



MINUTES OF ORDINARY COUNCIL MEETING HELD 19 JUNE 2007

I hereby certify that the Minutes of the Ordinary Meeting of Council held 19 June 2007 are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF
WYNDHAM EAST KIMBERLEY HELD ON TUESDAY, 19 JUNE 2007 AT
KUNUNURRA COUNCIL CHAMBERS, COMMENCING AT 6:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:03pm.

2. RECORD OF ATTENDANCE

| | |
|----------------------|--|
| Cr Michele Pucci | Shire President |
| Cr Bill Barnes | Deputy Shire President |
| Cr Keith Wright | Councillor |
| Cr Di Ausburn | Councillor |
| Cr John Buchanan | Councillor |
| Cr Maxine Middap | Councillor |
| Cr Jane Parker | Councillor |
| Mr Peter Stubbs | Chief Executive Officer |
| Mr Alex Douglas | Executive Manager of Engineering and Development Services |
| Ms Karyn Apperley | Executive Manager Community Services |
| Ms Jo-Anne Ellis | Executive Manager Corporate Services |
| Mr Keith Williams | Executive Manager Town Planning |
| Mr Dan Hulands | Manager Technical Services |
| Ms Jo Barkla | Town Planning Officer |
| Miss Amanda Trengove | Manager Financial Services |
| Ms Fiona Kuiper | Executive Support Officer (Minute Taker) |

APOLOGIES

Cr Roch Devenish-Meares Councillor

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

GALLERY

| | |
|---------------------|--------------------|
| Mrs Sandy Berlowitz | Mr Don Berlowitz |
| Mr Steve Guerinoni | Mr Darren Spackman |

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Mr Alex Douglas declared a Financial Interest in Item 12.1.3 as he will be allocated the vehicle that is the subject of the item.

Cr D. Ausburn declared a Financial Interest in Item 12.2.1 as her husband hold minor shares in the company of the proponent and declared a Financial Interest in 12.2.6 as she has minor business dealings with the proponent.

- **Members Impartiality Interest**

Cr K Wright declared an Impartiality Interest in Item 12.2.4, as he is the Director of a company that owns property in the vicinity.

Cr M. Middap declared an Impartiality Interest in Item 12.3.3, as she is the Vice President of the proponent organisation.

- **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

- 8.1. Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 20 March 2007**

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 20 March 2007.

Minute No.7740

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council defer this Item until the next Council Meeting.

Carried Unanimously: 7/0

- 8.2. Confirmation of Minutes of the Ordinary Meeting of Council held on Tuesday 15 May 2007**

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 15 May 2007.

Minute No.7741

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 15 May 2007.

Carried Unanimously: 7/0

- 8.3. Confirmation of Minutes of the Special Meeting of Council Held on Tuesday 5 June 2007**

RECOMMENDATION

That Council confirm the Minutes of the Special Meeting of Council held on Tuesday 5 June 2007.

Minute No.7742

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council defer this Item until the next Council Meeting.

Carried Unanimously: 7/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

On behalf of Council and staff I congratulate the Small Business Development Corporation and the Kununurra Chamber Commerce and Industry in successfully hosting the Skywest Kimberley Regional Small Business Awards on Wednesday 6th June 2007. Cr Wright, the CEO a number of Council staff and myself attended this gala event. We ere particularly proud to see two local business receive awards on that occasion. Our award recipients were:

Horizon Power – Small Business Centre – Business Achiever Award
Stitched Up Embroidery

Australia's North West Expo Innovation Award
Kimberley Fine Diamonds

I am pleased to advise that the Kimberley Toad Busters have been short listed as one of the nine finalists (out of the 49 finalists for Banksia Awards 2007) for the "Peoples Choice Award". The Peoples Choice Award is sponsored by Telstra and is a voting counted award.

Please support your local Kimberley Toad Busters by clicking on the website <http://www.banksiafdn.com/index.php?page=315> & voting for the local volunteers of the Kimberley area who are trying to minimise the impact on our beloved region of the Cane Toad which is nearing the WA/NT border.

I thank Cr Buchanan and Cr Parker for assisting staff in meeting with the Water Corporation on Tuesday 12 June where the following issues of importance to our region were canvassed.

1. The role of Water Corporation in flood mitigation in the Weaber Plains catchment the impacts of M1 channel & D2 drain, and the water shed from Crown Land in that catchment.
2. The Pump House on Lake Kununurra and the need for this as tourism opportunity to be progressed.
3. The Council proposal for a new investigation into a potentially new bore field for Kununurra that would then enable the current P1 water protection area to be developed.
4. The proposed fish ladder at the Kununurra Diversion Dam and the need for the Water Corporation input into this.
5. The Lakeside estate stage 2 non potable water supply option and reason why this is not operational.
6. The Rock Crushing plant within the Water Corporations leased land and future of this land.
7. The Kununurra waste water treatment plant and the need for odour modelling to be done to potentially facilitate greater development in the western portion of Kununurra townsite.

I thank Cr Wright as Chairman of Council's Audit Committee, and Cr Buchanan for meeting with Council Auditors on Tuesday 12 June to discuss our scheduled interim Audit.

I would like record on behalf of Council our appreciation to the Betty McKinlay the Shire's Manager of the Wyndham Childcare Centre for her leadership to producing this year's district Banner to be displayed in St Georges Terrace, Perth as part of Local Government Week in August.

Also on behalf of Council I would like to formally welcome Jo Anne Ellis and her family to our district, as the Shire's new Executive Manager for Corporate Services, in this her first Council meeting with us.

Eric Ripper telephoned me on Thursday 14 June to announce his intention to extend the EOI process. I have assured Mr Ripper that Council will be immediately seeking further detail around that process.

It is with regret that Council acknowledge the failed attempt by sugar growers to save the sugar industry in the East Kimberley. I wish to express Council's best wishes to those families and industries directly affected. Council will continue to lobby and advocate to ensure that community aspirations for Ord Stage 2 are achieved hope that with this the pressure, sugar and other broad acre crops will have a sustainable future.

Lastly, we extend our congratulations and best wishes to Cr Wright on his 65th birthday today, and look forward to some fellowship with him after tonight's meeting.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. CONFIRMATION OF MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON TUESDAY 8 MAY 2007

RECOMMENDATION

That Council confirm the Minutes of the Audit Committee Meeting held on Tuesday 8 May 2007.

COUNCIL RESOLUTION

Minute No. 7743

Moved: Cr B Barnes

Seconded: Cr K Wright

That Council confirm the Minutes of the Audit Committee Meeting held on Tuesday 8 May 2007.

Carried Unanimously: 7/0

12. REPORTS

12.1. ENGINEERING SERVICES

12.1.1. Management of Cat Traps

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Kununurra and Wyndham |
| AUTHOR: | Alex Douglas, Executive Manager Engineering Services |
| REPORTING OFFICER: | Alex Douglas, Executive Manager Engineering Services |
| FILE NO: | 60.14.03 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider options associated with assisting residents of Kununurra and Wyndham in managing stray cats within the two towns.

BACKGROUND

Council received a briefing on options by staff at the May Briefing Session. This report is to formally consider the options and to consider commitment of funds within the 2007/08 draft budget to enable the preferred option to be implemented.

STATUTORY IMPLICATIONS

There are no specific statutory implications associated with the recommended action with officer's recommendation action.

A proposal to adopt a Local Law with respect to management of cats similar to the Dog Act would introduce a process with the provisions of the Local Government Act 1995.

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The direct financial cost is for the purchase of 20 cat traps to add to the estimated 10 traps already available. There will be costs associated with the receipting and refunding of deposits, ranger staff time in delivering and collecting the traps as well as the disposal of trapped cats not having owner identification. The traps are approximately \$150 each.

The administrative costs are difficult to estimate as community interest in the proposal is yet to be tested. The costs however are considered operational and are not considered to add sufficient workload that would warrant additional staff.

The amount for the refundable deposit is suggested as \$50 given the cost of the traps.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

From time to time staff receive complaints about the number of stray cats within the two towns and more recently a resident sought more specific action to control cats such as the implementation of a local law.

In evaluating the issue it was unclear as to the extent of the stray cat problem as they impinge on residential amenity or whether the issue was protection of native animals, or combination of both.

Staff spoke with the RSPCA and researched state and or commonwealth legislation regarding the prevention of trapping and disposal of feral cats. The only legislation is the *Animal Welfare Act 2002* which specifies that the cats are to be disposed of in a humane manner.

The Department of Environment and Conservation's responsibility was assessed for feral animals and it was determined that they are only responsible for feral animal control on crown land and within their reserves; not for individual urban landowner properties such as this.

The Shire of Halls Creek has a local law on cats and currently traps and disposes of cats after a holding period at their pound. The Shire of Exmouth whom has a local law however does not trap or actively manage cats as they do not have the impound facilities in which to hold the animals.

The options considered applicable for this Shire are listed as follows: -

1. Introduce Local Law for Cats

Comment

(not recommended by staff)

Difficult to police and enforce. Administrative and ongoing costs unknown yet would include: officer's time to write a local law, the establishment of registration, the establishment and enforcement of infringement fines and the building and maintenance of a cat impound facility.

2. Council hires out traps using a deposit system and prepares a press release/brochure to raise awareness – recommended by officer who suggests a similar method to that used by Darwin City council:
 - The budgeting for and purchase of extra cat traps for the Kununurra depot and Wyndham depot. Trap costs about \$150 each.
 - The implementation of a refundable cash deposit system at the depot.
 - A form developed that would outline a number of conditions for use, including the need for humane treatment of any cat caught, and the need to notify neighbours. This form would need to be read, understood and signed by the user of the trap.

- If a trapped cat is wearing identification then the landowner or ranger is to contact the owner who will be allowed to collect their cat. If the trapped cat has a tattoo in its ear then the landowner is to take the cat to the vet to see if the owner can be found.
- Shire rangers can be called during work hours to collect the trapped stray or feral cats and destroy them as per *Animal Welfare Act 2002*.
- A media release/brochure/letter drop on the use of traps by landowners and that cats should be kept inside at night.

Comment

(recommended by staff)

This approach is an extension of the present practice. It would require a budget allocation (new traps) and some administrative costs in recording issued traps, taking and returning deposits etc.

3. Write a response to the resident stating Council has considered the proposal and does not consider the implementation of a cat local law or other measures necessary at this time yet she can borrow a cat trap from the depot to trap her problem cats.

Comment

(not recommended by staff)

This approach is not considered to realistically reflect the perceived community concerns

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt an approach to assisting residents in managing local stray cat issues as follows:

1. The budgeting for and purchase of 20 (total) extra cat traps for the Kununurra depot and Wyndham depot at an estimated cost of \$3,000.
2. The implementation of a refundable cash (\$50) deposit system through the respective Shire offices be introduced following receipt of the new traps and advertising of the new service.
3. A form be developed that would outline a number of conditions for use, including the need for humane treatment of any cat caught, and the need to notify neighbours. This form would need to be read, understood and signed by the user of the trap.
4. If a trapped cat is wearing identification then the landowner or ranger is to contact the owner who will be allowed to collect their cat. If the trapped cat has a tattoo in its ear then the landowner is to take the cat to the vet to see if the owner can be found.
5. Shire rangers can be called during work hours to collect the trapped stray or feral cats and destroy them as per *Animal Welfare Act 2002*.

6. A media release/brochure/letter drop on the use of traps by landowners and that cats should be kept inside at night.

COUNCIL RESOLUTION

Minute No. 7744

Moved: Cr M Middap

Seconded: Cr K Wright

That Council adopt an approach to assisting residents in managing local stray cat issues as follows:

1. **The budgeting for and purchase of 10 (total) extra cat traps for the Kununurra depot and Wyndham depot at an estimated cost of \$1,500. If a further 10 traps are required then they should be purchased as needed.**
2. **The implementation of a refundable cash (\$50) deposit system through the respective Shire offices be introduced following receipt of the new traps and advertising of the new service.**
3. **A form be developed that would outline a number of conditions for use, including the need for humane treatment of any cat caught, and the need to notify neighbours. This form would need to be read, understood and signed by the user of the trap.**
4. **If a trapped cat is wearing identification then the landowner or ranger is to contact the owner who will be allowed to collect their cat. If the trapped cat has a tattoo in its ear then the landowner is to take the cat to the vet or contact the vet to see if the owner can be found.**
5. **Shire rangers can be called during work hours to collect the trapped stray or feral cats and destroy them as per *Animal Welfare Act 2002*.**
6. **A media release/brochure/letter drop on the use of traps by landowners and that cats should be kept inside at night**

Carried Unanimously: 7/0

12.1.2. Request for Tender (T10 06/07) – Tractor Replacement – 1999 John Deere 6310 4WD Tractor allocated for Grounds Maintenance, East Kimberley Regional Airport

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | East Kimberley Regional Airport |
| AUTHOR: | Alex Douglas, Executive Manager Engineering and Development Services |
| REPORTING OFFICER: | Alex Douglas, Executive Manager Engineering and Development Services |
| FILE NO: | 66.55.09 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider tenders for the purchase of a new tractor to replace Plant No. 15304005, being a John Deere 6310 4WD tractor rated at approximately 85hp.

BACKGROUND

Tenders were invited by public advertisements placed in the West Australian and Kimberley Echo and closed at 2:00 PM 9 May 2007.

Three tender submissions were received prior to the close of tenders, and one (Vanderfield Pty Ltd) was hand delivered at 8:30 AM, 10 May 2007. The late tender has not been considered in the context of this report.

The specification was for a nominal 100-110hp engine range as the current tractor has demonstrated some over-heating tendency when operating the 5 metre triple head slasher mower in higher temperatures. An evaluation of the problem by Airport staff was that the replacement tractor should have higher PTO power, hence the increase from the existing tractor.

STATUTORY IMPLICATIONS

Tenders were invited in accordance with the provisions of the Local Government (General and Functions) Regulations 1996.

POLICY IMPLICATIONS

Policy F19 – Purchase and Tendering Policy – as amended 17 April 2007

FINANCIAL IMPLICATIONS

The financial implications associated with this report are listed below. The adopted Budget includes estimates for the capital purchase/s and an associated estimate/s for the disposed asset.

| Plant/GL No. | Vehicle/Rego' | Capital estimate (excl. GST) | Trade estimate (incl. GST) | Net amount |
|---------------------|--|-------------------------------------|-----------------------------------|-------------------|
| 15304005 | Nominal 100hp 4WD tractor (1AKA 930) | 132,690 | 43,650 | 93,008 |

Within the amounts listed above the capital purchase estimate excludes GST, however the trade estimate includes GST. The net amount is the amount available excluding all GST requirements.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

A summary of quotations is provided as follows: -

| Item | Supplier | Plant offered | New Vehicle (excl. GST) | Trade Value (Incl. GST) | Net Changeover (excl GST) |
|------|--------------------------|-------------------|-------------------------|-------------------------|---------------------------|
| 1a | Rogers Machinery Service | M105DCW Kubota | 91,878 | 49,500 | 46,878 |
| 1b | | M105X Kubota | 96,514 | 51,700 | 49,514 |
| 1c | | M125X Kubota | 106,887 | 60,500 | 51,887 |
| 2a | Wattleup Tractors | MT455B Challenger | 85,000 | 33,000 | 55,000 |
| 2b | | 311 Fendt | 124,308 | 33,000 | 94,308 |
| 3 | Mr B Proudman | n/a | n/a | 16,500 | - |

Assessment of the Kubota M105X was undertaken by Airport staff as a unit was available locally. Based on price and specification the M125X is considered to be most suited to the requirements of the work. Whilst it is of a higher specification than requested, it is price competitive and provides better options for increased grounds maintenance requirements with proposed runway extensions in the foreseeable future.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the tender as submitted by Rogers Machinery Services for the supply and delivery of one (1) only 2007 M125X Kubota 4WD tractor for the sum of \$106,887.000 (excluding GST) as replacement for Plant No. 15304005 and purchase of the trade vehicle (1AKA 930) for the sum of \$60,500 (incl. GST) be accepted as the most advantageous to Council.

COUNCIL RESOLUTION

Minute No. 7745

Moved: Cr B Barnes

Seconded: Cr J Parker

That the tender as submitted by Rogers Machinery Services for the supply and delivery of one (1) only 2007 M125X Kubota 4WD tractor for the sum of \$106,887.000 (excluding GST) as replacement for Plant No. 15304005 and purchase of the trade vehicle (1AKA 930) for the sum of \$60,500 (incl. GST) be accepted as the most advantageous to Council.

Carried Unanimously: 7/0

**12.1.3. Request for Quotation – Vehicle Replacement – 2005 Prado (WY001)
Allocated to Executive Manager Engineering and Development
Services**

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Kununurra |
| AUTHOR: | Alex Douglas, Executive Manager Engineering and Development Services |
| REPORTING OFFICER: | Alex Douglas, Executive Manager Engineering and Development Services |
| FILE NO: | 66.55.09 |
| ASSESSMENT NO: | N/A |

DECLARATION OF INTEREST

Executive Manager of Engineering and Development Services, Alex Douglas, declares a financial interest in this item as he is allotted the vehicle as part of his salary package.

PURPOSE

For Council to consider quotations for the purchase of a new vehicle to replace a 2005 model Toyota Prado Auto GXL Wagon.

BACKGROUND

Quotations were sought for the same vehicle and specification from the three dealers, located in Kununurra, Broome and Darwin.

STATUTORY IMPLICATIONS

The quotations were prepared and invited based on the recent changes to the increased tender threshold within the provisions of the Local Government (General and Functions) Regulations 1996.

POLICY IMPLICATIONS

Policy F19 – Purchase and Tendering Policy – as amended 17 April 2007

FINANCIAL IMPLICATIONS

The financial implications associated with this report are listed below. The adopted Budget includes estimates for the capital purchase/s and an associated estimate/s for the disposed asset.

| Plant/GL No. | Vehicle/Rego' | Capital estimate (excl. GST) | Trade estimate (incl. GST) | Net amount |
|---------------------|---|-------------------------------------|-----------------------------------|-------------------|
| 14204015 | Turbo diesel Mid-range Auto 4WD Wagon | 57,278 | 31,120 | 26,458 |

Within the amounts listed above the capital purchase estimate excludes GST, however the trade estimate includes GST. The net amount is the amount available excluding all GST requirements.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

A summary of quotations is provided as follows: -

| Item | Supplier | Vehicle | New Vehicle (excl. GST) | Trade Value (Incl. GST) | Net Changeover (excl GST) |
|------|---------------|---|----------------------------|----------------------------|---------------------------------|
| 1 | Argyle Motors | 2007 turbo diesel Prado Auto GXL Wagon | 48,507.07 | 33,500 | 18,052.52 |
| 2 | Broome Toyota | 2007 turbo diesel Prado Auto GXL Wagon | 48,074 | 31,000 | 19,892.18 |
| 3 | Bridge Toyota | 2007 turbo diesel Prado Auto GXL Wagon | 49,555.26 | 35,000 | 17,737.08 |

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the tender as submitted by Bridge Toyota for the supply and delivery of one (1) only 2007 Toyota Landcruiser Turbo Diesel Prado Auto GXL Wagon for the sum of \$49,555.26 (excluding GST) as replacement for Plant No. 14204015 and purchase of the trade vehicle (WY 001) for the sum of \$35,000 (incl. GST) be accepted as the most advantageous to Council.

