also include linking emerging Indigenous entrepreneurs with appropriate mentoring, business and financial support and industry experts to help them with the development and implementation of their business ideas.



Objective

Increase in the number of sustainable Indigenous business enterprises in Western Australia.

Strategic Focus Areas

Business Relationships

Facilitating business links for Indigenous enterprises by focussing on:

- More effective private sector partnerships and joint ventures;
- Encouraging private investment in Indigenous businesses;
- Establishing mentoring networks to assist Indigenous business people.

Business Development and Support

Assisting Indigenous enterprises to grow by focussing on:

- Enhancing Indigenous business skills;
- Increasing access to working capital for Indigenous businesses;
- Promoting Indigenous business successes;
- Encouraging more direct contracting of and favourable tendering conditions for Indigenous businesses and improved capacity to prepare and meet tender requirements.



Priority Action Plan

The first stage of the IEDF is the implementation of a Priority Action Plan that sets out a package of individual strategies to be commenced in Year 1 of the IEDF to achieve each of the Priority Outcomes.

In each year of the Framework, annual Priority Action Plans will be developed identifying existing and new priority programs and initiatives to be undertaken during that year. The Priority Action Plans may also involve the redesign of existing programs if they are falling short of target measures of success to ensure that they are effectively addressing the priority economic development needs of Indigenous individuals and communities.

Implementation of the IEDF

The IEDF is a statement of Government commitment at the highest level and the Western Australian and Australian Governments will cooperate to coordinate their activities at all levels to ensure the effective implementation of the IEDF.

Community Engagement

The Western Australian and Australian Government agencies will also work directly with Indigenous communities in the implementation and evaluation of the IEDF.

This will involve the establishment of Regional Sub-Groups comprising representatives of the Indigenous community, industry, local government, the Western Australian Government and the Australian Government.

These Sub-Groups will undertake localised strategic planning and develop appropriate agreements to identify the respective roles of government and community stakeholders in implementing the strategies contained in the IEDF. These local plans will also inform the development of additional regional and State-wide priority actions as the IEDF evolves.

The Regional Sub-Group representatives will meet on a regular basis to evaluate progress of the Priority Action Plans, provide input into the ongoing development of broad policy directions and negotiate solutions where possible.

As new structures and processes for Indigenous engagement are developed, these will be consulted in association with the Regional Sub-Groups.



Government Planning on a Regional Basis

Arrangements for delivery of Government programs and projects will also be agreed at the regional level through the conduct of Regional Managers' Forums (RMFs), comprising representatives of the relevant Western Australian and Australian Government agencies.

These RMFs will be the forum where regional activities are planned and Regional Partnership Agreements developed and implemented through negotiation with appropriate Indigenous representatives to address the particular needs and opportunities of each region.

Further higher level direction and Government policy will be developed through a Cabinet Standing Committee on Indigenous Affairs and a Directors-General Group on Indigenous Issues. This direction will be focused within the IEDF through the Senior Officers' Group responsible for the State Indigenous Strategy (Area 6) and communicated to the RMF and Regional Sub-Groups.

Measuring and Evaluating Success

Evaluation of the ongoing effectiveness of the IEDF is critical. However, the intention is not to create increased reporting against target measures of success and a more comprehensive new sets of measures, but to utilise existing indicators and to ensure there is a process of learning arising from the evaluation.

The IEDF will be subject to two types of evaluation:

- Performance measurement against target measures of success and a more comprehensive set of supporting indicators developed jointly by the Western Australian and Australian Governments in the first year of the IEDF implementation, including indicators sourced from the *Overcoming Indigenous Disadvantage: Key Indicators Reports* commissioned by COAG (OID); and
- The preparation of appropriate case studies by the Office of Aboriginal Economic Development (OAED) and the Office of Indigenous Policy Coordination (OIPC).

Where the OID does not provide appropriate indicators, such as for locally or project specific progress, the OAED will identify or develop additional indicators for evaluation of the IEDF. The OAED will also support Indigenous communities to develop and apply their own sets of locally relevant indicators and evaluation measures should that benefit local implementation.