COUNCIL RESOLUTION

Minute No. 7746

Moved: Cr J Buchanan

Seconded: Cr K Wright

That the tender as submitted by Argyle Motors for the supply and delivery of one (1) only 2007 Toyota Landcruiser Turbo Diesel Prado Auto GXL Wagon for the sum of \$48507.07 (excluding GST) as replacement for Plant No. 14204015 and purchase of the trade vehicle (WY 001) for the sum of \$33,500 (incl. GST) be accepted as the most advantageous to Council, at a changeover figure of \$18052.52.

Carried Unanimously: 7/0

Note: The reason Council's decision differed from the Officer's Recommendation is Council's decision to support the local supplier.

Alex Douglas returned to the room at 6.27pm.

Cr Ausburn left the room at 6.27pm prior to consideration of Item 12.2.1.

12.2. DEVELOPMENT SERVICES

12.2.1. Proposed Transient Accommodation – Lot 2 Coolibah Drive, Kununurra

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Tennant Creek Gold |
| LOCATION: | Lot 2 Coolibah Drive, Kununurra |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 01.6561.02 |
| ASSESSMENT NO: | 6561 |

PURPOSE

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

BACKGROUND

An application for the use and development of Lot 2 Coolibah Drive, Kununurra for transient accommodation was submitted by Tennant Creek Gold on 14 May 2007 (see Attachment 1 – site plan, Attachment 2 – Transient Accommodation, Attachment 3 – Transient Accommodation Detail).

The applicant advises that there is some urgency for Council to consider the proposal to enable housing to be made available to support the current drilling program. As it is considered unlikely that there will be any objections to the proposal, the agenda item has been prepared concurrent to the advertising period which concludes on 15 June 2007. Council will be advised at the Council meeting whether or not any submissions were received and the recommended response from officers.

SITE LOCATION

The subject site is located on Coolibah Drive, Kununurra, close to the Ivanhoe Road intersection and opposite the hospital. The subject site is zoned Mixed Business, and abuts other Mixed Business zoned lots (see Attachment 4 – Location Plan).

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use and development of a transient accommodation unit to house workers moving between Kununurra and Tennant Creek Gold's exploration area. The accommodation unit contains 4 bedrooms with ensuites, a central dining and central lounge area. There is presently a caretaker's residence attached to the existing shed and offices.

FINANCIAL IMPLICATIONS

The Application Fee of \$100.00 has been paid.

COMMUNITY CONSULTATION

The use is designated as an SA use and under Town Planning Scheme No. 7 – Kununurra and Environs the proposal must be advertised for public comment before

Council can consider the application and exercise its discretion.

In accordance with the advertising requirements of Clause 11.2 of the Scheme, the application was advertised for 21 days from 24 May 2007 to 15 June 2007 in the Kimberley Echo, a sign placed on site, and surrounding landowners notified of the proposal in writing. At the time of writing there were no submissions, however, the advertising period had not concluded and Council will be updated and any submissions tabled for consideration at the Council meeting.

The application was referred to the Department of Health in relation to the requirements of the Country Sewerage Policy.

ATTACHMENTS

| | |
|--------------|---------------------------------|
| Attachment 1 | Site Plan |
| Attachment 2 | Transient Accommodation |
| Attachment 3 | Transient Accommodation Detail |
| Attachment 4 | Site Plan |
| Attachment 5 | Department of Health Assessment |

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Mixed Business Zone. Clause 5.12.1 of the Town Planning Scheme states that the objectives of this zone are:

- a) *to encourage the establishment of predominantly showrooms related to manufacturing on-site and service industry and/or service trades centres;*
- b) *to only permit the establishment of a caretakers dwelling if such dwelling is considered necessary by Council for operational and security purposes of the business already established on-site.*

Under Clause 5.12.2, in considering an application for planning approval the provisions of Clause 5.10.5 b) to i) shall apply, whereby Council is to have regard to:

- b) *The colour and texture of external building materials.*
- c) *Building size, height, bulk, and roof pitch.*
- d) *Setback and location of the building on its lot.*
- e) *Architectural style and design details of the building.*
- f) *Function of the building.*
- g) *Relationship to surrounding development.*
- h) *Parking and landscaping requirements.*
- i) *Other characteristics to be considered by Council to be relevant.*

Pursuant to Town Planning Scheme No. 7, the proposed use is an SA use and is defined as Transient Accommodation which means *any habitable building permanently affixed to the ground by footings as required by Council and includes*

any caravan, transportable dwelling, or any structure used for habitation for the purposes of accommodation for a period not exceeding six months.

The applicant discussed the proposal with the owner of the lot to the west of the subject land and has gained written agreement that they have no objection to the development being sited in close proximity to their boundary. There are no setback requirements to boundaries in the Scheme relating to Transient Accommodation in the Mixed Business zone. The proposed setbacks to the property boundary and existing shed comply with the Building Code of Australia.

Country Sewerage Policy

The application proposes the installation of onsite wastewater disposal. Under the Department of Health's Draft Country Sewerage Policy the development is required to be connected to the reticulated sewerage network.

Under the policy, the development is defined as producing wastewater at a rate greater than a single residential equivalent which is predicted to have "a wastewater output of no more than 540 litres per day (and usually means not more than three major plumbing fixtures)." As there is an existing caretaker's dwelling with a septic system and the current application proposes 4 plumbing outlets, there will be a maximum daily wastewater volume of 1590L/day. Given that waste water volumes exceed 540 litres per day, the authorisation of the Department of Health is required and the Council decision must be in accordance with Department of health advice.

The Department of Health have advised the output is greater than permitted as the proposal will create a density development greater than R5 (2000m²) on a 2460m² lot. The application is therefore required to be connected to the reticulated sewerage network and can be conditioned accordingly (see Attachment 5 – Department of Health Assessment).

The Water Corporation have advised the extension of the network is not within their program in Kununurra. The onus is therefore on the applicant generating the increased demand for wastewater services to provide the connection and extend the reticulated network. The requirement for connection to the wastewater network is based on the protection of public health, environmental health and water supplies, and minimises the need for public funds to provide infill sewerage for private development.

The applicant has been advised of the Department of Health requirements and has agreed to extend the network and connect. The applicant is in discussion with the Water Corporation and surrounding landowners in relation to cost recovery for extension of the network.

CONCLUSION / COMMENT

The proposed use of the land is consistent with the objectives and purposes of the Mixed Business zone.

There are Scheme restrictions on the occupation of transient accommodation, which should be communicated to the applicant as conditions of development approval. Special conditions listed below have been recommended by officers on previous similar applications:

- a) Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to mine workers associated with the business operating from the site, for periods not exceeding 6 months. This is to comply with Scheme requirements;
- b) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers. This is to ensure that only workers associated with Tennant Creek Gold are accommodated; and
- c) All employee parking to be contained on site at all times.

In addition, the proposal is required to connect to the reticulated sewerage network given the density of development proposed and the requirements of the Department of Health.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council grants planning consent to Tennant Creek Gold for Transient Accommodation on Lot 2 Coolibah Drive, Kununurra, to:
 - i. use the land for the purpose of Transient Accommodation;
 - ii. commence the development of Transient Accommodation.

Subject to the following conditions:

1. Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to mine workers associated with the business operating from the site, for periods not exceeding 6 months.
2. Transient accommodation may not be occupied by an individual person for a period in excess of six calendar months.
3. Transient accommodation shall only be occupied by persons directly engaged in employment related to the industry specified on the application for planning consent. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers.
4. Transient accommodation shall be permanently affixed to the ground by footings as required by Council.
5. All employee parking to be contained on site at all times.
6. Connection to the reticulated sewerage network as required by the Department of Health.

7. Any conditions issued under delegated authority from Council's Standard Conditions list.

COUNCIL RESOLUTION

Minute No. 7747

Moved: Cr M Middap

Seconded: Cr K Wright

- 1. That Council grants planning consent to Tennant Creek Gold for Transient Accommodation on Lot 2 Coolibah Drive, Kununurra, to:**

- i. use the land for the purpose of Transient Accommodation;**
- ii. commence the development of Transient Accommodation.**

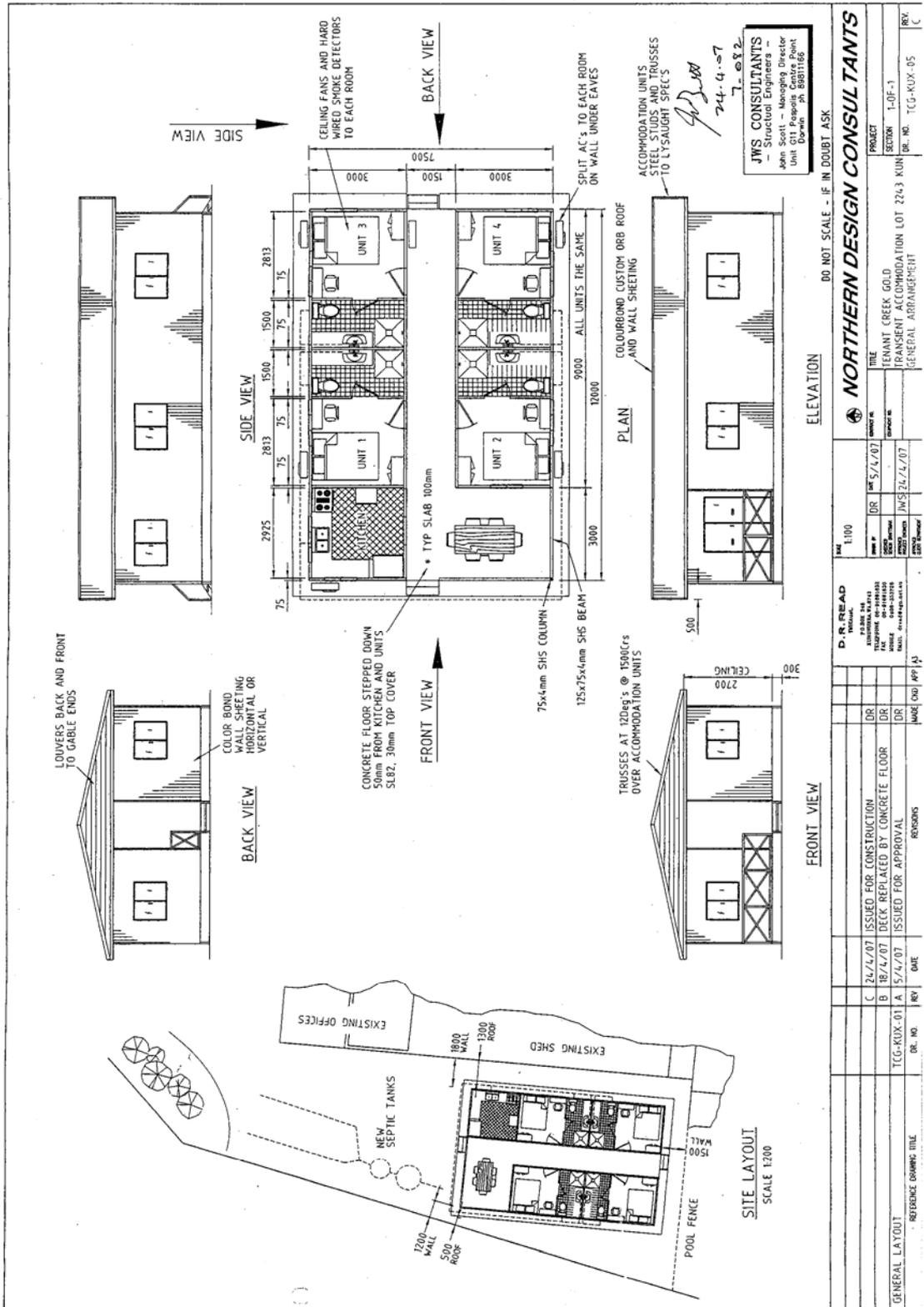
Subject to the following conditions:

- 1. Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to mine workers associated with the business operating from the site, for periods not exceeding 6 months.**
- 2. Transient accommodation may not be occupied by an individual person for a period in excess of six calendar months.**
- 3. Transient accommodation shall only be occupied by persons directly engaged in employment related to the industry specified on the application for planning consent. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers.**
- 4. Transient accommodation shall be permanently affixed to the ground by footings as required by Council.**
- 5. All employee parking to be contained on site at all times.**
- 6. Connection to the reticulated sewerage network as required by the Department of Health.**
- 7. Any conditions issued under delegated authority from Council's Standard Conditions list.**

Carried Unanimously: 6/0

Cr Ausburn returned to the meeting at 6:34pm. Cr Pucci advised Cr Ausburn of outcome of the item.

Attachment 2: Transient Accommodation



JWS CONSULTANTS
 - Structural Engineers -
 John Scott - Managing Director
 Unit G11 Popoia Centre Point
 Dorwin Ph 8881168

DO NOT SCALE - IF IN DOUBT ASK

| | | | | | |
|--|---------|--|---------|------|-------|
| D. R. READ ENGINEER REGISTERED NO. 10100 10100 10100 10100 | | DATE | BY | CHKD | APP'D |
| C | 24/4/07 | ISSUED FOR CONSTRUCTION | DR | DR | |
| B | 18/4/07 | DECK REPLACED BY CONCRETE FLOOR | DR | DR | |
| A | 5/4/07 | ISSUED FOR APPROVAL | DR | DR | |
| GENERAL LAYOUT | | TCG-KUX-01 | DR. NO. | 187 | |
| REFERENCE DRAWING TITLE | | | | | |
| PROJECT | | TENANT CREEK GOLD | | | |
| SECTION | | TRANSIENT ACCOMMODATION LOT 224.3 KUIN | | | |
| DR. NO. | | TCG-KUX-05 | | | |
| REV. | | C | | | |

NORTHERN DESIGN CONSULTANTS

Attachment 4: Location Plan



Subject Land

Attachment 5: Department of Health Assessment

From: Smith, Rachael [mailto:Rachael.M.Smith@health.wa.gov.au]

Sent: Tuesday, 5 June 2007 3:23 PM

To: Rachel Wornes

Subject: RE: requesting health department comment

Hi Rachel,

I refer to correspondence received on 28 May 2007 seeking approval for an on site effluent disposal system connecting to a four bedroom transient accommodation unit.

The Department of Health (DOH) has assessed the proposal, but is unable to support approval of the system based on provisions of the Country Sewerage Policy. The proposed development is unable to meet the density development provision required by the Country Sewerage Policy based on the location (outer metropolitan) and lot size.

| | Residential Equivalents | Maximum daily wastewater volume |
|--|--------------------------------|--|
| Maximum permissible for the lot | 1.2295 RE | 664 L/day |
| Required for proposed development | 2.944 RE | 1590 L/day |

Section 7.3.2 states that *"The Executive Director, Public Health, will not approve any onsite disposal installations that do not conform to the provisions of this policy"*.

Unfortunately the proposed development will not comply even when only one bedroom is added to the existing residence. The existing three bedroom residence according to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* has a daily waste water volume of 761 litres and so also does not comply with the Country Sewerage Policy. However this doesn't affect the existing residence as it was built before the Country Sewerage Policy was finalised.

The Country Sewerage Policy requires the provision of reticulated sewerage for this proposal. Accordingly, this Department has no objection to the proposal subject to a sewer condition being applied.

Please be aware that the applicant may appeal this decision once it has been officially unapproved, to the Minister for Health who has the discretionary power to vary the policy.

I hope this clarifies all of the issues with regard to this proposal,

Regards

Rachael Smith,
Scientific Officer,
Wastewater Management Branch,
Environmental Health Directorate, WA Department of Health
Ph: (08) 9388 4934 Fax: (08) 9388 4910 Email:
rachael.m.smith@health.wa.gov.au

12.2.2. Proposed Lease Renewal – Lot 1301 Great Northern Highway, Wyndham

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Guerinoni Investments Pty Ltd |
| LOCATION: | Lot 1301 Great Northern Highway, Wyndham |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 0.0147.02 |
| ASSESSMENT NO: | 0147 |

PURPOSE

For Council to consider a submission for renewal of a short term lease for the use and development of the subject land for the purposes of *Storage*.

BACKGROUND

Lot 1301 Great Northern Highway is a 2.446ha parcel of Crown land which has been continually leased since 1976 for the purposes of Truck Parking. Guerinoni Investments Pty Ltd has held the current lease since 1992 with the purpose of the lease changed to *Storage* in 1996.

Guerinoni Investments Pty Ltd utilise the land for the lease purpose as well as access to their abutting freehold Lot 659 Welch Street. In recognition of the Residential zoning of the land, the Crown has progressively reduced the lease renewal terms down to 3 years since 2001, with the intention that a more appropriate location for storage will be identified by the lessee.

The current lease term expired in 2004 and Guerinoni Investments Pty Ltd are tenants at will.

SITE LOCATION

The subject land is located on Great Northern Highway with abutting residential development to the North West, a freehold lot owned by Guerinoni Investments Pty Ltd to the south west, vacant Crown land to the south and a back up Western Power facility abutting the site to the south east. Adjacent to the site is the town centre (see Attachment 1 – Location Plan).

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking renewal of the lease over the entirety of Lot 1301 for the purpose of *Storage* from State Land Services for either:

1. a 3 year term with no permanent structures and no conditions relating to use periods; or
2. a 5 year term with no permanent structures and no conditions relating to use periods.

FINANCIAL IMPLICATIONS

There is no applicable application fee.

COMMUNITY CONSULTATION

Town Planning Scheme No. 6 – Wyndham Townsite does not require any community consultation for the proposal.

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Lease Area Proposals (2 pages)

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for residential purposes with abutting lots to the south of Lot 1301 (the lease lot) and Lot 649 Welch Street (the freehold lot) for Industrial purposes.

The strategy identifies Three Mile as “the focal point of residential, civic and commercial activity in Wyndham and has sufficient capacity for expansion to the east along the highway, as well as infill development where land previously surveyed but not developed could be finalised and released”. The subject lease area is located within the expansion area to the east of Three Mile on the highway.

Town Planning Scheme No. 6 – Wyndham Townsite

Under the Scheme, the lease lot is zoned Residential R15. If developed at an R15 density, the 2.446ha site could yield approximately 30 lots, depending on road layout.

While industrial uses are not compatible with the Residential zoning of the land, there is an abutting Western Power generation site which is used as a back up facility and tested fortnightly. Western Power advises that the facility is essential and not planned to relocate. Accordingly, buffers are required to protect the amenity of nearby residential lots from excessive noise. In discussion, it was agreed with Western Power that a 100 metre buffer from the power generator would be sufficient.

Residential development is not appropriate within the buffer area. Therefore, part of Lot 1301 will be sterilised for residential development, now and in the future. However, industrial uses are not so sensitive to noise and the renewal of the lease area provides an opportunity to make use of land affected by the Western Power buffer.

The applicant’s abutting freehold Lot 659 Welch Street is zoned Residential R15 and has non-conforming use rights under Part IV of the Scheme. The purpose of non-conforming use rights is to allow the continuation of pre-existing activities in an area which is rezoned until such time as the activity relocates or ceases to occur for 6 months. This allows the orderly and proper planning of areas to occur without immediately penalising legitimate activities; while at the same time allowing other uses to develop that will eventually lead to the relocation of the non-conforming use. Council should note that the non-conforming use rights that apply to Lot 659 Welch Street do not extend to the abutting leased Lot 1301 Great Northern Highway.

The tenant contends that there is a need to provide access to their freehold lot on Welch Street from Great Northern Highway via the leased Lot 1301. Access

between Lot 1301 and Lot 659 can be maintained through either an extension of the proposed lease area or creating an easement to provide an access leg along the southern boundary of Lot 1301 to Lot 659. However, this is a short term solution that would be addressed further during the Scheme review.