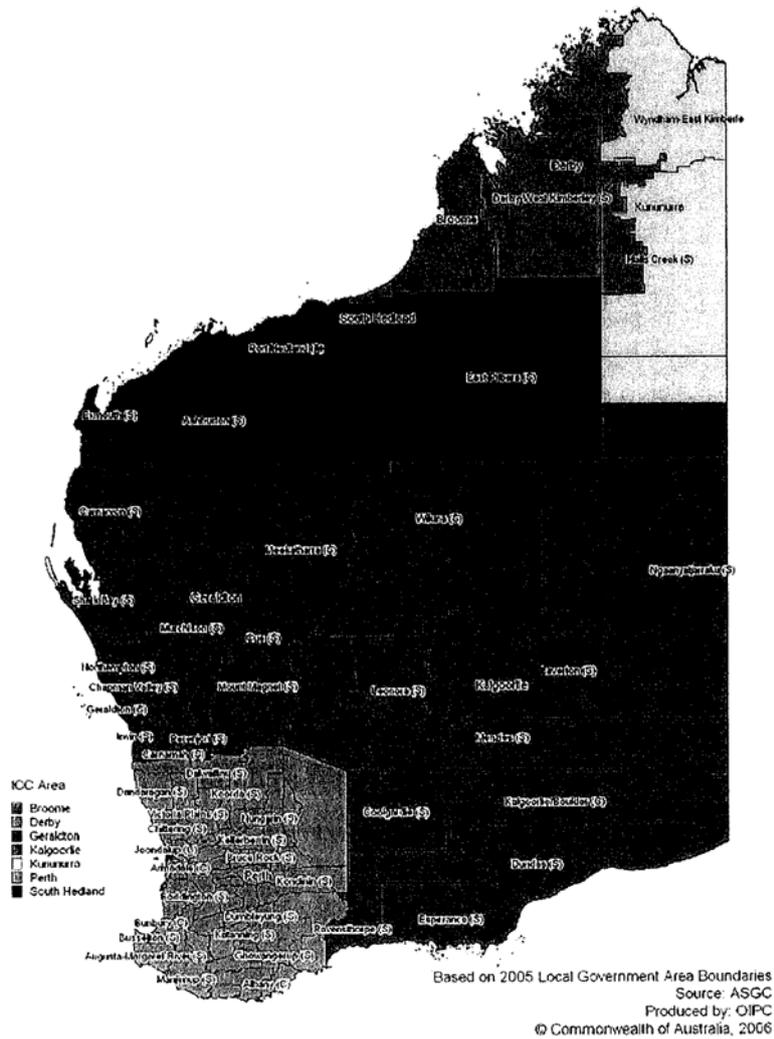


Program effectiveness evaluation

The OAED will work with the OIPC to conduct an annual review process based on the analysis of specific case studies arising from the implementation of the IEDF. This process will help to determine the key elements of effective programs leading to positive economic outcomes for Indigenous people. The results of this evaluation process will be reported to each respective Government and the relevant Indigenous communities. In turn, this feedback will be applied to ensure that the IEDF achieves the economic reform it is intended to achieve.



Map of Indigenous Affairs Administrative Boundaries



12.5.4 Use Of Common Seal (*Minute No 7574*)

DATE:	21 November 2006
PROPONENT:	N/A
LOCATION:	Shire of Wyndham East Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Fiona Kuiper - Executive Support Officer
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 11 October 2006 to 14 November 2006.

BACKGROUND

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

- Restrictive Covenant 101 O'Donnell Street Wyndham
- Debenture for Loan 116 WA Treasury Corporation – SWEK
- Rental Bond Claim Form – 1... Great Northern Highway Wyndham

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 the submission of relevant reports and documents.

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 11 October 2006 to 14 November 2006.

Minute No 7574

Moved: Cr B Barnes

Seconded: Cr J Parker

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 October 2006 to 14 November 2006.