Scheme Review

Under the upcoming Scheme Review, it is proposed to investigate alternative uses for Lot 1301 Great Northern Highway and surrounds, including the lots fronting onto Welch Street. Alternatives may include:

- a Composite Industry zoning comprising residential and industrial uses on the same lot. This would assist the development of small businesses in Wyndham that are not able to be approved as home occupations; or
- a Town Centre zone reflecting the area as an entry point into the heart of Wyndham and increasing commercial business opportunities in the town.

Any change to the current zoning will be advertised as part of the Scheme review.

CONCLUSION / COMMENT

It is not in the interests of orderly and proper planning for 2.4ha of land zoned for residential development to be sterilised primarily to provide access to a non-conforming use.

In order to allow development of the town of Wyndham in the future with reduced land conflicts, it is considered appropriate for the lease area and term to be reduced to:

- a) recognise the Residential zoning of the land and the inappropriate use of this land for industrial purposes;
- b) utilise an area of the lease lot for which there are limited alternative uses, particularly the residential use for which it is zoned;
- c) provide the lessee with a lease area that is more likely to be available for longer term use in the future than the area which is currently leased; and
- d) avoid land speculation which may otherwise occur by the holding of the land for a non-residential use.

Accordingly, it is recommended to support a lease which:

- offers a 2 year lease term;
- requires forfeiture of the lease if the land is unused for 6 months;
- allows no permanent structures to be developed;
- provides a reduced 20 metre wide access from Great Northern Highway;
- recognises the Residential zoning of the land and reduces the leased area to that portion of the lot which lies within the Western Power buffer; and
- provides access (lease or easement) between Lot 1301 Great Northern Highway and Lot 659 Welch Street for the term of the lease.

Should Council decide to support leasing the entirety of Lot 1301 Great Northern Highway, it is recommended to support a lease which:

- offers a 2 year lease term;
- requires forfeiture of the lease if the land is unused for 6 months; and
- allows no permanent structures to be developed.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council advises State Land Services it supports a lease which:

1. offers a 2 year lease term;
2. requires forfeiture of the lease if the land is unused for 6 months;
3. allows no permanent structures to be developed;
4. provides a reduced 20 metre wide access from Great Northern Highway;
5. recognises the Residential zoning of the land and reduces the leased area to that portion of the lot which lies within the Western Power buffer; and
6. provides access (lease or easement) between Lot 1301 Great Northern Highway and Lot 659 Welch Street for the term of the lease.

COUNCIL RESOLUTION

Minute No. 7748

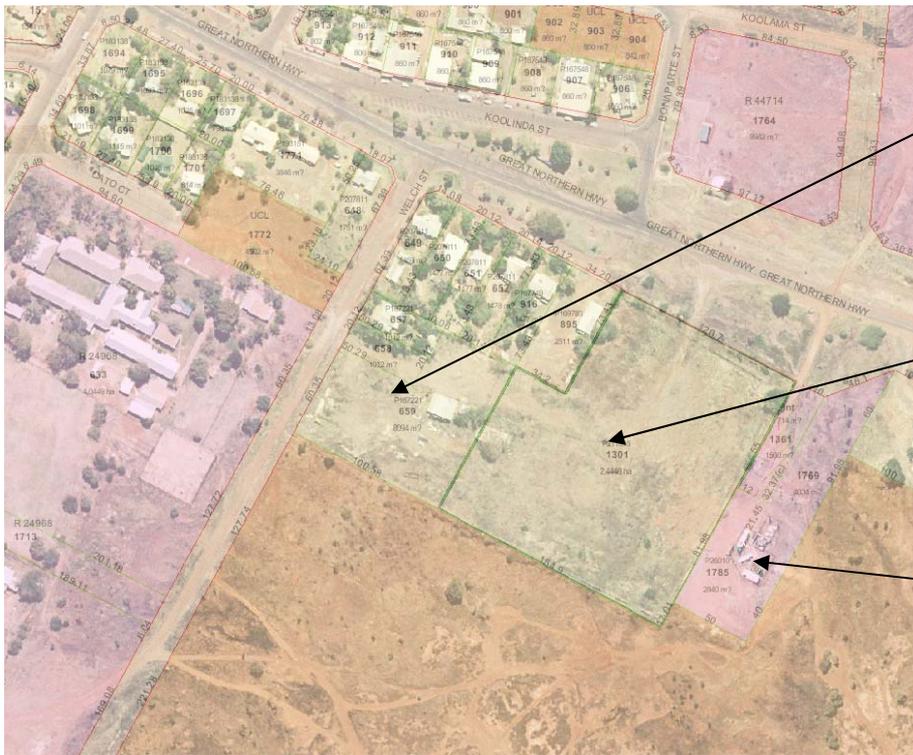
Moved: Cr K Wright

Seconded: Cr M Middap

That Council advises State Land Services it supports a renewal of the three year lease with the current lease conditions.

Carried Unanimously: 7/0

Attachment 1 – Location Plan



Freehold Lot 659
Welch Street

Leased Lot 1301
Great Northern Hwy

Western Power
generator site

Aerial and Cadastre



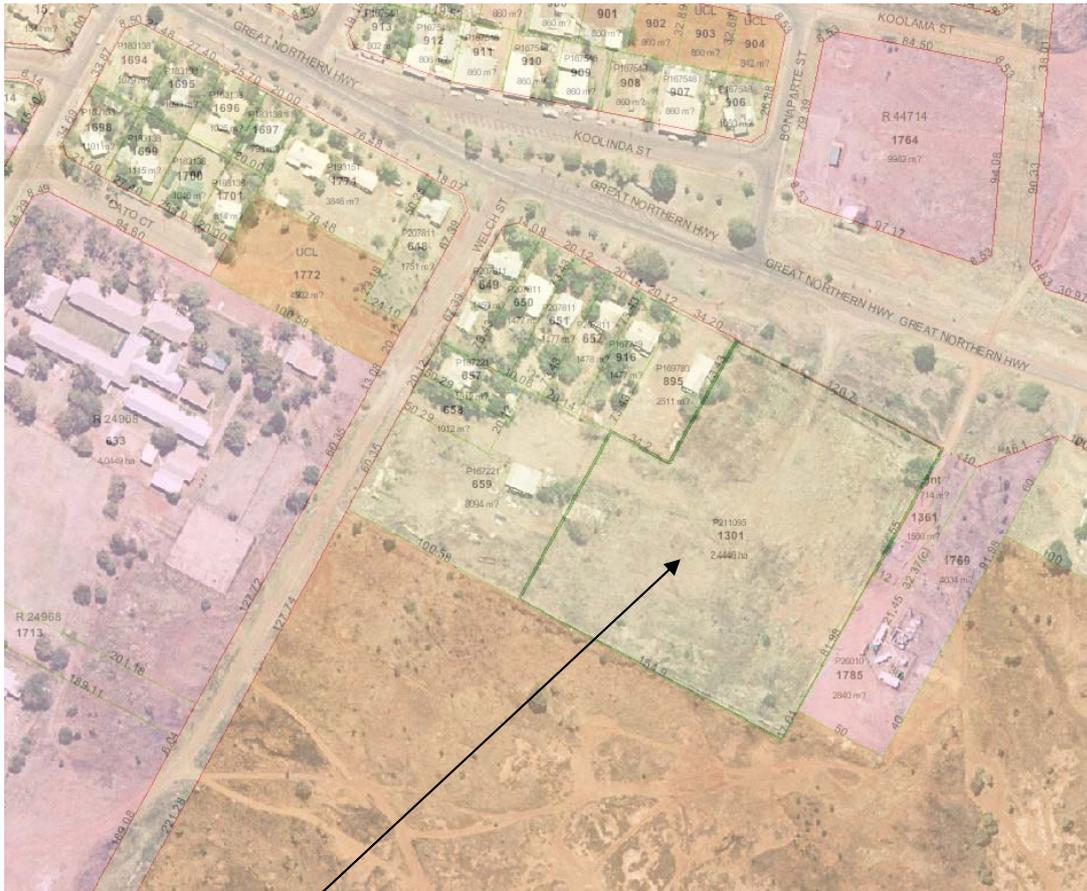
Freehold Lot 659
Welch Street

Leased Lot 1301
Great Northern Hwy

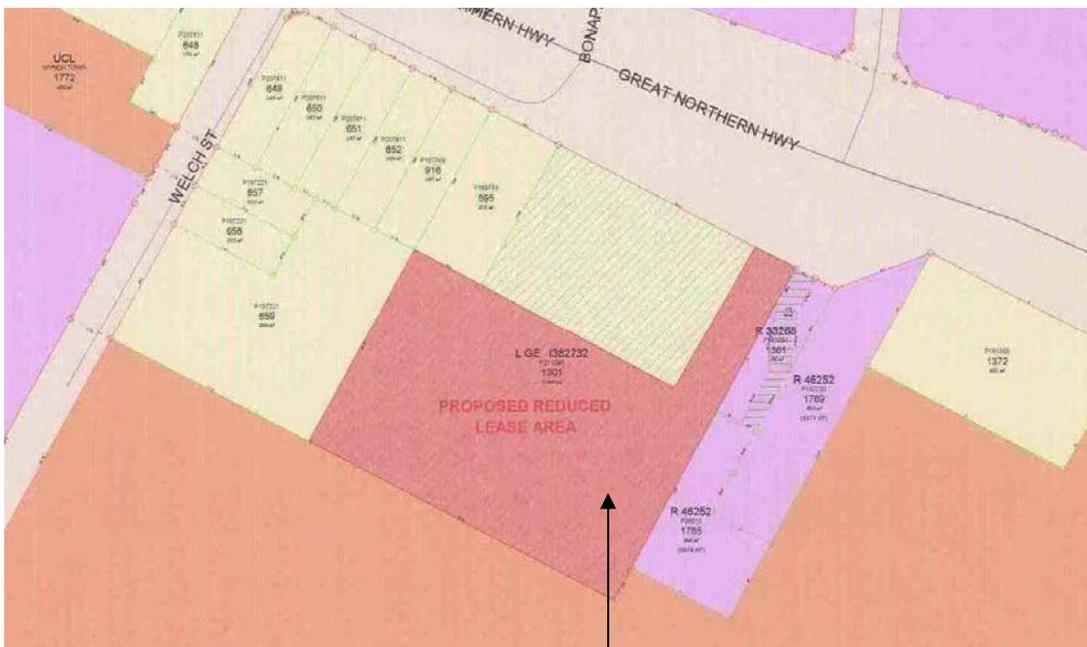
Western Power
generator site

Town Planning Scheme No. 6

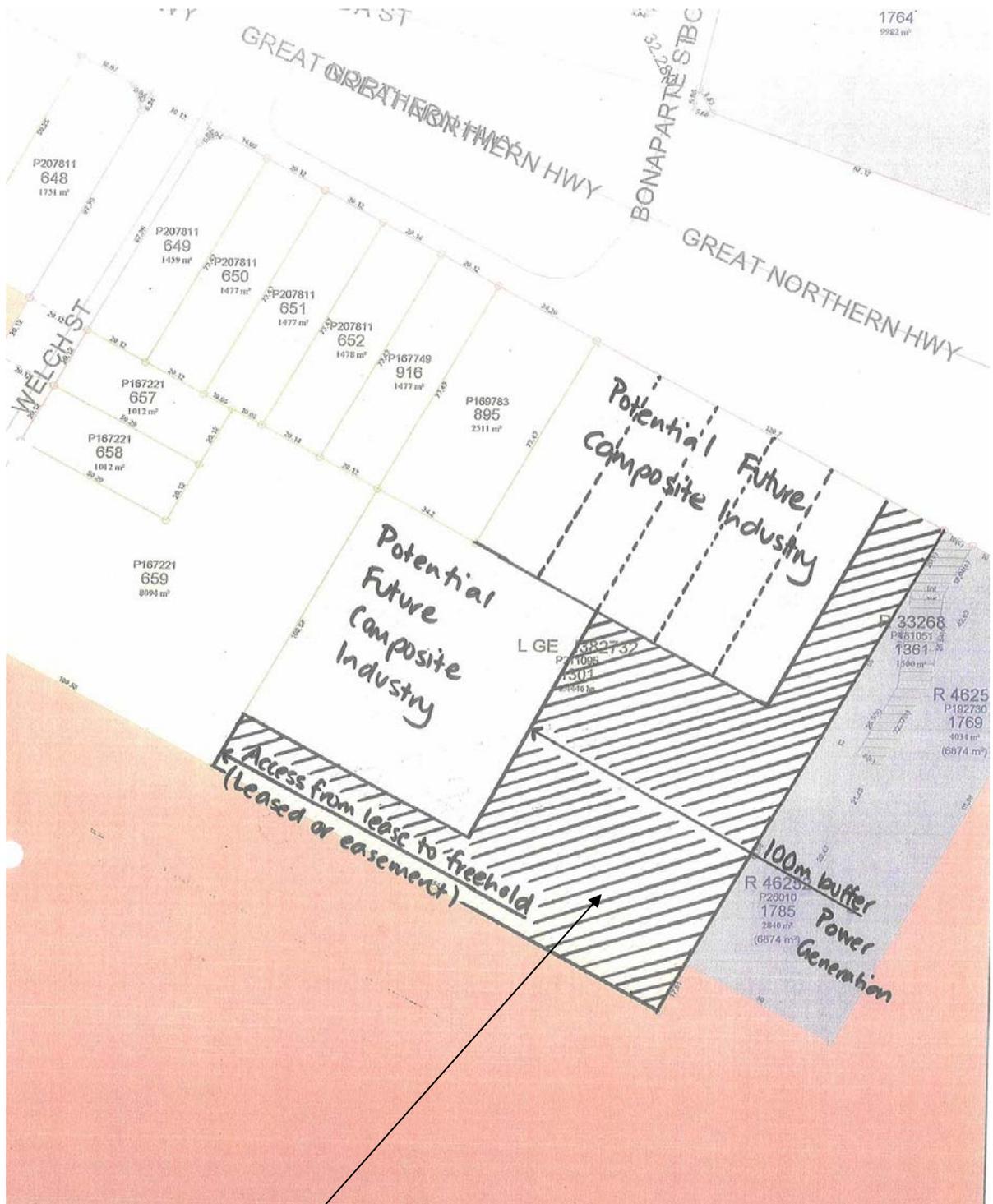
Attachment 2 – Lease Area Proposals (2 pages)



Current Leased Area



Proposed reduced lease area offered by DPI



Recommended lease area

12.2.3. Application for Earthworks Approval

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Celliston Nominees Pty Ltd |
| LOCATION: | Foreshore Reserve 41812 |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 01.2860.02 |
| ASSESSMENT NO: | 2860 |

PURPOSE

For Council to consider granting planning approval for the use and development of Foreshore Reserve 41812 for earthworks.

BACKGROUND

The proponent holds a lease over part of Foreshore Reserve 41812 which will expire in May 2008.

SITE LOCATION

The subject site is located on Reserve 41812 at the end of Messmate Way in Lily Creek (see Attachment 1).

PROPOSED LAND USE / DEVELOPMENT

The application is to upgrade the drains either side of the proponent's leased area in Lily Creek. This will require earthworks to clear the drains.

FINANCIAL IMPLICATIONS

The applicant considers the works to be in the public interest as it will increase public safety and amenities by repairing erosion damage which he contends is a public liability concern for the Shire. Accordingly, the applicant has not submitted a fee.

It is considered that the works are not exempt and the standard \$90 fee for planning approval should apply.

CONSULTATION

No community consultation is required under the Scheme.

ATTACHMENTS

Attachment 1 Development Plan

PLANNING ASSESSMENT

Strategic/Structure Plans

The land is designated as being for recreation and foreshore protection in the local planning strategy.

Town Planning Scheme No 7

The land is Reserved as a Special Foreshore under Town Planning Scheme No 7 - Kununurra & Environs [TPS7].

The objectives of this Reservation are:

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

No specific development provisions are included in the Scheme.

Lake Kununurra Foreshore Plan

The Lake Kununurra Foreshore Plan relates to the subject site. There are no specific strategies in relation to the application.

CONCLUSION & COMMENT

The applicant advises that the upgrading of the drains is necessary to “try and improve the drainage and at the same time increase public safety and amenities by repairing erosion damage which is at the moment a public liability concern. There would not be any disturbance of native vegetation however there may be an opportunity to remove Neem trees that are within reach of the bank”.

In order to carry out the works the applicant will require a Permit to Interfere With Bed and Banks under Section 17 of the Rights in Water and Irrigation Act 1914. A vegetation clearing permit will also be required.

There is no objection to the works being carried out and approval is recommended subject to the approval of all the necessary statutory authorities, as above.

Council should also advise the applicant it considers a fee is applicable.

RECOMMENDATION

1. That Council grant Planning Consent to Celliston Nominees Pty Ltd for the use and development of part of Foreshore Reserve 41812, Lily Creek Lagoon, (as per attached map) for the purposes of earthworks to clear drains.
2. That Council advise Celliston Nominees Pty Ltd that a \$90 fee applies to the application.
3. That Council advise Celliston Nominees Pty Ltd prior to any works commencing it will be necessary to apply for:
 - a. A Permit to Interfere with Bed and Banks from the Department of Water; and

- b. A Vegetation Clearing Permit from the Department of Environment and Conservation.

COUNCIL RESOLUTION

Minute No. 7749

Moved: Cr M Middap

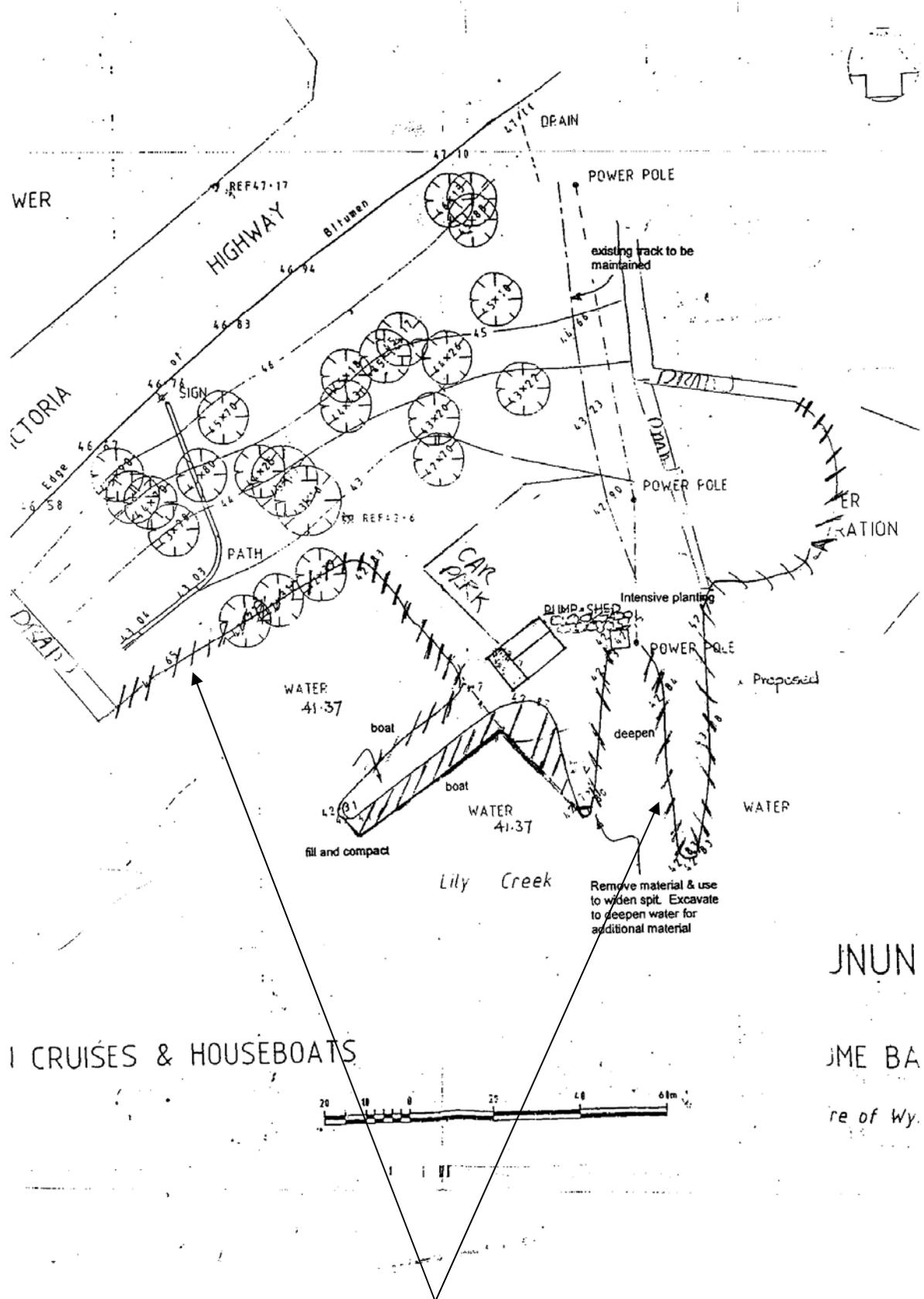
Seconded: Cr B Barnes

1. **That Council grant Planning Consent to Celliston Nominees Pty Ltd for the use and development of part of Foreshore Reserve 41812, Lily Creek Lagoon, (as per attached map) for the purposes of earthworks to clear drains.**
2. **That Council advise Celliston Nominees Pty Ltd prior to any works commencing it will be necessary to apply for:**
 - a. **A Permit to Interfere with Bed and Banks from the Department of Water; and**
 - b. **A Vegetation Clearing Permit from the Department of Environment and Conservation.**

Carried: 6/1

**Cr K Wright requested that the votes for and against the motion be recorded.
For: Cr K Wright, Cr M Pucci, Cr B Barnes, Cr M Middap, Cr J Parker, and Cr J Buchanan
Against: Cr D Ausburn**

Attachment 1: Development Plan



Hatched area constitutes earthworks area.

12.2.4. Proposed Fuel Depot – Lot 1 Stockman Road, Kununurra

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | BMM Property Investments Pty Ltd |
| LOCATION: | Lot 1 Stockman Road, Kununurra |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| 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 remote satellite controlled fuel depot.

BACKGROUND

An application was approved by Council on 9 November 2006 for a proposed Roadhouse/Truckstop with Accommodation on the subject land. The proposal was to develop a 220m² roadhouse accompanied by 10 accommodation units of 32m² each. Provision was made for truck parking with a forward exit onto Victoria Highway and landscaping (see Attachment 1 – Roadhouse / Truckstop with Accommodation approval).

The current application proposes to locate 2 remote satellite controlled truck refuelling stations outlets as the first stage of operation, with the roadhouse comprising a future second stage of development (see Attachment 2 – Fuel Depot application).

SITE LOCATION

The subject land is located on Stockman Road in the Bull Run Road area (see Attachment 3 – location plan).

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 to be used for bin storage.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use of the subject land (1.3823ha) to develop two self serve refuelling outlets comprising dual-walled self-bunded tanks that are 3.5 metres high x 3 metres wide x 12.2 metres long. The tanks are to provide refuelling for truck freight and bulk customers of diesel (see Attachment 4 –

photographs of existing facility in Queensland). The applicant plans to conduct retail sales through the development of the approved roadhouse in the future.

FINANCIAL IMPLICATIONS

The Application Fee of \$150.00 has been paid.

COMMUNITY CONSULTATION

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

ATTACHMENTS

| | |
|--------------|--|
| Attachment 1 | Roadhouse / Truckstop with Accommodation Approval |
| Attachment 2 | Fuel Depot Application |
| Attachment 3 | Location Plan |
| Attachment 4 | Photographs of existing facility in Queensland (2 pages) |

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Composite Industry purposes. A fuel depot is 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 on the Scheme Map. A fuel depot is defined in the Scheme as meaning “*any land or building used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises*”.

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*”. A truck stop is not defined in the Scheme, however, the use can be considered generally to comprise a pull in area for road trains to layover.

The use of the land for a fuel depot complies with the Scheme requirements.

CONCLUSION / COMMENT

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

The applicant operates a number of these facilities in Queensland, for which the Queensland Government Department of Emergency Services has prepared a suggested set of standard conditions that local governments in that state might consider imposing on the tanks. The conditions relate to the Australian Standards and safe storage of combustible liquids and have been used as a guide for the current application.

The proposed conditions have also been referred to the WA Fire and Emergency Services Authority which has advised that the application will need to be assessed separately to the development application process for compliance with Western Australian legislation.

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 BMM Property Investments Pty Ltd for a Fuel Depot on Lot 1 Stockman Road, Kununurra, subject to the following conditions:

1. 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. Obtain approval for a building license prior to commencement of construction;
2. Any change of use shall be subject to further Council consent;
3. Compliance with all the requirements of the appropriate Statutory Authorities;
4. Compliance with all the appropriate legislation including, but not limited to, the *Dangerous Goods Safety Act 2004*;
5. The tanks, including the inner and outer walls, are to comply with the Australian Standard 1692-1989 *Tanks for flammable and combustible liquids*;
6. Meeting Australian Standard (AS1940-2004): The Storage and Handling of Flammable and Combustible Liquids;
7. The tanks are to be:
 - a. located to meet all relevant separation distances of AS 1940;
 - b. used for the storage of combustible liquids only (C1 and C2) with signage to this effect to be prominently displayed on the tanks;
 - c. located on a level surface and tied down appropriately;
 - d. used only in outside storage situations (not inside a building);
 - e. fitted with venting to the inner tank in compliance with AS 1940;

- f. have provision for relief of any pressure in the interstitial space during fire engulfment conditions; and
 - g. protected from vehicle impact by appropriate barriers;
8. Management systems are to be implemented which will ensure that if a leak from the inner tank is detected, immediate corrective action is taken and filling into or dispensing from the tank does not occur until the leak is corrected;
 9. During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing;
 10. 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;
 11. 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 vehicles associated with the use are to be parked on the site at all times;
 12. Crossovers must be constructed to Council's specification;
 13. Directional signage shall be installed to ensure one way traffic flow;
 14. 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;
 15. All fencing shall be detailed and included in the building license application;
 16. Proposed signage in excess of exempt Scheme requirements shall be the subject of a separate advertising approval.

COUNCIL RESOLUTION

Minute No. 7750

Moved: Cr M Middap

Seconded: Cr D Ausburn

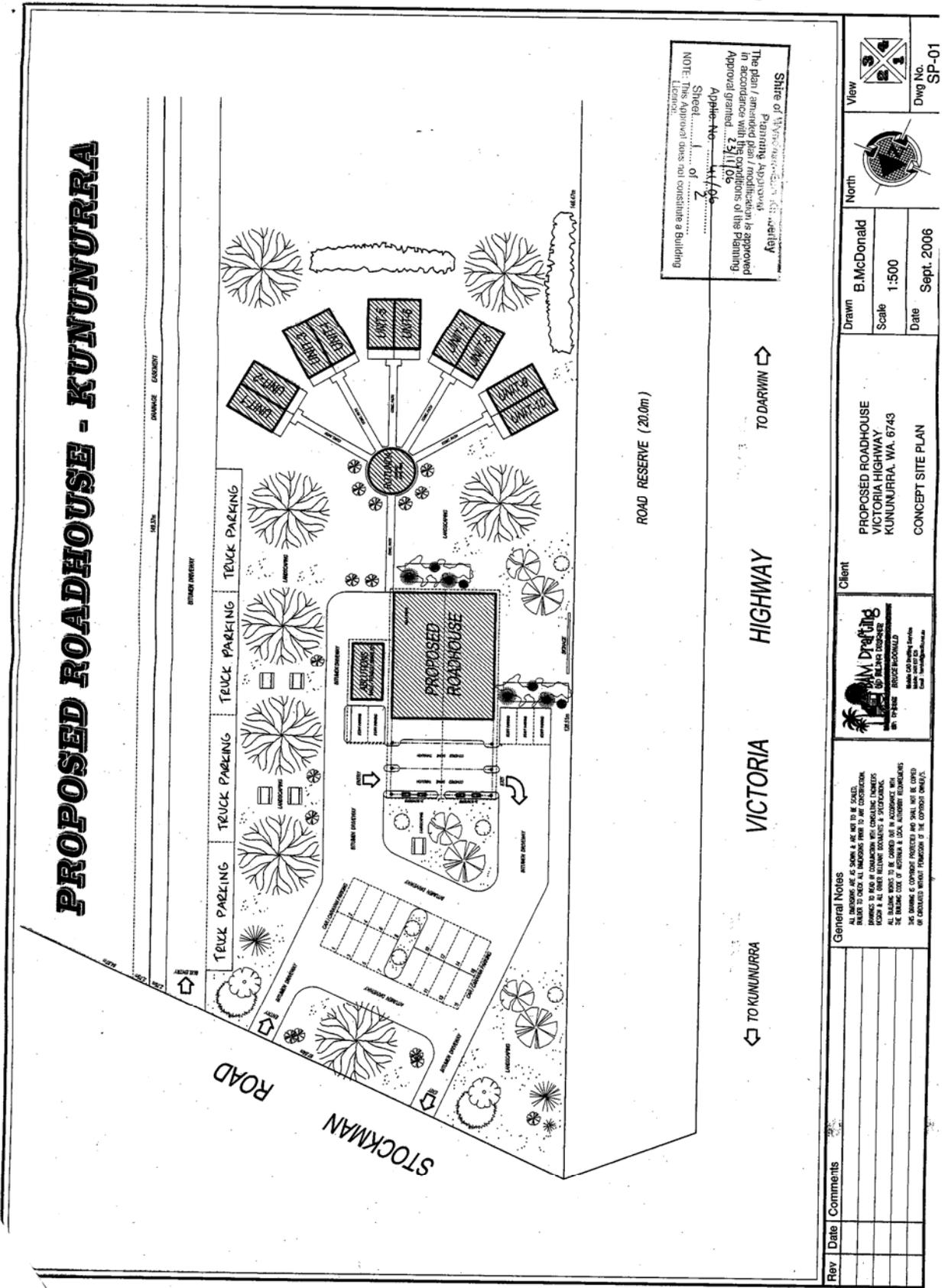
That Council grants planning consent to BMM Property Investments Pty Ltd for a Fuel Depot on Lot 1 Stockman Road, Kununurra, subject to the following conditions:

- 1. 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. Obtain approval for a building license prior to commencement of construction;**
- 2. Any change of use shall be subject to further Council consent;**
- 3. Compliance with all the requirements of the appropriate Statutory Authorities;**

4. Compliance with all the appropriate legislation including, but not limited to, the *Dangerous Goods Safety Act 2004*;
5. The tanks, including the inner and outer walls, are to comply with the Australian Standard 1692-1989 *Tanks for flammable and combustible liquids*;
6. Meeting Australian Standard (AS1940-2004) : The Storage and Handling of Flammable and Combustible Liquids;
7. The tanks are to be:
 - a. located to meet all relevant separation distances of AS 1940;
 - b. used for the storage of combustible liquids only (C1 and C2) with signage to this effect to be prominently displayed on the tanks;
 - c. located on a level surface and tied down appropriately;
 - d. used only in outside storage situations (not inside a building);
 - e. fitted with venting to the inner tank in compliance with AS 1940;
 - f. have provision for relief of any pressure in the interstitial space during fire engulfment conditions; and
 - g. protected from vehicle impact by appropriate barriers;
8. Management systems are to be implemented which will ensure that if a leak from the inner tank is detected, immediate corrective action is taken and filling into or dispensing from the tank does not occur until the leak is corrected;
9. During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing;
10. 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;
11. 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 vehicles associated with the use are to be parked on the site at all times;
12. Crossovers must be constructed to Council's specification;
13. Directional signage shall be installed to ensure one way traffic flow;
14. 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;
15. All fencing shall be detailed and included in the building license application;
16. Proposed signage in excess of exempt Scheme requirements shall be the subject of a separate advertising approval.

Carried Unanimously: 7/0

ATTACHMENT 1: Roadhouse / Truckstop with Accommodation Approval



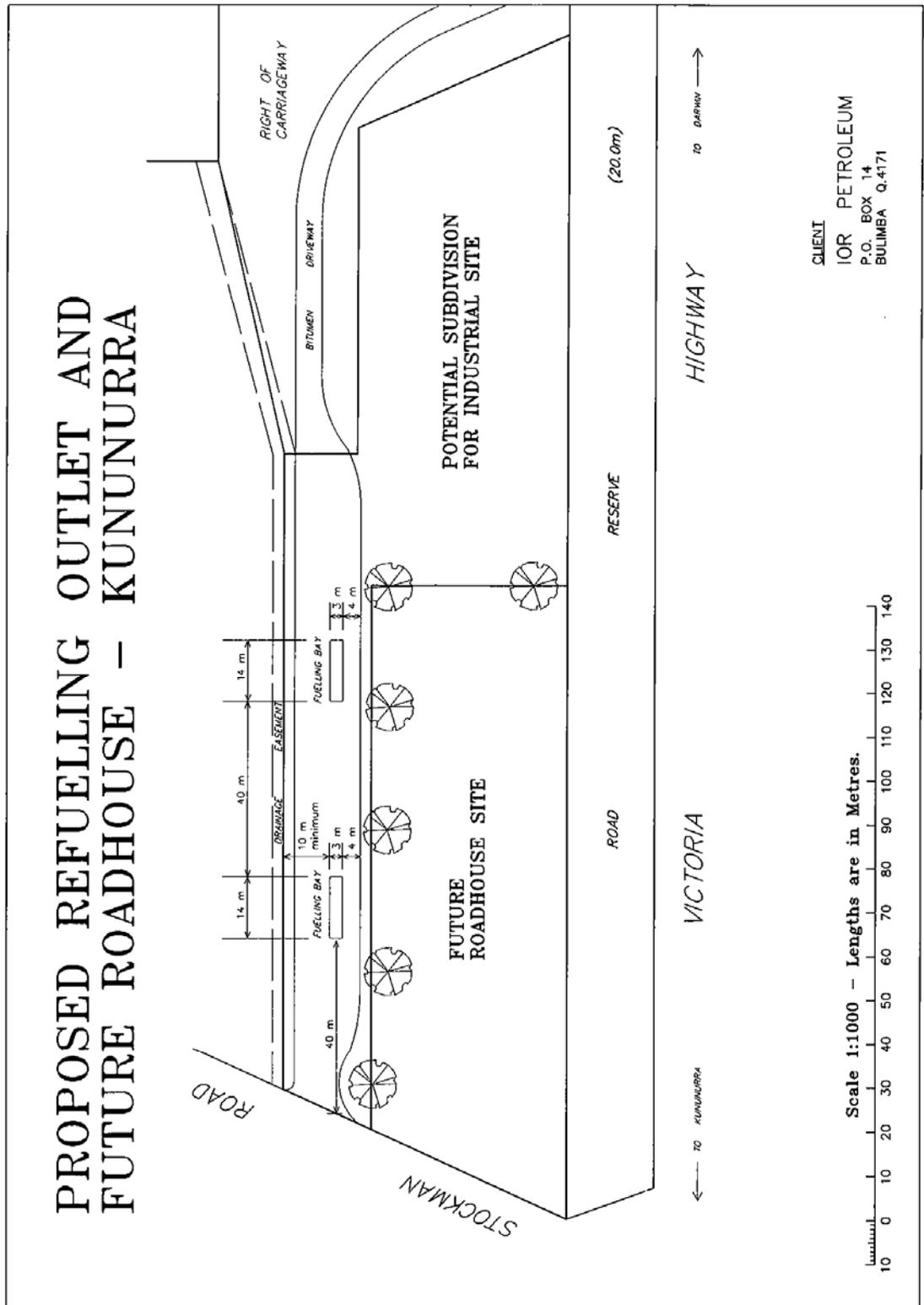
PROPOSED ROADHOUSE - KUNUNURRA

State of Western Australia
 Planning Authority
 The plan / amended plan / modification is approved in accordance with the conditions of the Planning Approval granted: 25/11/06
 Appia No: 111/06
 Street: of
 NOTE: This Approval does not constitute a Building

| Rev | Date | Comments |
|-----|------|----------|
| | | |
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| | | | | |
|---|--|---|--------------------------|-----------------------------|
| <p>General Notes</p> <p>ALL DIMENSIONS ARE AS SHOWN & ARE NOT TO BE SCALE.</p> <p>PLANNING TO CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION.</p> <p>WORK TO BE IN ACCORDANCE WITH CURRENT TRENCHING CODES & ALL DIMENSIONS TO BE CHECKED AS IN ACCORDANCE WITH THE DIMENSION CODE OF WESTERN AUSTRALIA. ALL DIMENSIONS TO BE CHECKED AS IN ACCORDANCE WITH THE DIMENSION CODE OF WESTERN AUSTRALIA. ALL DIMENSIONS TO BE CHECKED AS IN ACCORDANCE WITH THE DIMENSION CODE OF WESTERN AUSTRALIA.</p> <p>THE DRAWING IS COPYRIGHT PROTECTED AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT PERMISSION OF THE COPYRIGHT OWNER.</p> | <p>Client</p> <p>AM Drafting 100 BELMONT TERRACE 100 BELMONT TERRACE 100 BELMONT TERRACE 100 BELMONT TERRACE 100 BELMONT TERRACE</p> | <p>Drawn</p> <p>B. McDonald</p> | <p>View</p> | <p>Dwg No.</p> <p>SP-01</p> |
| <p>Scale</p> <p>1:500</p> | <p>Date</p> <p>Sept. 2006</p> | <p>Proposed Roadhouse Victoria Highway Kununurra, WA 6743</p> | <p>Concept Site Plan</p> | <p> </p> |

ATTACHMENT 2: Fuel Depot Application



ATTACHMENT 3: Location Plan

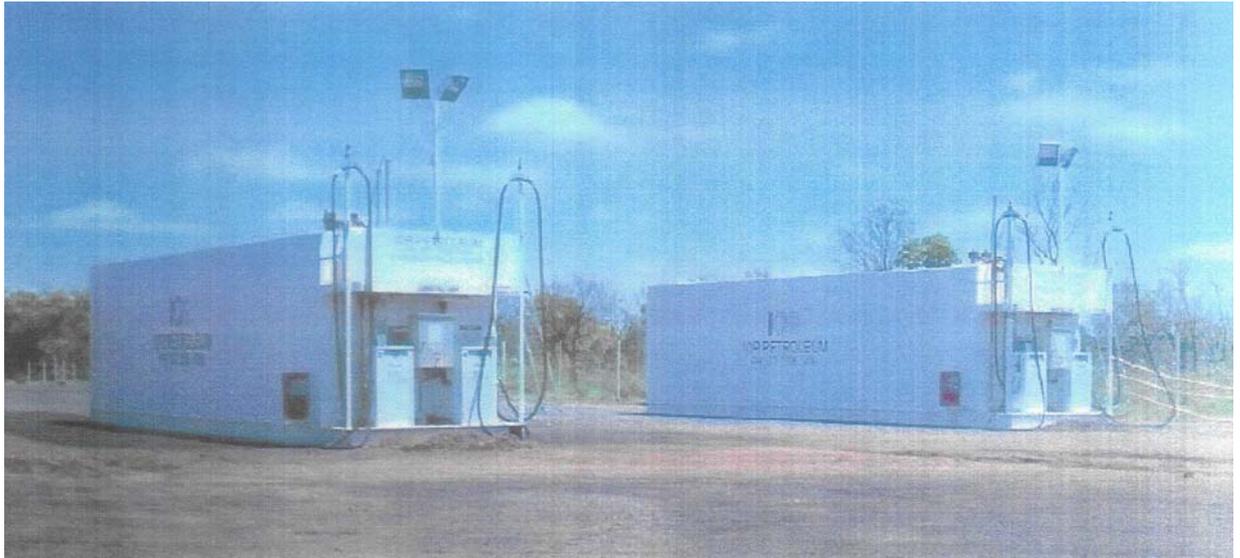


Subject Site



ATTACHMENT 4: Photographs of existing facility in Queensland





12.2.5. Proposed Transient Accommodation and Shed – Lot 11 Weaber Plain Road, Kununurra

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Raregold Pty Ltd |
| LOCATION: | Lot 11 Weaber Plain Road, Kununurra |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 01.2054.02 |
| ASSESSMENT NO: | 2054 |

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with a shed and three transient accommodation units comprising 10 bedrooms, two toilets, two showers, a laundry and communal kitchen/dining area.