Carried Unanimously: 7/0

12.5.5 Delegated Authority Report (*Minute No 7575*)

DATE:	21 November 2006
PROONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, 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 for the period

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 for endorsement by Council.

ATTACHMENTS

Delegated Authority Report Chief Executive Officer – Nil to report
Delegated Authority Report Executive Manger Corporate Services – Nil to report
Delegated Authority Report Building Surveyor Inspector – Report Attached
Delegated Authority Report Town Planner – Report Attached

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Delegated Authority Report for the period.

Minute No 7575

Moved: Cr B Barnes

Seconded: Cr K Wright

That Council receive the Delegated Authority Report for the period.

Carried Unanimously: 7/0

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY 03/09/06 – 30/10/06

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA (Ha)	FLOOR AREA	ROOF CLAD	WALL CLAD	EST. VALUE
112/ 2006	03/09/06	ABORIGINAL LANDS TRUST	PO BOX 7770 CLOISTERS SQUARE PERTH	TELSTRA	LOC 701 J3114/425 CL 459/1968 MANDANGALA COMMUNITY GLEN HILL ROAD	SATELLITE FACILITY & EQUIPMENT HUT	NEW	14,275	7.5	STEEL	STEEL	\$12,000.00
113/ 2006	03/09/06	GRANT LODGE	PO BOX 2111 KUNUNURRA	GRANT LODGE	LOT 36 (7) BANDICOOT DRIVE KUNUNURRA	WORKSHOP	NEW	0.2594	184	STEEL	STEEL	\$55,000.00
114/ 2006	03/09/06	KALUMUBUR U COMMUNITY/ ABORIGINAL LANDS TRUST	PMB 10 KALUMBURU	AUSCO	DOONGAN LOC 21 RESERVE 21675 COMMUNITY LOT 72 KALUMBURU	TRANSPORTABLE BUILDING	NEW		100	STEEL	STEEL	\$123,000.00
115/ 2006	20/09/06	IAN & DIANA OLIVER	PO BOX 116 KUNUNURRA	IAN & DIANA OLIVER	LOC 571 IVANHOE ROAD KUNUNURRA	ABLUTION BLOCK	NEW	19.9761	14	STEEL	STEEL	\$8,000.00
116/ 2006	28/09/06	JIRRAWUN ARTS	PO BOX 1363 KUNUNURRA	UNIVERSAL FABRIC STRUCTURES	LOT 1298 WEDGE DRIVE WYNDHAM	ARTISTS WORKSHOP	NEW		300	PVC FABRIC	STEEL	\$478,000.00
117/ 2006	28/09/06	GEORGIA & NATHAN SOSTER	PO BOX 1581 KUNUNURRA	GEORGIA & NATHAN SOSTER	LOT 1936 (25) EUCALYPTUS CLOSE KUNUNURRA	SWIMMING POOL & SHADE SAIL	NEW	0.0918	43	SHADE CLOTH	FIBRE GLASS	\$18,000.00

118/ 2006	03/10/06	DEXTRA PTY LTD	218 ATTUNGA ROAD YOWIE BAY NSW 2228	COLIN WILKINSON DEVELOPMENTS PTY LTD	LOT 114 (1) BARDING LOOP KUNUNURRA	SINGLE DWELLING	NEW	0.0648	233	STEEL	STEEL	\$275,000.00
119/ 2006	03/10/06	DEXTRA PTY LTD	218 ATTUNGA ROAD YOWIE BAY NSW 2228	COLIN WILKINSON DEVELOPMENTS PTY LTD	LOT 121 (15) BARDING LOOP KUNUNURRA	SINGLE DWELLING	NEW	0.0713	233	STEEL	STEEL	\$275,000.00
120/ 2006	10/10/06	WA COUNTRY HEALTH SERVICES / ABORIGINAL LANDS TRUST	C/- PMD ARCHITECTS PO BOX 6422 EAST PERTH WA 6892	MURRAY RIVER NORTH PTY LTD	DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 28	SINGLE DWELLING	NEW	166.00	214	STEEL	STEEL	\$526,140.00
121/ 2006	12/10/06	T & L WESTWOOD	PO BOX 153 KUNUNURRA	T & L WESTWOOD	LOC 459 CHERUBIN ROAD KUNUNURRA	TROPICAL ROOF OVER EXISTING DWELLING	NEW	1.5730	367	N/A	STEEL	\$35,000.00
122/ 2006	13/10/06	PETA JONES (BOTT)	PO BOX 1199 KUNUNURRA	NOLAN MACK	LOT 1237 (1) KOOLPARN COURT KUNUNURRA	GARAGE	NEW	0.1000	49	STEEL	STEEL	\$9,500.00
123/ 2006	17/10/06	DUNCAN PALMER & RACHEL NELSON	PO BOX 1245 KUNUNURRA	DUNCAN PALMER & RACHEL NELSON	LOT 156 (31) LEICHHARDT STREET KUNUNURRA	GARAGE / CARPORT	NEW	0.1009	78	STEEL	STEEL	\$19,000.00
124/ 2006	19/10/06	BROOME RESORT DEVELOPMENT CORPORATION	PO BOX 3112 BROOME WA	COLIN WILKINSON DEVELOPMENTS PTY LTD	LOT 132 (2) GARRJANG CLOSE KUNUNURRA	SINGLE DWELLING	NEW	0.0610	247	STEEL	STEEL	\$287,000.00
125/ 2006	20/10/06	WAYNE & MICHELLE BROWN	PO BOX 940 KUNUNURRA	FRANMOR CONSTRUCTIONS	LOT 147 (6) DERRINDING WAY KUNUNURRA	SINGLE DWELLING WITH ATTACHED CARPORT & VERANDAHS	NEW	0.0772	260	STEEL	BLOCK	\$180,000.00

126/ 2006	30/10/06	STUART BLACK & MURRAY NEWBURN	PO BOX 145 KUNUNURRA	STUART BLACK & MURRAY NEWBURN	LOT 1035 (1) CARBEEN STREET KUNUNURRA	2 X PATIOS	NEW	0.1217	96	POLY CARB	N/A	\$18,000.00
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THERE WERE NO DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY for the period 03/09/06 – 30/10/06

SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY for the period 03/09/06 – 30/10/06

Licence No.	Date	Assess No.	Lot No.	Street Address	Applicant Name	Type	Fee	Receipt No	Planning Approval / Delegation
09/2006	15/09/06	#2148	2446	Coolibah Drive, Kununurra	Apex Club of Kununurra Inc	Temporary Banner Sign	Nil	N/A	N/A exempt sign
10/2006	04/10/06	#2148	2446	Coolibah Drive, Kununurra	North West Mental Health	Temporary Banner Sign	Nil	N/A	N/A exempt sign

DELEGATED PLANNING APPROVALS - 1 AUGUST 2006 TO 31 OCTOBER 2006

Application / Delegation Number	Approval Type	Applicant	Owner	Property Address		Proposed Dev't	Assess't Number	Approval Date
28/06	P Devt	Schnaars	Rod Wilson	Lot 37 Ivanhoe Road	KNX	Sign	588 4	02-Aug-06
29/06	P Devt	G Lodge	Bothkamp Australia Pty Ltd	Lot 556 Coolibah	KNX	Rooftop Sign	113 8	01-Aug-06
30/06	P Devt	A Coldbeck	F. Bolten-Boshammer	483 Riverfarm Road	KNX	A Frame Sign	102 7	04-Aug-06
31/06	P Devt	J Stocklinger & Associates	DHW	Lot 137 Barding Loop	KNX	Grouped detached dwelling		16-Aug-06
32/06	P Devt	Rodney Oliver	Rodney Oliver	6 Cajuput Street	KNX	Shed & Carport	123 0	17-Aug-06
33/06	P Devt	Max Buccioletti	DHW	Lot 1176 Mymidon Street	WY N	2 x Grouped dwellings detached	463	17-Aug-06
34/06	P Devt	Grant Lodge	Grant Lodge	Lot 36 Bandicoot Drive	KNX	1 x Workshop	105 9	30-Aug-06
35/06	P Devt	Darryl Smith	Darryl Smith	Lot 568 Ivanhoe Road	KNX	1 x Shed	136	29-Aug-06
36/06	P Devt	Jirrawun Arts	Jirrawun Arts	Lot 1298 Wedge Drive	WY N	1 x Painters Shed	252	29-Aug-06
38/06	P Devt	Colin Wilkinson Dev	Indiana Lake P/L	PO Box 154, Oyster Bay	NS W	Office	886	19-Sep-06
39/06	P Devt	Scott Tringrove	Scott Tringrove	Lot 144 Rosewood Avenue	KNX	Home Occupation	111 7	22-Sep-06