BACKGROUND

The application is to facilitate development of an agricultural lot on Weaber Plain Road. The subject land is the subject of Amendment 20 to Town Planning Scheme No. 7 – Kununurra and Environs which has completed advertising and is awaiting additional information from the proponent in the form of a hydrological assessment and drainage management plan.

SITE LOCATION

The subject site is located on the eastern side of Weaber Plain Road and traversed generally through the middle of the lot by a creek line. The land is surrounded by Rural Agriculture 1 lots with Rural Agriculture 2 lots located on the opposite side of Weaber Plain Road. The southern portion of the lot is cleared for agriculture while the northern portion of the lot is vegetated. The creek line is also vegetated. The northern portion of the lot is subject to an amendment to rezone the land for Rural Living purposes.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the development of the subject land with a shed and three transient accommodation units catering for 10 bedrooms, with two showers, two toilets a laundry and communal kitchen/dining area.

There is presently an existing dwelling situated near where the proposed shed is to be developed.

FINANCIAL IMPLICATIONS

The Application Fee of \$112.00 has been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, transient accommodation is an AA use meaning that there are no advertising requirements. Officers do not have delegated authority to approve this AA use. Accordingly, the application is to be considered by Council.

ATTACHMENTS

Attachment 1 Development Plans; Site Plan, Proposed Transient accommodation Units, Proposed Shed.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land to be for agricultural purposes.

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Rural Agriculture 1 zone. Clause 5.17 of the town planning scheme states that the objectives of this zone are:

That the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

The development of the land with a shed and transient accommodation complies with scheme objectives.

Under the Scheme, transient accommodation is defined in Appendix 1 as:

any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months.

The applicant advises the transient accommodation is intended to house seasonal workers.

CONCLUSION / COMMENT

The zoning table specifies transient accommodation to be an AA use and there is no guidance in the Scheme as to an appropriate density of transient accommodation in the Rural Agriculture 1 zone. It is considered that the development of transient accommodation to house 10 workers is suitable.

It is recommended that the following development approval conditions be enforced:

- a) Provision of a statutory declaration confirming that the transient accommodation units will only be occupied by seasonal workers employed in the agricultural industry, for periods not exceeding 6 months. This is to comply with Scheme requirements.

- b) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.
- c) All employee parking to be contained on site at all times. This is to ensure residential amenity is not impacted for potential future residents to the north.
- d) The planting of a vegetation buffer between the accommodation units and Weaber Plain Road. This is to ensure visual amenity is not impacted for existing residents to the west.
- e) On-site wastewater disposal is to be sited at least 2 vertical metres above the groundwater table and 100 metres away from the existing creek line. This is to protect groundwater from wastewater contamination.

The application will support a local agricultural operator to accommodate seasonal workers, complies with the Scheme and can be appropriately conditioned to address amenity and groundwater issues. It is recommended that the proposed use be approved with conditions.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

1. That Council grants planning consent to Raregold Pty Ltd for the development of a Shed and Transient Accommodation on Lot 11 Weaber Plain Road, Kununurra, to:
 - i. use the land for the purpose of Transient Accommodation;
 - ii. commence the development of a Shed and Transient Accommodation Units.

Subject to the following conditions:

1. Provision of a statutory declaration confirming that the transient accommodation units will only be occupied by seasonal workers employed in the agricultural industry, for periods not exceeding 6 months.
2. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers.
3. All employee parking to be contained on site at all times.
4. The planting of a vegetation buffer between the accommodation units and Weaber Plain Road.
5. On-site wastewater disposal is to be sited at least 2 vertical metres above the groundwater table and 100 metres away from the existing creek line.
6. Any conditions issued under delegated authority from Council's Standard Conditions list.

COUNCIL RESOLUTION

Minute No. 7751

Moved: Cr J Buchanan

Seconded: Cr D Ausburn

1. That Council grants planning consent to Raregold Pty Ltd for the development of a Shed and Transient Accommodation on Lot 11 Weaber Plain Road, Kununurra, to:

- i. use the land for the purpose of Transient Accommodation;**
- ii. commence the development of a Shed and Transient Accommodation Units.**

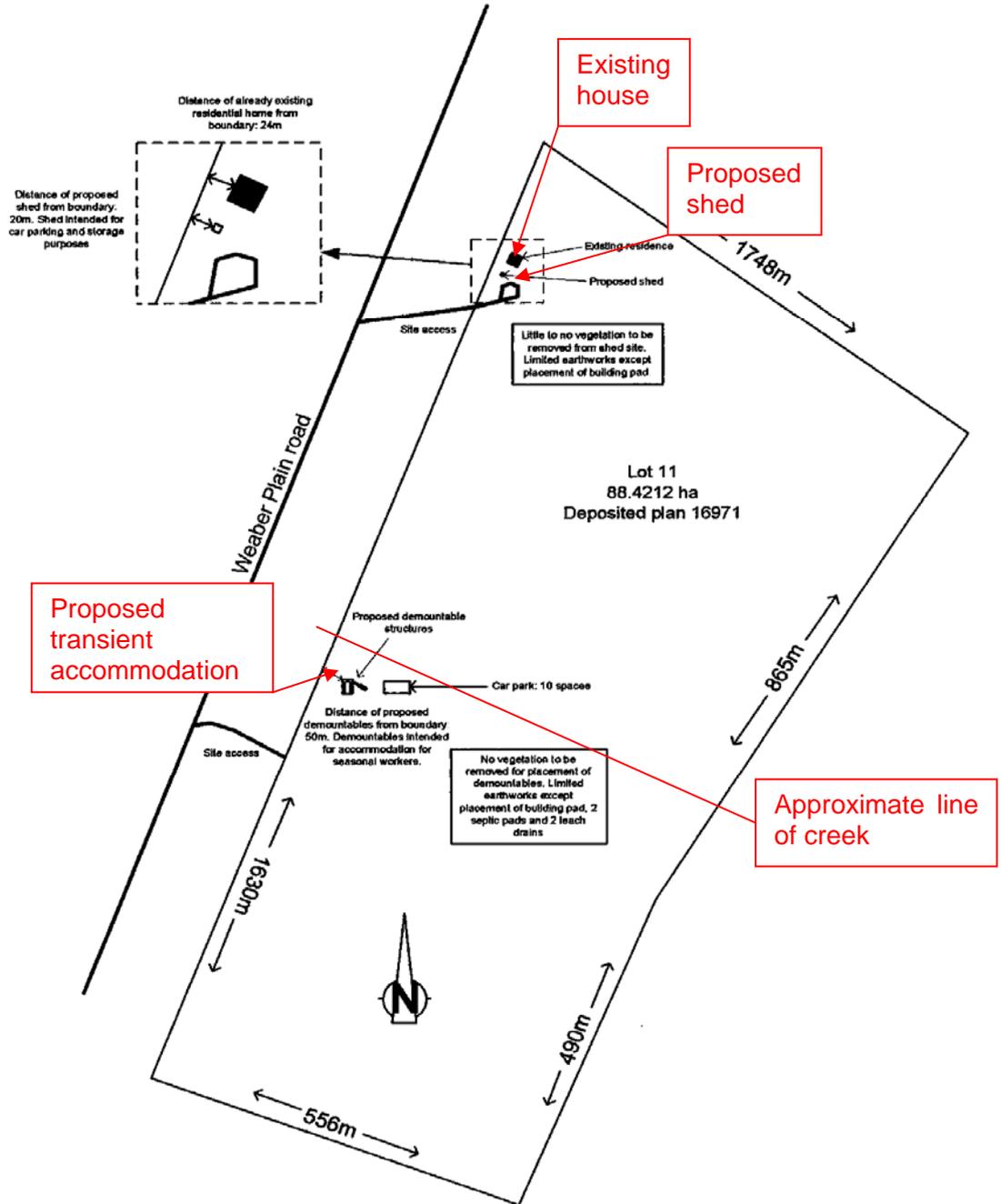
Subject to the following conditions:

- 1. Provision of a statutory declaration confirming that the transient accommodation units will only be occupied by seasonal workers employed in the agricultural industry, for periods not exceeding 6 months.**
- 2. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers.**
- 3. All employee parking to be contained on site at all times.**
- 4. The planting of a vegetation buffer between the accommodation units and Weaber Plain Road.**
- 5. On-site wastewater disposal is to be sited at least 2 vertical metres above the groundwater table and 100 metres away from the existing creek line.**
- 6. Any conditions issued under delegated authority from Council's Standard Conditions list.**

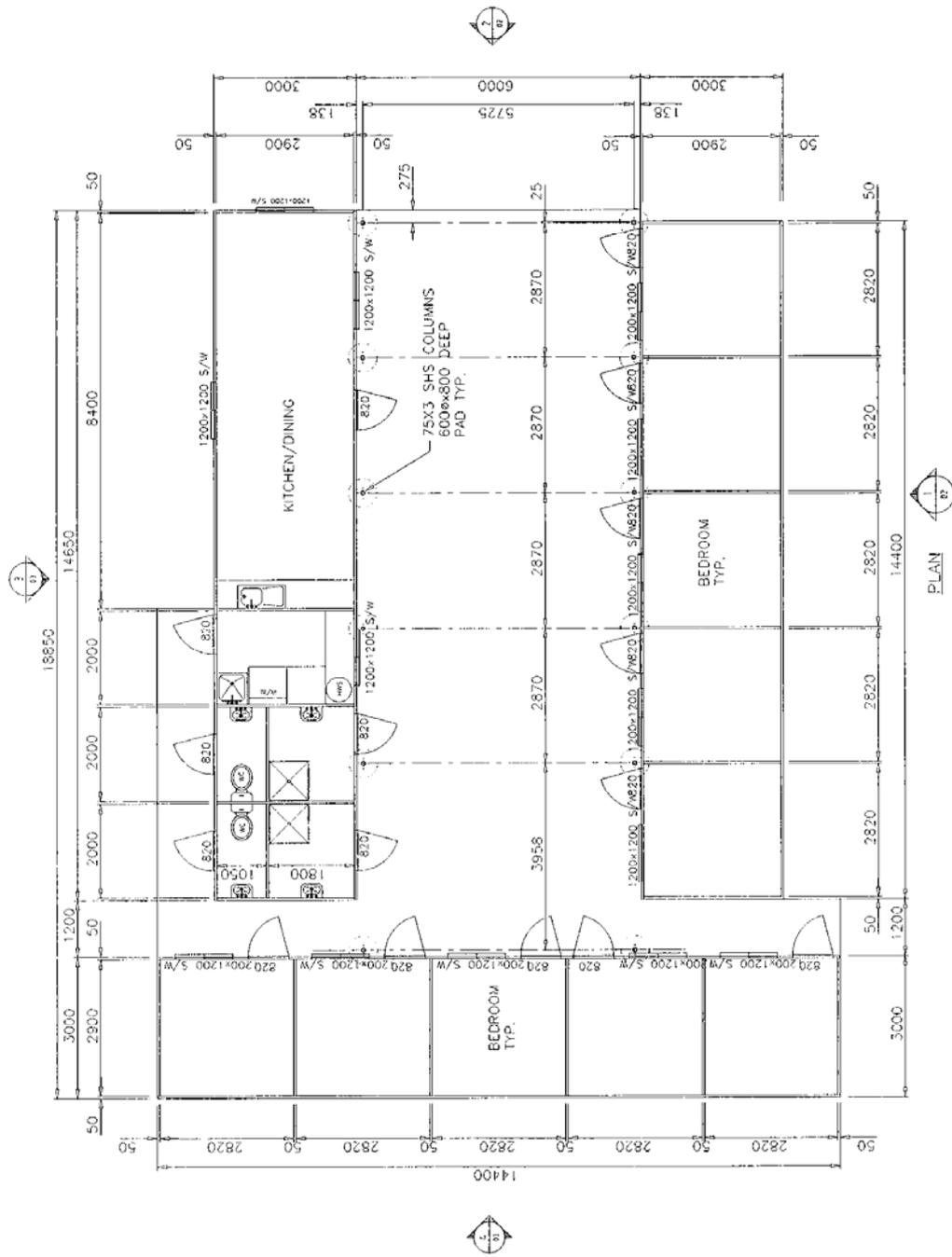
Carried Unanimously: 7/0

Attachment 1 : Development Plans

Dimensioned site plans for the proposed storage shed and demountable structures on Lot 11 Weaber Plain rd (Map produced on Friday the 25th of May 2007)

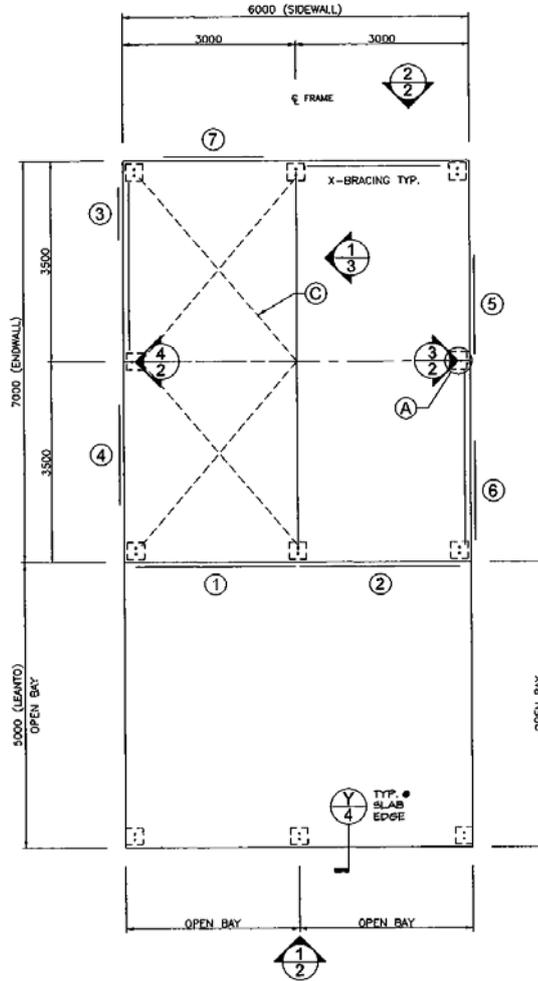


Site Plan



Proposed Transient Accommodation Units

and detail shown on these drawings are applicable to this project only and may not be reproduced in whole or any part or be used for



1 FOUNDATION PLAN
1 SCALE: 1 = 100

| | | | | |
|-------------------------------------|----------------------|---------------|--------------|--|
| OF 1 SHEET 5 | DATE 30/4/2007 | CHECKED JH | DRAWN AGS | STEEL BUILDING BY (CONTACT) DINKY-DI SHEDS & AFFORDABLE HOMES PHONE 07 4687 6185 (1800 785 224) |
| | JOB NO. HTT010234 | | | FOR LON CROFT |
| | | | | AT LOT 11 325 WEABER PL KUNUNURRA WA |
| | | | | |
| | | | | |

Proposed shed

12.2.6. Portion of Reserve 41812 – Reconsideration of Condition

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Beston Parks Management Pty Ltd |
| LOCATION: | Portion of Reserve 41812 Lakeview Drive, Kununurra |
| AUTHOR: | Keith Williams - Town Planner |
| REPORTING OFFICER: | Peter Stubbs - Chief Executive Officer |
| FILE NO: | 01.2860.02 |
| ASSESSMENT NO: | 2860 |

PURPOSE

For Council to reconsider a condition of approval relating to a development approval granted for the use and development of tourist accommodation [cabins] on Lots 274, 439, 440 & 441 Lakeview Drive and portion of Reserve 41812.

BACKGROUND

Council received a development application on 23 March 2007 seeking approval for the use and development of Portion of Foreshore Reserve 41812 and Lot 440 for 5 park cabins, and development of 4 Cabins located entirely within Lot 440. The development was granted conditional approval at the April meeting of Council:

Minute No. 7679

1. *That Council grant Planning Approval to Beston Parks Pty Ltd for the use and development of Lot 440 Lakeview Drive and Portion of Reserve 41812 for tourist cabins, subject to the following conditions:*
 1. *No permanent development shall occur within Reserve 41812, in accordance with the lodged plans and material supporting the application.*
 2. *No native vegetation shall be removed from Reserve 41812 without the written consent of both managing agencies of Reserve 41812.*
 3. *Compliance with all the requirements of the appropriate Statutory Authorities.*
 4. *Rain Trees, Neems, Leucaena and Calotropis, shall be removed from the portion of the foreshore reserve leased by Beston Parks Pty Ltd.*
 5. *Connection of all tourist accommodation units into the current wastewater disposal system.*
 6. *All septic pits shall be located a minimum of 100 metres from the waterway.*
 7. *All parking shall be located within the caravan park, with parking and access areas to be constructed, drained and marked to Council's*

satisfaction. All vehicles associated with the use are to be parked on the site at all times.

8. Car parking spaces are to be provided for the tourist accommodation at a minimum rate of one bay per two bedrooms of accommodation in accordance with the requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs).
9. Any other conditions applied under delegated authority in accordance with Councils standard conditions list.
10. That no development occur until a full signed lease on the portion of Reserve 41812, pertaining to the applicant is in place including the payment of full market value of the lease.

Carried: 5/2

9 similar cabins were granted development consent for construction on Lots 274 and 441 under delegated authority on 23 November 2006.

SITE LOCATION

The proposed development is located on Lot 440 and portion of Reserve 41812 [foreshore reserve]. Five of the cabins are located across the boundary of these land parcels, and given that part of the development will be within the foreshore reserve, Council consent is required.



PROPOSED LAND USE / DEVELOPMENT

The applicant sought approval for the use and development of the subject land for Tourist Accommodation. 9 cabins are proposed. The cabins consist of 1 bedroom, a combined living, dining and kitchen area, as well as a bathroom.

All cabins are transportable.

FINANCIAL IMPLICATIONS

The Application Fee of \$540.00 for the development application was paid.

COMMUNITY CONSULTATION

Town Planning Scheme No. 7 – Kununurra and Environs does not require any community consultation for the proposal, unless Council determines that advertising of the proposed use is consistent with orderly and proper planning.

ATTACHMENTS

Nil

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Tourism and Foreshore uses.