- 12.5 ELECTED MEMBER REPORTS
- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
- 15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION (*Minute No 7576 – 7578*)

Cr B Barnes left the room at 7.23pm.

Minute No 7576

Moved: Cr J Parker Seconded: Cr J Buchanan

That the late item Council Meeting Dates - 2007 be accepted.

Carried Unanimously: 6/0

15.1 LATE ITEM - BANDICOOT DRIVE - LOT 2 - CHANGE OF USE

DATE:	21 November 2006
PROPONENT:	Woodhead Holdings Pty Ltd
LOCATION:	Lot 2 Bandicoot Drive, Kununurra
ATLAS REFERENCE:	Map 52 G5
AUTHOR:	Keith Williams - Town Planner
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	01.1017.02
ASSESSMENT NO:	1017

PURPOSE

For Council to consider an application for planning consent for the change of use of Lot 2 Bandicoot Drive from Industrial to Motor Vehicle and Equipment Hire.

BACKGROUND

Lot 2 Bandicoot Drive was used for industrial purposes for Boab Engineering. This use ceased late last year. The site has been vacant since. Consultants acting on behalf of the new landowners requested information relating to permissible uses, and consequently formally applied for approval to use the land for Motor Vehicle Hire on 16 November 2006.

SITE LOCATION

The subject site is located on the southern side of Bandicoot Drive. Lot 2 has an area of 5484m². The site is flat and has an existing shed and office on site. Surrounding land uses include predominantly light and service industrial uses.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use of the subject land for Motor Vehicle Hire. No development is proposed, and the use would be accommodated within existing buildings. Incidental use would consist of equipment hire.

FINANCIAL IMPLICATIONS

The Application Fee of \$90.00 has been paid.

COMMUNITY CONSULTATION

Town Planning Scheme No. 7 – Kununurra and Environs does not require any community consultation for the proposal, unless Council determines that the proposed use of Equipment Hire is a Use Not Listed under the Scheme, in which case the application must be advertised.

ATTACHMENTS

NA.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Tourism uses. Motor Vehicle Hire is considered an appropriate use within this zone. Equipment Hire is not consistent with the zoning.

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Tourist zone. Clause 5.23 specifies the objectives of the Tourist zone:

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.

The applicants have stated that the use replaces a non-conforming use, and that the new use complies with the Scheme as it is a lesser impact use. Part IV of the Scheme contains the provisions that relate to non-conforming uses:

PART IV - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

4.1.1 *No provision of the Scheme shall prevent:*

- (a) *the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme;*
- (b) *the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.*

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.*

4.3 CHANGE OF NON-CONFORMING USES

4.3.1 *Notwithstanding anything contained in the Zoning Table the Council may grant its Planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.*

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 *When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*

4.4.2 *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*

4.5 DESTRUCTION OF BUILDINGS

4.5.1 *If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75 percent or more of its value the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be*

repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

The non-conforming use rights attributable to the previous use have expired, as the previous use ceased over six months ago.

Motor Vehicle Hire is included in the Zoning Table - Table 1, and is listed as a P or Permitted use. The definition of Motor Vehicle Hire is as follows:

Motor Vehicle Hire means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Equipment Hire is not listed in the Zoning Table, and is not included in the definitions.

Equipment Hire can be considered as a Use Not Listed, under the terms of Clause 3.1.6 of the Scheme, which provides as follows:

3.1.6 *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.*

CONCLUSION / COMMENT

The proposed use of the land for Motor Vehicle Hire meets the objectives of the Scheme, is a 'P' use and can be permitted.

Given that the applicant considers that equipment hire is incidental to the principle use of Motor Vehicle Hire, Council can determine that the use is incidental, however, must place a floor area limit, or some other limit, on the use of the site for equipment hire. It should be noted that the applicant has not specified the equipment proposed to be hired, or the incidental nature of the equipment. Furthermore, the applicant has not specified how many vehicles will be hired, or what type of vehicles.

The incidental use of the site for Equipment Hire cannot be permitted as an extension to, or as a replacement of, non-conforming use, as the non-conforming use rights attributable to the previous use of the site have expired.

Alternately, Council can determine that equipment hire is a Use Not Listed under the provisions of Clause 3.1.6, and determine that the use is inconsistent with the zoning, and refuse the application, or is consistent with the zoning of the land, and approve the application. This second action would, however, require advertising prior to further consideration by Council, and there is no way advertising can be circumvented.

It is recommended that the use of Motor Vehicle Hire be approved, with conditions, and that the use of Equipment Hire be refused, given that the use is likely to consist of heavy machinery.

It should be noted that machinery such as a Grader, excavator or similar are not considered to be motor vehicles, which are essentially passenger vehicles such as sedans or four wheel drive wagons, and the approval of Motor Vehicle Hire will not allow the hire of this type of machinery.

VOTING REQUIREMENT

Simple Majority, unless Council determines the proposed use of Equipment Hire is consistent with the Scheme and shall be advertised, in which case the decision must be by Absolute Majority.

RECOMMENDATION

- 1 That Council refuse to grant Planning Approval to Woodhead Holdings Pty Ltd for the use of Lot 2 Bandicoot Drive for the incidental use of Equipment Hire, on the grounds that the use is inconsistent with the zoning of the subject site.
- 2 That Council grant Planning Approval to Woodhead Holdings Pty Ltd for the use of Lot 2 Bandicoot Drive for Motor Vehicle Hire, subject to the following conditions:
 - 1 The land shall be used for Motor Vehicle Hire only. Motor vehicles are passenger vehicles such as sedans or four wheel drive wagons, and machinery such as graders, excavators, rollers, trucks or similar shall not be hired from the premises. Any modifications to the proposed use of the land shall be submitted to Council for re-assessment and issuance of a revised planning approval.
 - 2 The existing buildings shall be refurbished/renovated to the satisfaction of Council to improve the visual amenity of the subject site.
 - 3 Compliance with all the requirements of the appropriate Statutory Authorities.
 - 4 Installation of stormwater and drainage systems to mechanically direct stormwater and drainage into Council's stormwater system. Stormwater shall not pond on any open area of the site or against any building or structure.
 - 5 All parking shall be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee and visitor/customer parking shall be located within the site, and all vehicles associated with the use are to be parked on the site at all times. No parking on the verge shall be permitted.
 - 6 Crossovers shall be constructed, and shall be constructed to Council's specification.
 - 7 The site shall be landscaped to the satisfaction of Council.
 - 8 Proposed signage in excess of exempt Scheme requirements shall be the subject of a separate advertising approval.

Minute No 7577

Moved: Cr K Wright

Seconded: Cr D Ausburn

That the late item Bandicoot Drive Lot 2 – Change of Use be deferred until the 17 December Council Meeting.

Carried Unanimously: 6/0

Cr B Barnes returned to the room at 7:24pm.

15.2 LATE ITEM - Council Meeting Dates 2007

DATE:	21 November 2006
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
ATLAS REFERENCE:	N/A
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt Council Meeting Dates for 2007.

BACKGROUND

In 2003 Councillors indicated a preference for monthly meetings at a regular time (third Tuesday) and resolved at the August 2003 Council Meeting to change the meeting venue ratio from one Kununurra and one at another location to three Kununurra and one at another location.