Town Planning Scheme No. 7 – Kununurra and Environs

The subject development crosses a property boundary. Portion of the land is located within the Tourist zone, while the remainder is located within the Special Foreshore reserve. 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 objectives of the Special Foreshore Reserve are as follows:

2.4.5 Special Foreshore Reserve

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

All development within the Special Foreshore Reserve requires the consent of Council.

Council has the right to reconsider the conditions of approval under clause 11.7 of the Scheme:

11.7 AMENDING OR REVOKING A PLANNING APPROVAL

11.7.1 The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development the subject of the planning approval.

CONCLUSION / COMMENT

The proposed use of the land for tourist cabins is consistent with the zoning and reservation of the land, and the Department of Water have advised they have no objection to the development, and the development was approved accordingly. The approval was conditioned to require the foreshore lease to be executed and charged at the full commercial rate.

The lease of Foreshore Reserve 41812 is progressing, and consideration of the lease by Council is imminent. The lease has not been endorsed by the Minister; however, it has been endorsed by Council, the Department of Water and the leaseholder.

The failure to have the leases endorsed should not be a factor in the development application given that the applicant is not responsible for this process.

The revocation of condition 10 is therefore recommended.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

In accordance with Clause 11.7 of Town Planning Scheme No 7 - Kununurra & Environs, Council revoke Condition 10 of the conditional planning approval granted to Beston Parks Pty Ltd at the 17 April 2007 Ordinary Council Meeting [Minute 7679] that reads as follows:

10. *That no development occur until a full signed lease on the portion of Reserve 41812, pertaining to the applicant is in place including the payment of full market value of the lease.*

COUNCIL RESOLUTION

Minute No. 7752

Moved: Cr K Wright

Seconded: Cr B Barnes

That the request to remove dot point ten not be considered until such time that a written declaration be provided by the applicant accepting payment of 100% of valuation as lease fee in uniformity with other leases on Reserve 41812.

Carried: 4/3

Cr K Wright requested that the votes for and against the motion be recorded.

For: Cr K Wright, Cr B Barnes, Cr J Parker and Cr M Middap

Against: Cr M Pucci, Cr D Ausburn and Cr J Buchanan

12.2.7. Structure Plan – Crown Land – Victoria Highway – Lakeside Stages 6 to 8

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | LandCorp |
| LOCATION: | Crown Land - Victoria Highway |
| AUTHOR: | Keith Williams, Executive Manager Town Planning |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 43.04.02 |
| ASSESSMENT NO: | NA |

PURPOSE

For Council to consider setting an advertising period of 28 days for the advertising of the Structure Plan for Crown Land on Victoria Highway, to facilitate the release of subdivided land by LandCorp for residential purposes.

BACKGROUND

LandCorp made a presentation to Council at the March briefing session relating to the structure plan for stages 6 to 8 of the Lakeside Estate subdivisions and has now submitted a structure plan report and structure plan.

Site Location

The subject site is located approximately two kilometres to the south east from the town centre of Kununurra. The site is vacant and consists of partially cleared bushland. The land is relatively flat.

Proposed land Use / Development

The structure plan will provide for the subdivision and development of the site for predominantly residential purposes. A small Local Centre is also included in the structure plan, and this would likely consist of a neighbourhood or community centre, as well as a combined deli and residential dwelling. This use would depend on viability of a shop at this location, and may be tendered at a later date in the subdivision process.

FINANCIAL IMPLICATIONS

NA

PLANNING ASSESSMENT

Local Planning Strategy

The proposed land uses are consistent with the endorsed LPS, which allocates the land for urban residential purposes.

Town Planning Scheme No 7

The land is located within the existing Lakeside Residential Area. Portion of the land is zoned general rural. An amendment to the Scheme to rezone the entire landholding to Residential Development zone will follow the adoption of the structure plan.

CONSULTATION

Advertising of the structure plan is required.

Council's Scheme contains provisions that require a 60 day advertising period, however, the Western Australian Planning Commission's Guidelines for the Preparation of Local Structure Plans sets an advertising period of 28 days. While this is a policy, not a statutory requirement, it is an appropriate guide.

CONCLUSION / COMMENT

The Structure Plan for Lakeside and documentation has been submitted for consideration by Council. Advertising of the Structure Plan is required. Given that State guidelines require 28 days advertising, it is recommended that the advertising period be set at 28 days.

ATTACHMENTS

Plans and reports are available for review on request. The draft structure plan is attached as attachment 1. The plan will also be tabled at the meeting.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council advertise the Structure Plan for Lakeside Stages 6 to 8 for 28 days in accordance with the Western Australian Planning Commissions *Guidelines for the Preparation of Local Structure Plans for Urban Areas*.

COUNCIL RESOLUTION

Minute No. 7753

Moved: Cr D Ausburn

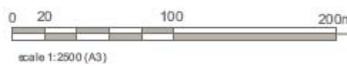
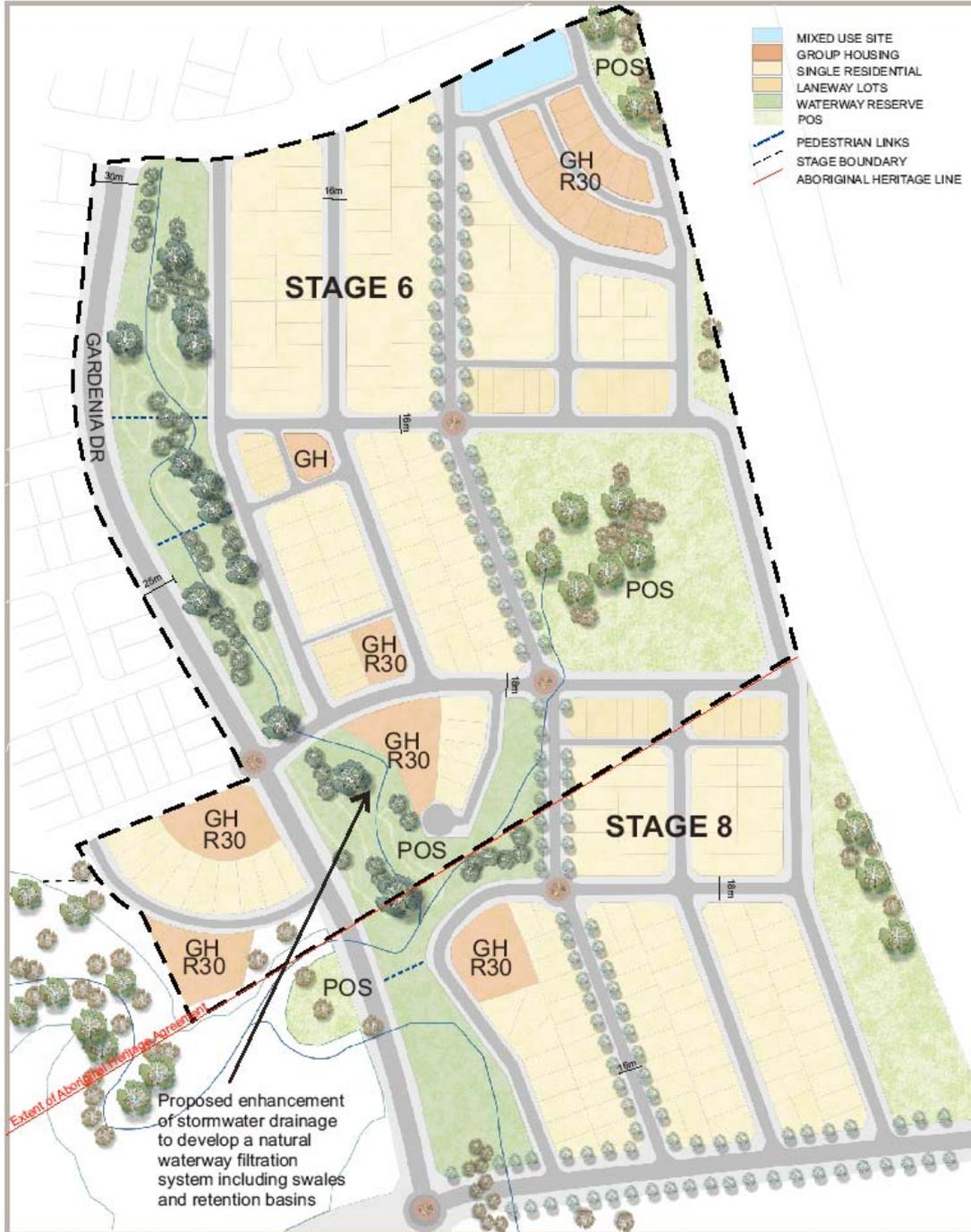
Seconded: Cr K Wright

That Council advertise the Structure Plan for Lakeside Stages 6 to 8 for 28 days in accordance with the Western Australian Planning Commissions *Guidelines for the Preparation of Local Structure Plans for Urban Areas*.

Carried Unanimously: 7/0

ATTACHMENT 1 - DRAFT LAKESIDE STRUCTURE PLAN

LAKESIDE



Lakeside Structure Plan

Kununurra

May 2007



12.3. CORPORATE SERVICES

12.3.1. Monthly Financial Report

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Shire of Wyndham East Kimberley |
| AUTHOR: | Amanda Trengove, Manager Financial Services |
| REPORTING OFFICER: | Amanda Trengove, Manager Financial Services |
| FILE NO: | 60.14.04 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to adopt the Monthly Financial Report for May 2007.

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 decided 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. *General Purpose Funding*
Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.
2. *Community Amenities*
Timing difference, projects in Environment are under way but not yet expended.
3. *Transport*
Timing difference, most maintenance expenditure to occur May / June 07.
4. *Public Works Overheads*
Timing difference on various projects. Wyndham Office Refurbishment in progress. Savings on relocation and recruitment.
5. *Welfare*
Completion of Childcare centre will allow the Shire to acquit all grants.
6. *Housing*
Timing difference, approval for country housing grant received, but no money as SWEK needs to provide a title.
7. *Recreation and Culture*
Timing difference, grant funding for Recreational Boating and Youth Centre not yet received.
8. *Transport*
Timing difference, waiting on completion of projects so as acquittals can be completed.
9. *Housing*
Timing difference on release of land from Landcorp and building of two new shire houses.
10. *Transport*
Timing difference in completion of various major projects and trade of vehicles, purchasing and trading still to occur.
11. *Public Work Overhead*
Timing difference with computer upgrade and replacement IT infrastructure.

12. *Transport*

Timing difference on trade in of vehicles, purchasing and trading still to occur.

ATTACHMENTS

Monthly Financial Reports for April 2007

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council adopt the Monthly Financial Reports for month end of April 2007.
2. That Council note the following material variances:
 1. *General Purpose Funding*
Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.
 2. *Community Amenities*
Timing difference, projects in Environment are under way but not yet expended.
 3. *Transport*
Timing difference, most maintenance expenditure to occur May / June 07.
 4. *Public Works Overheads*
Timing difference on various projects. Wyndham Office Refurbishment in progress. Savings on relocation and recruitment.
 5. *Welfare*
Completion of Childcare centre will allow the Shire to acquit all grants.
 6. *Housing*
Timing difference, approval for country housing grant received, but no money as SWEK needs to provide a title.
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Timing difference in completion of various major projects and trade of vehicles, purchasing and trading still to occur.
11. *Public Work Overhead*
Timing difference with computer upgrade and replacement IT infrastructure.
12. *Transport*
Timing difference on trade in of vehicles, purchasing and trading still to occur.

COUNCIL RESOLUTION

Minute No. 7754

Moved: Cr K Wright

Seconded: Cr M Middap

1. **That Council adopt the Monthly Financial Reports for month end of April 2007.**
2. **That Council note the following material variances:**
 1. ***General Purpose Funding***
Timing difference, at this stage rates written off is lower than originally expected and Spot Rating expenses have not occurred to date. Debt collection has been done by officer and minimal debt collection costs have been incurred.
 2. ***Community Amenities***
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11. ***Public Work Overhead***
Timing difference with computer upgrade and replacement IT infrastructure.
12. ***Transport***
Timing difference on trade in of vehicles, purchasing and trading still to occur.

Carried Unanimously:7/0

**SHIRE OF WYNDHAM EAST KIMBERLEY
MANAGEMENT REPORT
01/04/2007 - 30/04/2007**

| | G/L | |
|-------------------------------------|-----------------|---------------------|
| NET CURRENT ASSETS | | |
| CASH AT BANK | 131 | \$ (493,858) |
| RESTRICTED CASH | 132 | \$ 1,949,460 |
| CASH ON HAND | 140-150 | \$ 1,500 |
| RATES DEBTORS | 151 | \$ 339,315 |
| DEFERED PENSIONERS | | \$ (27,890) |
| SUNDRY DEBTORS | 152 | \$ 310,612 |
| ANSETT DEBTOR | 155 | \$ 163,681 |
| PROVISION FOR DEBTS | 153 | \$ (218,633) |
| GST RECEIVABLE | 163 | \$ 66,309 |
| GST PAYABLE | 164 | \$ (16,100) |
| BOND | 174 | \$ 1,040 |
| ACCRUED INCOME | 223 | \$ - |
| PREPAYMENTS | 190 | \$ - |
| RATES REFUND CLEARING | 191 | \$ - |
| INVENTORIES | 162 | \$ 14,452 |
| SELF SUPPORTING LOAN | | \$ 10,955 |
| SUSPENSE | | |
| | | <u>\$ 2,100,844</u> |
| LESS PAYABLES | | |
| SUNDRY CREDITORS | 281 | \$ - |
| ESL CONTROL | 180-181 | \$ 16,089.41 |
| ACCRUED EXPENSES | 221 | \$ - |
| SUNDRY CREDITOR ATO/SUPER | 261-264-267-268 | \$ 39,888.97 |
| ACCRUED INTEREST ON LOANS | 232 | \$ - |
| ACCRUED SALARIES AND WAGES | 233 | \$ - |
| RETENTIONS | 270-272 | \$ - |
| RATES REFUND | 195 | \$ 5.35 |
| SUSPENSE | | \$ 11,823.00 |
| | | <u>\$ 67,806.73</u> |
| NET UNRESTRICTED CASH ASSETS | | \$ 2,033,037 |

Shire of Wyndham East Kimberley
Statement of Financial Activity by Function

| | Original Budget | Amended Budget | April Budget YTD | April Actuals YTD | % Variance | \$ Variance | Note |
|------------------------------------|------------------------|-----------------------|-------------------------|--------------------------|-------------------|--------------------|-------------|
| Operating Expenditure | | | | | | | |
| General Purpose Funding | 362,900 | 329,812 | 250,000 | 205,242 | 22% | 44,758 | 1 |
| Governance | 747,600 | 684,512 | 540,000 | 533,313 | 1% | 6,687 | |
| Law, Order and Public Safety | 381,505 | 395,004 | 320,000 | 309,350 | 3% | 10,650 | |
| Health | 349,405 | 356,905 | 275,000 | 258,140 | 7% | 16,860 | |
| Welfare | 322,525 | 328,525 | 266,000 | 256,651 | 4% | 9,349 | |
| Housing | 213,705 | 190,205 | 165,000 | 155,026 | 6% | 9,974 | |
| Community Amenities | 1,858,390 | 2,094,890 | 1,607,000 | 1,315,853 | 22% | 291,147 | 2 |
| Recreation & Culture | 3,111,895 | 3,195,095 | 2,497,000 | 2,447,437 | 2% | 49,563 | |
| Transport | 3,959,205 | 3,855,205 | 3,330,000 | 3,095,775 | 8% | 234,225 | 3 |
| Economic Services | 402,500 | 392,000 | 350,000 | 328,127 | 7% | 21,873 | |
| Public Works | | | | | | | |
| Overhead | 6,551,315 | 6,549,315 | 5,741,000 | 5,629,957 | 2% | 111,043 | 4 |
| Airports | 1,484,935 | 1,484,935 | 1,280,000 | 1,256,447 | 2% | 23,553 | |
| Total Operating Expenditure | 19,745,880 | 19,856,403 | 16,621,000 | 15,791,317 | | | |
| Operating Revenue | | | | | | | |
| General Purpose Funding | (7,383,160) | (7,475,260) | (6,585,000) | (6,587,469) | 0% | 2,469 | |
| Governance | (1,250) | (1,250) | (800) | (1,929) | 0% | 0 | |
| Law, Order and Public Safety | (74,860) | (52,352) | (45,000) | (48,632) | -7% | 3,632 | |
| Health | (129,600) | (137,600) | (116,000) | (108,721) | 7% | (7,279) | |
| Welfare | (344,500) | (344,500) | (323,000) | (76,592) | 322% | (246,408) | 5 |
| Housing | (698,360) | (623,660) | (692,500) | (111,059) | 524% | (581,441) | 6 |
| Community Amenities | (1,041,800) | (1,224,300) | (1,105,000) | (1,028,470) | 7% | (76,530) | |
| Recreation & Culture | (1,741,180) | (926,180) | (1,317,000) | (329,309) | 300% | (987,691) | 7 |
| Transport | (3,275,240) | (2,245,899) | (2,230,000) | (261,159) | 754% | (1,968,841) | 8 |
| Economic Services | (79,400) | (94,400) | (75,000) | (79,207) | 0% | 4,207 | |
| Public Works | | | | | | | |
| Overhead | (6,615,915) | (6,622,415) | (6,000,000) | (5,937,723) | 1% | (62,277) | |
| Airports | (1,868,025) | (1,868,025) | (1,555,000) | (1,475,935) | 5% | (79,065) | |
| Total Operating Revenue | (23,253,290) | (21,615,841) | (20,044,300) | (16,046,206) | | | |
| Operating Surplus | (3,507,410) | (1,759,438) | | (254,890) | | | |

**Non Operating
Expenditure**

| | | | | | | | |
|--|-------------------|------------------|------------------|------------------|------|-----------|----|
| General Purpose Funding | 140,000 | 140,000 | 0 | 0 | 0% | 0 | |
| Governance | 4,500 | 104,500 | 1,100 | 0 | 0% | 1,100 | |
| Law, Order and Public Safety | 0 | 0 | 0 | 0 | 0% | 0 | |
| Health | 0 | 10,000 | 10,000 | 0 | 0% | 10,000 | |
| Welfare | 1,512,300 | 1,501,350 | 1,500,000 | 1,462,656 | 3% | 37,344 | |
| Housing | 1,057,900 | 157,900 | 260,000 | 88,774 | 193% | 171,226 | 9 |
| Community Amenities | 145,000 | 137,000 | 27,000 | 0 | 0% | 27,000 | |
| Recreation & Culture | 3,286,550 | 2,345,620 | 980,000 | 1,036,957 | -5% | (56,957) | |
| Transport | 4,184,755 | 2,700,103 | 2,540,000 | 916,703 | 177% | 1,623,297 | 10 |
| Economic Services | 14,900 | 14,900 | 24,500 | 23,159 | 6% | 1,341 | |
| Public Works | | | | | | | |
| Overhead | 145,500 | 168,500 | 110,000 | 60,549 | 82% | 49,451 | 11 |
| Airports | 577,445 | 577,445 | 45,000 | 36,162 | 0% | 8,838 | |
| Total Non Operating Expenditure | 11,068,850 | 7,857,318 | 5,497,600 | 3,624,961 | | | |