Councillors also indicated a preference to have a monthly Briefing Session on the first Tuesday of each month. Briefing Sessions allow for Councillors to receive information on projects and issues prior to the Council Meeting which assists in discussion and questions between Councillors and Officers. Briefing Sessions improve the process of making informed decisions at Council Meetings. It also allows outside groups a forum to address Elected Members on current issues.

Over the past three years, Council has adopted meeting dates which reflect the decision to hold Council Meetings on a venue ratio of three Kununurra and one at another location.

At its Ordinary Council Meeting of 16 December 2003 Council resolved the following:

Minute No.6590

Moved Cr R Devenish-Mearns

Seconded Cr M Pucci

That Council set the following meeting dates for the 2004 calendar year:

<i>Day</i>	<i>Date</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Time</i>
Tuesday	27 January 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	17 February 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	16 March 2004	Ordinary Meeting	Wyndham	6.00pm
Tuesday	20 April 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	18 May 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15 June 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	20 July 2004	Ordinary Meeting	Oombulgurri	10.00am
Thursday	22 July 2004	Budget Adoption Meeting	Wyndham	6.00pm
Tuesday	17 August 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	21 September 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	19 October 2004	Ordinary Meeting	Kununurra	6.00pm
Tuesday	16 November 2004	Ordinary Meeting	Wyndham	6.00pm
Tuesday	14 December 2004	Annual Meeting of Electors	Kununurra	6.00pm
Tuesday	14 December 2004	Ordinary Meeting	Kununurra	7.00pm

CARRIED UNANIMOUSLY (8-0)

At its Ordinary Meeting of Council on the 14th of December 2004 Council resolved the following:

Minute No. 7012

Moved Cr K Wright

Seconded Cr B Barnes

That Council set the following statutory meetings dates for the 2005 Calendar year:

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Location</u>	<u>Time</u>
Tuesday	25th January	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15th February	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15th March	Ordinary Meeting	Wyndham	6.00pm
Tuesday	29 th March	Budget Preparation	Kununurra	4.00pm
Wednesday	6 th April	Budget Preparation	Kununurra	4.00pm
Tuesday	19th April	Ordinary Meeting	Kununurra	6.00pm
Tuesday	10th May	Special Meeting – Swearing In of New Crs	Kununurra	6.00pm
Wednesday	11 th May	Budget Preparation	Kununurra	4.00pm
Tuesday	17th May	Ordinary Meeting	Kununurra	6.00pm
Tuesday	21st June	Ordinary Meeting	Kununurra	6.00pm
Tuesday	19th July	Proposed Budget Adoption	Wyndham	6.00pm
Tuesday	19th July	Ordinary Meeting	Wyndham	7.00pm
Tuesday	16th August	Ordinary Meeting	Kununurra	6.00pm
Tuesday	20th September	Ordinary Meeting	Kununurra	6.00pm
Tuesday	18th October	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15th November	Ordinary Meeting	Wyndham	6.00pm
Tuesday	13th December	Ordinary Meeting	Kununurra	6.00pm

CARRIED UNANIMOUSLY (8-0)

At its Ordinary Meeting of Council on the 15th November 2005 Council resolved the following:

Minute No. 7363
Moved Cr K Wright

Seconded Cr J Buchanan

That Council set the following meeting dates for the 2006 Calendar year:

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Location</u>	<u>Time</u>
Tuesday	24 th January	Ordinary Meeting	Wyndham	6.00pm
Tuesday	21 st February	Ordinary Meeting/ Electors Meeting	Kununurra	6.00pm
Tuesday	21 st March	Ordinary Meeting	Wyndham	6.00pm
Tuesday	18 th April	Ordinary Meeting	Kununurra	6.00pm
Tuesday	16 rd May	Ordinary Meeting	Kununurra	6.00pm
Tuesday	20 th June	Ordinary Meeting	Kununurra	6.00pm
Tuesday	18 th July	Ordinary Meeting	Wyndham	6.00pm
Tuesday	15 nd August	Ordinary Meeting	Kununurra	6.00pm
Tuesday	19 th September	Ordinary Meeting	Kununurra	6.00pm
Tuesday	21 th October	Ordinary Meeting	Kununurra	6.00pm
Tuesday	21 st November	Ordinary Meeting	Wyndham	6.00pm
Tuesday	19 th December	Ordinary Meeting	Kununurra	6.00pm