**Non Operating
Income**

| | | | | | | | |
|-----------------------------------|--------------------|--------------------|------------------|------------------|------|-----------|----|
| Health | 0 | 0 | 0 | 0 | 0% | 0 | |
| Welfare | 0 | 0 | 0 | 0 | 0% | 0 | |
| Housing | (600,000) | 0 | 0 | 0 | 0% | 0 | |
| Community Amenities | (138,415) | (138,415) | 0 | 0 | 0% | 0 | |
| Recreation & Culture | (501,800) | (269,300) | (22,800) | (21,256) | 7% | (1,544) | |
| Transport | (391,060) | (269,153) | (160,000) | (39,990) | 300% | (120,010) | 12 |
| Economic Services | (14,900) | (14,900) | (20,000) | (21,351) | -6% | 1,351 | |
| Public Works | | | | | | | |
| Overhead | (321,100) | (337,100) | (350,000) | (332,655) | 5% | (17,345) | |
| Airports | (194,355) | (194,355) | (50,000) | (50,000) | 0% | 0 | |
| Total Non Operating Income | (2,161,630) | (1,223,223) | (602,800) | (465,251) | | | |

| | | | | | | | |
|-----------------------|--------------------|--------------------|--|--------------------|-------------|--|--|
| Depreciation | (2,704,800) | (2,704,800) | | (2,254,000) | 83% | | |
| (Profit)/Loss on sale | 514,000 | 514,000 | | 0 | 0% | | |
| | (2,190,800) | (2,190,800) | | (2,254,000) | 103% | | |
| Surplus B/F | (3,209,010) | (2,683,857) | | (2,683,857) | 100% | | |
| Surplus C/F | 0 | 0 | | (2,033,037) | | | |

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

| | Original Budget | Amended Budget | April Actuals YTD | % |
|---|---------------------|---------------------|-------------------------|------------|
| Operating Expenditure | | | | |
| Aboriginal Environmental Health Officer | 169,480 | 179,480 | 136,044 | 76% |
| Airport Manager | 1,484,935 | 1,484,935 | 1,256,447 | 85% |
| Building Services Inspector | 558,440 | 561,440 | 451,680 | 80% |
| Emergency Services | 98,780 | 94,279 | 76,292 | 81% |
| Environmental Health Officer | 177,205 | 172,705 | 117,444 | 68% |
| Executive | 684,405 | 665,405 | 488,813 | 73% |
| Executive Support Officer | 747,600 | 684,512 | 533,313 | 78% |
| Information Coordinator | 213,375 | 213,375 | 168,002 | 79% |
| Manager Community Services | 2,909,750 | 2,945,950 | 2,227,149 | 76% |
| Manager Financial Services | 4,535,020 | 4,518,932 | 3,833,348 | 85% |
| Manager Technical Services | 7,630,465 | 7,782,965 | 6,119,953 | 79% |
| Rangers | 282,725 | 300,725 | 233,058 | 77% |
| Town Planner | 253,700 | 251,700 | 149,774 | 60% |
| Total Operating Expenditure | 19,745,880 | 19,856,403 | 15,791,317 | 80% |
| Operating Revenue | | | | |
| Aboriginal Environmental Health Officer | (100,950) | (110,950) | (91,422) | 1 |
| Airport Manager | (1,868,025) | (1,868,025) | (1,475,935) | 79% |
| Building Services Inspector | (775,160) | (705,460) | (178,290) | 25% |
| Emergency Services | (49,360) | (26,852) | (26,952) | 100% |
| Environmental Health Officer | (28,650) | (26,650) | (17,299) | 65% |
| Executive | (7,500) | (4,000) | (7,067) | 177% |
| Executive Support Officer | (1,250) | (1,250) | (1,929) | 154% |
| Information Coordinator | (1,100) | (1,100) | (73) | 7% |
| Manager Community Services | (1,962,400) | (1,164,400) | (409,385) | 35% |
| Manager Financial Services | (12,491,560) | (12,593,660) | (11,108,816) | 88% |
| Manager Technical Services | (5,908,435) | (5,043,094) | (2,663,880) | 53% |
| Rangers | (25,500) | (25,500) | (21,680) | 85% |
| Town Planner | (33,400) | (44,900) | (43,478) | 97% |
| Total Operating Revenue | (23,253,290) | (21,615,841) | (16,046,206) | 74% |
| Operating Surplus | (3,507,410) | (1,759,438) | (254,890) | 14% |
| Non Operating Expenditure | | | | |
| Aboriginal Environmental Health Officer | 0 | 10,000 | 0 | 0% |
| Airport Manager | 577,445 | 577,445 | 36,162 | 6% |
| Building Services Inspector | 1,147,900 | 239,900 | 88,774 | 37% |
| Executive | 9,800 | 9,800 | 0 | 0% |
| Executive Support Officer | 4,500 | 104,500 | 0 | 0% |
| Information Coordinator | 118,200 | 118,200 | 30,050 | 25% |
| Manager Community Services | 4,467,050 | 3,619,170 | 2,461,934 | 68% |
| Manager Financial Services | 140,000 | 163,000 | 21,908 | 13% |
| Manager Technical Services | 4,603,955 | 3,015,303 | 986,133 | 33% |
| Total Non Operating Expenditure | 11,068,850 | 7,857,318 | 3,624,961 | 46% |
| Non Operating Income | | | | |

| | | | | |
|---|--------------------|--------------------|--------------------|-------------|
| Aboriginal Environmental Health Officer | 0 | 0 | 0 | 999% |
| Airport Manager | (194,355) | (194,355) | (50,000) | 26% |
| Building Services Inspector | (630,000) | (30,000) | 0 | 0% |
| Executive | (316,000) | (332,000) | (332,655) | 100% |
| Information Coordinator | 0 | 0 | 0 | 999% |
| Manager Community Services | (504,200) | (284,200) | (42,606) | 15% |
| Manager Financial Services | (5,100) | (5,100) | 0 | 0% |
| Manager Technical Services | (511,975) | (377,568) | (39,990) | 11% |
| Total Non Operating Income | (2,161,630) | (1,223,223) | (465,251) | 38% |
| Depreciation | (2,704,800) | (2,704,800) | (2,254,000) | 83% |
| (Profit)/Loss on sale | 514,000 | 514,000 | 0 | 0% |
| | (2,190,800) | (2,190,800) | (2,254,000) | 103% |
| Surplus B/F | (3,209,010) | (2,683,857) | (2,683,857) | 100% |
| Surplus C/F | 0 | 0 | (2,033,037) | |

BANK RECONCILIATION AS AT 30/04/07

| | \$ |
|---------------------------|---------------------|
| Balance as per | |
| Cash at Bank (131) | (493,857.73) |
| Restricted Cash | 1,949,460.00 |
| TOTAL | 1,455,602.27 |
| Balance as per | |
| Trading Account | 910,960.08 |
| TERM DEPOSIT | 256,612.22 |
| TERM DEPOSIT | 356,490.24 |
| TERM DEPOSIT | 750,000.00 |
| SUB TOTAL | 2,274,062.54 |
| Add: Outstanding Deposits | 47,198.83 |
| Less: Outstanding Cheques | 72,637.25 |
| TOTAL | 2,248,624.12 |
| Rounding | |
| Variance | (793,021.85) |
| TOTAL | 1,455,602.27 |

Variance made up of:

| | |
|--------------------------------------|------------|
| INWARDS DISHONOUR FEE | 10.00 |
| CHEQUE | 0.10 |
| Rounding 01.09.06 | (0.63) |
| Interest receipted twice | 12,363.76 |
| visa payments | 12.00 |
| ***22.11.06 | 100.00 |
| 11.01 eft | 1.38 |
| rounding | 0.19 |
| Property recpts 5.02.07 | (6,796.36) |
| Property refund 05.02.07 | 6,798.96 |
| TD Interest at breaking | (2,227.00) |
| TD Interest accrued | (8,035.07) |
| 07.02.07-rounding | (0.01) |
| 23.02.07 dep 24/10/06 (wyn 20/10/06) | (1,467.00) |
| 23.02.07 rounding | (1.00) |
| 19.3 dep 16.3 | (3,371.72) |
| bexp fees | 113.50 |
| Tfr CEO Visa | 3,000.00 |
| 12.04 returned item 949 | (335.32) |

| | |
|------------------------|---------------------|
| 18.04 term deposit | (761,985.21) |
| 27.04 eft | (521.00) |
| 27.04 dep 24.04 | (29,006.84) |
| 27.04 dep 26.04 | (2,111.65) |
| 30.4 bexp | 1,243.07 |
| 30.4 returned eft pymt | (8.00) |
| 30.4 eft | (495.00) |
| 30.4 eft | (221.00) |
| 30.4 eft | (82.00) |
| Total | (793,021.85) |

MUNICIPAL OUTSTANDINGS

Outstanding Cheques

| | |
|---------------|-------------------------|
| 36448-36468 | 511.98 |
| 36637-36656 | 46.96 |
| 36710-36725 | 120.00 |
| 36771-36783 | 831.95 |
| 37172-37193 | 295.57 |
| 37240-37252 | 4,414.07 |
| 37296-37312 | 1,922.96 |
| 37371-37379 | 525.00 |
| 37395-37405 | 205.30 |
| 37406-37414 | (105.30) |
| 37464-37488 | (50.00) |
| 37489-37494 | 480.70 |
| 37495-37504 | 67.53 |
| 37505-37514 | (17.53) |
| 37528-37542 | 379.77 |
| 37592-37606 | 72.66 |
| 37621-37636 | 79.95 |
| 37638-37652 | 359.80 |
| 37655-37670 | 9,185.15 |
| 37671-37684 | 445.30 |
| 37685 - 37698 | 2,750.80 |
| 37699-37712 | 50,114.63 |
| | <u>72,637.25</u> |

MUNICIPAL OUTSTANDINGS

Outstanding Deposits

| | |
|-------------------------|------------------|
| rounding | 1.81 |
| 11.08 dr rec | 15 |
| 25.09 dr rec | 10538.48 |
| 26.09 dr rec | -2597.58 |
| 27.09 dr rec | 1195.51 |
| 04.10 dr rec | -2698.26 |
| 20.10 dr rec | 2614 |
| 25.10 dr rec | -2814.24 |
| 26.10 dr rec | -95.54 |
| 27.10 dr rec | -66 |
| 31.10 dr rec | 1978.94 |
| 02.11 dr rec | 2.2 |
| 28.11 dr rec | -392 |
| 01.12 dr rec | 288 |
| 06.12 dr rec - rounding | 0.01 |
| 12.01 dr rec | 0.01 |
| 16.01 dr rec | 0.01 |
| 19.01 dr rec | 0.03 |
| 27.02 dr rec | -309.57 |
| 16.3 dr rec | 3381.32 |
| 16.3 correction | 9.6 |
| 23.3 dr rec - rounding | -0.02 |
| 27.3 dr rec | -55.85 |
| 28.3 dr rec | -18.29 |
| 26.04 dr rec | 28906.64 |
| 26.04 dr rec | 2112.15 |
| 27.04 dr rec | 19 |
| 30.04 dr rec | 5183.47 |
| | <hr/> |
| | 47,198.83 |
| | <hr/> |

12.3.2. Payments and Debtors for the period ended 25 May 2007

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | N/A |
| AUTHOR: | Gill Old, Senior Finance Officer |
| REPORTING OFFICER: | Jo-Anne Ellis, 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 25 May 2007 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 037713 to 037772 \$ 96,751.92
- EFT payments numbered EP011465 to EP011687 \$ 1,123,955.46
- Direct bank debits \$ 183,974.02
- Total Payment of Accounts totalling \$ 1,404,681.40**

Total cancelled cheques for the month (up to 25 May 07) \$ 2,588.00

Outstanding Invoices at month end (up to 25 May 07) \$ 0.00

Outstanding over 90 days Sundry Debtors as at 25 May 07 \$ 88,313.75

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.

Accounts reported up to 25 May 2007 due to computer systems changeover during week covering end of May 2007. Transactions occurring between 26 May and 31 May 2007 will be included in next months report.

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 25 May 2007 totalling \$1,404,681.40 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 25 May 2007 totalling \$88,313.75 (GST inclusive) be received.

COUNCIL RESOLUTION

Minute No. 7755

Moved: Cr K Wright

Seconded: Cr D Ausburn

1. That the Accounts for payment as at 25 May 2007 totalling \$1,404,681.40 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 25 May 2007 totalling \$88,313.75 (GST inclusive) be received.

Carried Unanimously: 7/0

**LIST OF ACCOUNTS PAID BY COUNCIL
SUBMITTED TO THE COUNCIL MEETING ON
19 JUNE 2007**

| CHEQUE | EFT | CREDITOR | DETAILS | MUNI (\$) | TRUST (\$) | AUTH |
|--------|------------|---|--|-----------|------------|-------|
| 37713 | 04/05/2007 | ALAN MASON | MURALS AT CHILDCARE CENTRE | 7,650.00 | | CEO |
| 37714 | | PENNANT HOUSE | BANNER FOR WYNDHAM CHILD CARE | 152.35 | | EMCMS |
| 37715 | | HORIZON POWER | ELECTRICITY ACCOUNTS | 224.80 | | CEO |
| 37716 | | MOTOMARA COMMUNICATIONS AUSTRALIA | SUPPLY 2 HAND HELD RADIOS FOR AIRPORT | 2,000.00 | | CEO |
| 37717 | | WATER CORPORATION | WATER USAGE ACCOUNTS | 435.55 | | CEO |
| 37718 | | KUNUNURRA NEIGHBOURHOOD HOUSE | SPONSORSHIP ADVERT | 100.00 | | EMCMS |
| 37719 | | BUDGET RENT A CAR AUSTRALIA | CAR HIRE - D.JONES FOR TRAINING | 576.77 | | EMCMS |
| 37720 | | GLOBALSTAR AUSTRALIA PTY LIMITED | SATELLITE PHONE CHARGES APRIL | 184.00 | | EMEDS |
| 37721 | | NORTHERN DESIGN CONSULTANTS | DESIGN SLIDE TOWER RAMP | 1,485.00 | | CEO |
| 37722 | 11/05/2007 | AUST INSTITUTE OF ENVIRONMENTAL HEALTH | AIEH WA CONFERENCE - R.WORNES | 730.00 | | EMEDS |
| 37723 | | STANLEY, TONI | REFUND CANCELLED TEAM GYM PROGRAM | 80.00 | | EMCMS |
| 37724 | | HORIZON POWER | ELECTRICITY ACCOUNTS | 24,461.95 | | CEO |
| 37725 | | STOLDT, KIRSTEN | REFUND CANCELLED TEAM GYM PROGRAM | 80.00 | | EMCMS |
| 37726 | | PURCHASE, TRISH | PAINTING - LILLY CREEK LAGOON | 2,000.00 | | EMEDS |
| 37727 | | WASER, DANNY | REFUND CANCELLED TEAM GYM PROGRAM | 80.00 | | EMCMS |
| 37728 | | WILSON, SUE | REFUND CANCELLED TEAM GYM PROGRAM | 80.00 | | EMCMS |
| 37729 | | PODRETTI, AMANDA | REFUND CANCELLED TEAM GYM PROGRAM | 160.00 | | EMCMS |
| 37730 | | ADVENT ENERGY LTD | RATES REFUND | 393.25 | | CEO |
| 37731 | | ORDCO AGRICULTURE | CHEMICALS | 392.70 | | EMEDS |
| 37732 | | WATER CORPORATION | VOUCHER ONLY | 0.00 | | CEO |
| 37733 | | WATER CORPORATION | WATER USAGE ACCOUNTS | 21,273.00 | | CEO |
| 37734 | | SHIRE OF BROOME | REGISTRATION FEES - CONFERENCE | 512.00 | | CEO |
| 37735 | | KUNUNURRA LOCK & KEY | REPLACE LOCK BARRA BAR ROLLER | 165.50 | | CEO |
| 37736 | 17/05/2007 | PRITCHARD BOOK BINDERS | BINDING OF BOOKS, FREIGHT | 112.20 | | EMCMS |
| 37737 | | GREEN COUNTRY HOLDINGS PTY LTD | REDUCTION IN BUILDING FEES | 246.09 | | CEO |
| 37738 | | RAGGED RANGE MINING PTY | RATES REFUND-SURRENDERED TENEMENT | 519.34 | | CEO |

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| 37739 | LTD DEPT CONSUMER & EMPLOYMENT PROTECTION | DANGEROUS GOODS STORAGE LICENCE | 32.00 | CEO |
| 37740 | BUNNINGS | 6FT BLOMOULD TRESTLE TABLES | 1,740.09 | EMCMS |
| 37741 | HORIZON POWER | ELECTRICITY ACCOUNTS | 1,088.45 | CEO |
| 37742 | RIO TINTO EXPLORATION PTY LTD | RATES REFUND | 82.19 | CEO |
| 37743 | EDUCATIONAL EXPERIENCE PTY LTD | VARIOUS CRAFT ITEMS | 490.93 | EMCMS |
| 37744 | CANAVON, SHARON | REFUND FOR SWIMMING LESSONS | 65.00 | EMCMS |
| 37745 | LIGHT STAR PTY LTD | RATES REFUND | 168.49 | CEO |
| 37746 | NORTHERN AUSTRALIAN DIAMONDS | RATES REFUND | 405.83 | CEO |
| 37747 | MASTIN, RICHARD | LIFEGUARD DUTY | 91.75 | EMCMS |
| 37748 | AMANDA BECKER-KNOX | KIMBERLEY WRITERS FESTIVAL PROFESSIONAL FEES | 7,950.00 | CEO |
| 37749 | WATER CORPORATION | WATER USAGE ACCOUNTS | 629.45 | CEO |
| 37750 | PETTY CASH KUNUNURRA OFFICE | REPLACEMENT OF STOLEN FUNDS FROM LIBRARY | 100.00 | CEO |
| 37751 | WESFARMERS KLEENHEAT GAS PTY LTD | RENTAL OF GAS BOTTLE | 60.50 | EMCMS |
| 37752 | MCLACHLAN, SHARON | ANNUAL AIRFARE CLAIM | 2,600.00 | CEO |
| 37753 | SHIRE OF WYNDHAM EAST KIMBERLEY | STAFF PAYROLL DEDUCTIONS APRIL 2007 | 623.24 | CEO |
| 37754 | DEPT FOR PLANNING & INFRASTRUCTURE | VEHICLE REGISTRATION | 249.25 | CEO |
| 37755 | 25/05/2007 HOUSING INDUSTRY ASSOCIATION LTD | MEMBERSHIP RENEWAL-S MCLACHLAN | 660.00 | EMEDS |
| 37756 | INTERCON LOGISTICS | FREIGHT FOR CHLORINE CYLINDERS | 1,950.56 | EMEDS |
| 37757 | KUNUNURRA PLUMBING & GAS FITTING | WORKS AT CHILD CARE, REPAIRS AT SWIM BEACH TOILETS | 2,888.02 | EMEDS |
| 37758 | LAKE ARGYLE PTY LTD | REFUND OF RATES CREDIT BALANCE | 442.19 | CEO |
| 37759 | COLLEAGUES INFORMATION SOLUTIONS | PURCHASE ORDER BOOKS | 554.00 | CEO |
| 37760 | SPECTRUM DISTRIBUTORS | MONTHLY CONTAINER RENTAL & CHLORINE PURCHASE | 1,460.60 | EMEDS |
| 37761 | ID WAREHOUSE | FLAT BREAKAWAY CLIP 13MM BLACK | 39.30 | CEO |
| 37762 | ALLSEASONS KATHERINE | ACCOMMODATION A DOUGLAS | 301.50 | CEO |
| 37763 | EAGLE SPORTS | BADMINTON GEAR FOR WYN REC CENTRE | 134.84 | EMCMS |