Carried Unanimously 8-0

STATUTORY IMPLICATIONS

The Local Government Act states the following clauses that are relevant to this matter:

- 5.3 (1) *A Council is to hold Ordinary Meetings and may hold special meetings*
- 5.3 (2) *Ordinary meetings are to be held not more than three months apart.*
- 5.5 (10) *The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs involved with operating Council meetings have been built into the Shire's budget.

STRATEGIC IMPLICATIONS

Council's Strategic Plan for 2005/06 currently includes the following which is relevant for this issue:

Key Result Area 5 – Governance:

Goal 1 – Strategic Leadership

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

Ordinary Council
21/11/06 Minutes

COMMENT

The ability to provide prompt, informed decisions and customer service implications are the key issues that need to be considered by Council when setting meeting dates, times and venues. While the proposed spacing of meetings means that there could potentially be a six week wait to obtain a Council decision, this scenario has been lessened due to the additional delegated authority to Officers on more routine matters and urgent matters can be considered faster if deemed necessary via Special Meetings.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council set the following meetings dates for the 2007 Calendar year:

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Location</u>	<u>Time</u>
Tuesday	23 January	Ordinary Meeting	Wyndham	6.00pm
Tuesday	20 February	Ordinary Meeting/ Electors Meeting	Kununurra	6.00pm
Tuesday	20 March	Ordinary Meeting	Wyndham	6.00pm
Tuesday	17 April	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15 May	Ordinary Meeting	Kununurra	6.00pm
Tuesday	19 June	Ordinary Meeting	Kununurra	6.00pm
Tuesday	17 July	Ordinary Meeting	Wyndham	6.00pm
Tuesday	21 August	Ordinary Meeting	Kununurra	6.00pm
Tuesday	18 September	Ordinary Meeting	Kununurra	6.00pm
Tuesday	16 October	Ordinary Meeting	Kununurra	6.00pm
Tuesday	20 November	Ordinary Meeting	Wyndham	6.00pm
Tuesday	18 December	Ordinary Meeting	Kununurra	6.00pm

Minute No 7578**Moved: Cr D Ausburn****Seconded: Cr J Parker**

That Council set the following meetings dates for the 2007 Calendar year:

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Location</u>	<u>Time</u>
Tuesday	23 January	Ordinary Meeting	Wyndham	6.00pm
Tuesday	20 February	Ordinary Meeting/ Electors Meeting	Kununurra	6.00pm
Tuesday	20 March	Ordinary Meeting	Wyndham	6.00pm
Tuesday	17 April	Ordinary Meeting	Kununurra	6.00pm
Tuesday	15 May	Ordinary Meeting	Kununurra	6.00pm
Tuesday	19 June	Ordinary Meeting	Kununurra	6.00pm
Tuesday	17 July	Ordinary Meeting	Wyndham	6.00pm
Tuesday	21 August	Ordinary Meeting	Kununurra	6.00pm
Tuesday	18 September	Ordinary Meeting	Kununurra	6.00pm
Tuesday	16 October	Ordinary Meeting	Kununurra	6.00pm
Tuesday	20 November	Ordinary Meeting	Wyndham	6.00pm
Tuesday	18 December	Ordinary Meeting	Kununurra	6.00pm

Carried: 5/2**16. MATTERS BEHIND CLOSED DOORS****16.1 CHIEF EXECUTIVE OFFICER – ANNUAL REVIEW
MATTER DEFERRED TO DECEMBER****17. CLOSURE**

With all items of business complete, the Shire President declared the meeting closed at 7:34pm.