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| 37764 | SHIRE OF BUSSELTON | LOST BOOK CHARGES | 19.80 | EMCMS |
| 37765 | SKYWEST AIRLINES PTY LTD | SALE OF 2 BAGGAGE CONVEYOR BELTS | 2,200.00 | CEO |
| 37766 | WATER CORPORATION | WATER USAGE ACCOUNTS | 2,338.25 | CEO |
| 37767 | HOTEL KUNUNURRA | REFRESHMENTS-COUCIL BRIEFING | 455.00 | CEO |
| 37768 | AUSTRALIA POST | AUSTRALIA POST APRIL 2007 | 589.90 | CEO |
| 37769 | BRANDY, PETER | PERFORMANCE FEE FOR SHARING OUR STORIES | 500.00 | EMCMS |
| 37770 | AUST GOVT NATIONAL MEASUREMENT INST | WATER TESTING | 1,075.25 | EMEDS |
| 37771 | MENTONE EDUCATIONAL CENTRE | STORAGE TRAYS FOR LIBRARY | 107.80 | EMCMS |
| 37772 | SHIRE OF WYNDHAM EAST KIMBERLEY | STAFF PAYROLL DEDUCTIONS MAY 2007 | 563.24 | CEO |

TOTAL CHEQUE PAYMENTS 96,751.92

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| 04/05/2007 | EP011465 | ROGERS MACHINERY SERVICE | SPRAYGUN HANDPIECE, PARTS & SERVICE | 1,920.90 | EMEDS |
| | EP011466 | KIMBERLEY WASTE SERVICES | ROADSWEEPING CONTRACT MARCH 07, SEPTIC PUMPOUT | 9,238.50 | EMEDS |
| | EP011467 | BOAB CARPENTRY MAINTENANCE SERVICE | REPLACE WINDOW - WYNDHAM POOL | 495.00 | EMEDS |
| | EP011468 | EAST KIMBERLEY HARDWARE | FLAT WASHERS, KEROSENE, HARDWARE, SHELVING, MDF | 3,233.80 | EMEDS |
| | EP011469 | NETWORK DRAFTING | DRAFTING SERVICES | 2,035.00 | EMEDS |
| | EP011470 | KIMBERLEY METAL RECYCLERS | LABOUR TO PALLETISE BATTERIES | 660.00 | EMEDS |
| | EP011471 | LAYTON TECHNOLOGY PTY LTD | ANNUAL SUPPORT CONTRACT | 595.00 | CEO |
| | EP011472 | OFFICE NATIONAL KUNUNURRA | HOLE PUNCHES, CHAIR | 322.20 | CEO |
| | EP011473 | R.KERR CONTRACTING | GRADE PARRY'S CREEK FARM ROAD, KING RIVER | 10,287.75 | EMEDS |
| | EP011474 | BOAB REFRIGERATION | CHECK & REPAIR WATER COOLER, SERVICE AIRCONDITIONERS | 319.00 | EMEDS |
| | EP011475 | ICEAGE REFRIGERATION & AIRCONDITIONING | SERVICES TO AIRCONDITIONERS | 330.00 | EMEDS |
| | EP011476 | RAW DANCE COMPANY | PERFORMANCES & WORKSHOPS APRIL - CANCELLED | 0.00 | CEO |

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| EP011477 | NORTHERN AIRPORT SERVICES | AIRPORT LOCK UP SERVICES | 374.00 | CEO |
| EP011478 | DELRON CLEANING PTY LTD | AIRPORT CLEANING FOR APRIL 07 | 5,000.07 | CEO |
| EP011479 | BRANKO BP MOTORS | HARDWARE FOR WYNDHAM AIRPORT, FUEL MAY | 523.88 | EMEDS |
| EP011480 | KIMBERLEY STOCK-OLIVER | LARGE PURCHASE OF STOCK RETIC AT DISCOUNT | 15,920.59 | EMEDS |
| EP011481 | SLINGAIR PTY LTD | CHARTER FLIGHT: KUNUNURRA - DERBY | 2,565.00 | CEO |
| EP011482 | TOP END MOTORS | SERVICE TO WY001 PRADO, TRANSPORT VEHICLE | 443.43 | EMEDS |
| EP011483 | SHELF SUPPLY | DOG FOOD, BOOTS | 301.00 | EMEDS |
| EP011484 | BLACKWOODS ATKINS PTY LTD | FLURO TUBES | 27.19 | EMCMS |
| EP011485 | TUSH'S CABINETS | CUPBOARD HINGES | 22.00 | EMCMS |
| EP011486 | CARPET VINYL & TILE CENTRE | FLOOR RUG FOR LIBRARY | 520.00 | EMCMS |
| EP011487 | SHIRE OF DERBY-WEST KIMBERLEY | LGMA VIDEO CONFERENCE | 111.20 | CEO |
| EP011488 | TROPIGRO GARDEN PRODUCTS PTY LTD | GABION MATERIALS | 1,442.65 | EMEDS |
| EP011489 | WYNDHAM SUPERMARKET | REFRESHMENTS, CONSUMABLES | 419.19 | EMCMS |
| EP011490 | KUNUNURRA DISTRICT HIGH SCHOOL | SHIRE COMMUNITY 'QUICK GRANT' | 550.00 | EMCMS |
| EP011491 | ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE | BLADES FOR MOWERS, 2 WHIPPER SNIPPERS | 1,608.05 | EMEDS |
| EP011492 | CROCODILE SIGNS | SANDWICH BOARD SIGNAGE | 633.60 | EMCMS |
| EP011493 | ST JOHN AMBULANCE ASS. KNX | FIRST AID COURSE | 149.50 | EMCMS |
| EP011494 | KIMBERLEY COLLEGE OF TAFE | ENROLMENT FEES FOR APRIL HOLIDAY PROGRAM, CHEMCERT | 1,985.28 | EMCMS |
| EP011495 | HOT WIRE ELECTRICS | REPLACE FUSE FOR ESSENTIAL SERVICES | 352.00 | EMEDS |
| EP011496 | ORD RIVER ELECTRICS | REPAIR STAGE LIGHTS, STAFF HOUSING & ROTATING BEACON | 1,261.11 | EMEDS |
| EP011497 | KIMBERLEY COMMUNICATIONS | RESET RADIO | 132.00 | EMEDS |
| EP011498 | TROPICAL PEST CONTROL & HEALTH SERVICE | PEST TREATMENT - 3B DRYANDRA | 198.00 | EMEDS |
| EP011499 | VANDERFIELD MACHINERY PTY LTD | MOWER BLADES-JOHN DEERE | 176.88 | EMEDS |
| EP011500 | BEAUREPAIRES (KUNUNURRA) | TYRES SUPPLIED AND FITTED | 713.77 | EMEDS |

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| | EP011501 | KUNUNURRA DIESEL SERVICES | SPARE GLOBES, MAJOR SERVICE TO WY11160 | 1,742.05 | EMEDS |
| | EP011502 | EAST KIMBERLEY GLASS | REPLACE WINDOW - KUNUNURRA LEISURE CENTRE | 209.00 | EMEDS |
| | EP011503 | IT VISION USER GROUP (INC) | CONVERSION OF GUPTA AGENDA & MINUTES | 5,225.00 | CEO |
| | EP011504 | NORTHERN INFORMATION TECHNOLOGY SERVICES | COMPUTER SUPPORT | 682.00 | CEO |
| | EP011505 | HOTEL GRAND CHANCELLOR PERTH | ACCOMMODATION-J GAULT | 375.00 | EMEDS |
| | EP011506 | WESTRALIA AIRPORTS CORPORATION PTY LTD | AVIATION SECURITY CARDS | 50.00 | CEO |
| 11/05/2007 | EP011507 | ROGERS MACHINERY SERVICE | REPAIR ELECTRICS FOR ROAD SWEEPER BROOM, FUEL PUMPS | 836.45 | CEO |
| | EP011508 | HASTED, CATHERINE JANE | REFUND CANCELLED TEAM GYM PROGRAM | 160.00 | EMCMS |
| | EP011509 | KIMBERLEY HYDRAULICS | HYDRAULIC FITTING-1BAT764 LOADER | 134.20 | EMEDS |
| | EP011510 | K & M ALLCLEAN | CLEANING CONTRACT APRIL PLUS EXTRAS | 7,197.83 | EMEDS |
| | EP011511 | EAST KIMBERLEY HARDWARE | HARDWARE, CEMENT | 642.35 | EMEDS |
| | EP011512 | QANTEC MCWILLIAM PTY LTD | SWEK STANDARD DRAWINGS | 11,495.00 | EMEDS |
| | EP011513 | STITCHED UP EMBROIDERY SERVICES | KIMBERLEY WRITERS FESTIVAL SHIRTS | 308.00 | EMCMS |
| | EP011514 | NETWORK DRAFTING | DRAFTING SERVICES APRIL-MAY | 2,433.75 | EMEDS |
| | EP011515 | KIMBERLEY METAL RECYCLERS | REFUSE CONTRACTS | 21,543.50 | EMEDS |
| | EP011516 | OFFICE NATIONAL KUNUNURRA | STATIONERY | 160.67 | CEO |
| | EP011517 | KUNUNURRA PANEL BEATING WORKS | REPAIR WINDOW, REPAIRS-1BJN958 | 2,073.57 | EMEDS |
| | EP011518 | THORLEY'S STORE | 6 KEYS CUT FOR WYNDHAM PUBLIC TOILETS | 46.20 | EMEDS |
| | EP011519 | NORBUILT PTY LTD | PROGRESS CLAIMS, YOUTH CENTRE AND CHILD CARE | 366,826.19 | CEO |
| | EP011520 | BOAB REFRIGERATION AND AIRCONDITIONING | AIRCONDITIONER SERVICING | 154.00 | EMEDS |
| | EP011521 | ORIA ORCHARDS | FLOWER DISPLAY FOR FOYER | 15.00 | CEO |
| | EP011522 | ICEAGE REFRIGERATION & AIRCONDITIONING | INSTALL TOSHIBA SPLIT AIRCONDITIONER | 1,540.00 | EMEDS |
| | EP011523 | MORTENSEN, JESSE | RELOCATION FUEL REIMBURSEMENT | 240.15 | CEO |
| | EP011524 | DELRON CLEANING PTY LTD | DEPOT CLEANING APRIL 2007 | 199.10 | EMEDS |

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| | EP011525 | FRONTIER POST & NEWS | FRONTIER POST ACCOUNT APRIL 2007 | 150.95 | CEO |
| | EP011526 | BRANKO BP MOTORS | FUEL USAGE - APRIL PURCHASES | 1,665.74 | EMEDS |
| | EP011527 | EAST KIMBERLEY PLUMBING | REPAIR TOILETS AT AIRPORT | 102.85 | CEO |
| | EP011528 | JSW HOLDINGS PTY LTD | CONCRETE FOR CHILDCARE CENTER | 1,164.24 | EMEDS |
| | EP011529 | KUNUNURRA SECURITY SERVICE | SECURITY SERVICES AIRPORT | 440.00 | CEO |
| | EP011530 | TNT AUSTRALIA PTY LIMITED | DELIVERY OF WATER SAMPLES | 302.97 | EMEDS |
| | EP011531 | TOP END MOTORS | VEHICLE SERVICE - WY10432 | 360.05 | EMEDS |
| | EP011532 | GET STUCK SKID STEER & TRUCK HIRE | LEVEL GARDEN BEDS AT CHILD CARE CENTRE, FOOTPATH REMOVAL | 742.50 | EMEDS |
| | EP011533 | RB DESSERT SEED CO | 10KG GRASS SEED | 220.00 | EMEDS |
| | EP011534 | CARPET VINYL & TILE CENTRE | SOLVATEX PAINT | 371.25 | EMEDS |
| | EP011535 | ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE | WHIPPER SNIPPER HEAD | 52.65 | EMEDS |
| | EP011536 | THE KIMBERLEY ECHO | ADVERTISING MARCH 2007 | 891.44 | CEO |
| | EP011537 | JUDIUS PTY LTD | FISHING GAME-WYNDHAM DAYCARE CENTRE | 39.27 | EMCMS |
| | EP011538 | TOLL WEST | FREIGHT CHARGES | 862.29 | CEO |
| | EP011539 | BUSH CAMP SURPLUS STORES | STEEL CAPPED BOOTS | 167.00 | EMEDS |
| | EP011540 | FRANMOR CONSTRUCTIONS PTY LTD | PATCH AIRCON HOLES AT 23 BOOBIALLA | 211.02 | EMEDS |
| | EP011541 | CABCHARGE | CAB CHARGE VOUCHERS | 254.65 | CEO |
| | EP011542 | BEAUREPAIRES (KUNUNURRA) | TYRES FOR LOADER | 3,312.60 | EMEDS |
| | EP011543 | LOCAL GOVERNMENT NETWORK | LG NET ADVERTISING RATES OFFICER | 82.50 | CEO |
| | EP011544 | CORPORATE EXPRESS | CHAIR MAT | 86.92 | CEO |
| | EP011545 | NORTHERN INFORMATION TECHNOLOGY SERVICES | COMPUTER SUPPORT | 775.50 | CEO |
| 17/05/2007 | EP011546 | KIMBERLEY GROUP TRAINING | HOST EMPLOYERS CONTRIBUTION | 4,347.80 | CEO |
| | EP011547 | KNICKEL GARDENING SERVICES | MOWING OF TURFED AREAS & ADDITIONAL WORKS APRIL 2007 | 33,489.32 | EMEDS |
| | EP011548 | ROGERS MACHINERY SERVICE | REPAIRS TO SLASHER - WYNDHAM | 280.00 | EMEDS |
| | EP011549 | PARDOE-BELL, ALLAN JOHN | WYNDHAM CONTRACT CLEANING APRIL | 1,952.00 | EMEDS |
| | EP011550 | BOAB CARPENTRY MAINTENANCE SERVICE | REPAIRS TO WYNDHAM ADMIN FEMALE TOILET | 297.00 | EMEDS |
| | EP011551 | FESA - EMERGENCY SERVICES | ESL LEVY | 12,269.76 | CEO |
| | EP011552 | LEVY PAYMENTS | | | |
| | EP011552 | WILLIAMS, KEITH | ELECTRICITY SUBSIDY, ANNUAL AIRFARE | 998.65 | CEO |

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| EP011553 | EAST KIMBERLEY HARDWARE | 90 D ELBOW, CEMENT, HARDWARE CONSUMABLES | 2,131.15 | EMEDS |
| EP011554 | MILMAR DISTRIBUTORS | EFTPOS MACHINE ROLLS | 43.60 | CEO |
| EP011555 | OFFICE NATIONAL KUNUNURRA | SERVICE OFFICE EQUIPMENT, OFFICE SUPPLIES | 287.91 | CEO |
| EP011556 | WRIDGWAYS THE REMOVALISTS | STAFF RELOCATION | 8,750.50 | CEO |
| EP011557 | KINGS CROWN INSTRUMENTATION & ELECTRICAL | REPAIR RETIC SYSTEM, RECONNECT NEW HOT SYSTEM | 321.20 | EMEDS |
| EP011558 | STUBBS, PETER | ANNUAL CLAIM FOR TRAVEL EXPENSES | 2,600.00 | CEO |
| EP011559 | AUSTRALIAN FEDERAL POLICE | CHARACTER & PMV CHECK | 49.01 | CEO |
| EP011560 | G & V ROBERTS PTY LTD | STAFF RELOCATION | 4,011.00 | CEO |
| EP011561 | NORBUILT PTY LTD | PROGRESS CLAIM 12 KUNUNURRA CHILD CARE | 26,243.87 | CEO |
| EP011562 | FEWSTER, KELLY | CLAIM FOR PHONE SUBSIDY | 33.11 | CEO |
| EP011563 | APPERLEY, KARYN | BATTERIES-KIMBERLEY WRITERS FESTIVAL | 132.59 | EMCMS |
| EP011564 | FITZGERALD, MEGAN | BI-ANNUAL REGISTRATION FOR FITNESS INSTRUCTOR | 100.00 | EMCMS |
| EP011565 | CIVIC LEGAL | LEGAL FEES | 5,343.89 | CEO |
| EP011566 | BOAB REFRIGERATION AND AIRCONDITIONING | AIRCONDITIONER SERVICING | 82.50 | EMEDS |
| EP011567 | NAVAIDS | GARMIN GPS BLUE TOOTH | 280.00 | EMEDS |
| EP011568 | VISION AUSTRALIA | 3 CD'S | 65.98 | EMCMS |
| EP011569 | RACHEL WORNES | FUEL, PARKING RECEIPTS FOR TRAINING | 157.30 | EMEDS |
| EP011570 | KIMBERLEY ECHO-ALBANY ADVERTISER | ADVERTISING | 732.70 | CEO |
| EP011571 | JOHN CAMPBELL COMMUNICATION & MARKETING | PUBLICATION KIT | 393.80 | CEO |
| EP011572 | NE SHEDS | SUPPLY GABLE ROOF GAZEBO 50% DEPOSIT | 6,000.00 | EMEDS |
| EP011573 | DOUGLAS, KERRY LYNETTE | WORKING WITH CHILDREN CHECK | 50.00 | EMCMS |
| EP011574 | HANNING FAMILY TRUST | REFUND | 676.00 | CEO |
| EP011575 | BAIRSTOW, RACHEL ELIZA | REIMBURSE FOR MICROWAVE FOR LEISURE CENTRE | 178.00 | EMCMS |
| EP011576 | LANDGATE | RATES ENQUIRIES | 251.90 | CEO |
| EP011577 | EAST KIMBERLEY PLUMBING | INSPECTED GAS BOTTLE FOR LEAKS | 126.50 | EMEDS |
| EP011578 | GUERINONI & SON | KALUMBURU GRADING | 12,650.00 | EMEDS |

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| EP011579 | TOP END MOTORS | REPAIR TOW HITCH PLUG | 118.15 | EMEDS |
| EP011580 | KIMBERLEY MOTORS | BATTERY, DIESEL - WYNDHAM | 234.08 | EMEDS |
| EP011581 | VALUER GENERAL'S OFFICE | GRV INTERIM VALUATIONS | 50.00 | CEO |
| EP011582 | SHELF SUPPLY | 20KG OF DOG FOOD | 43.00 | EMEDS |
| EP011583 | BLACKWOODS ATKINS PTY LTD | AEROSOL, GLOBE, LAMP REFLECTOR | 126.68 | EMEDS |
| EP011584 | FLAMETREE NURSERY | PLANTS ACCORDING TO QUOTE | 877.50 | EMEDS |
| EP011585 | WYNDHAM TOURIST INFORMATION CENTRE | TOURIST INFORMATION SERVICES | 476.66 | CEO |
| EP011586 | ROYAL LIFE SAVING (WA BRANCH) | OXYGEN MASKS, MANIKIN DISINFECTANT | 247.20 | EMCMS |
| EP011587 | WYNDHAM SUPERMARKET | ITEMS FOR BUDGET MEETING | 122.21 | CEO |
| EP011588 | KUNUNURRA DISTRICT HIGH SCHOOL | LIBRARY EXPENSES | 189.44 | EMCMS |
| EP011589 | ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE | REPAIRS TO BRUSHCUTTERS | 207.30 | EMEDS |
| EP011590 | COUNTRY CLUB HOTEL | ROOM HIRE CATERING & EQUIPMENT | 1,036.00 | CEO |
| EP011591 | GULLIVERS TAVERN | REFRESHMENTS FOR COUNCIL MEETING | 94.62 | CEO |
| EP011592 | GARRATT, SARAH | FITNESS CLASSES-23/04-04/05/07 | 705.00 | EMCMS |
| EP011593 | L.G.R.C.E.U | CONTRIBUTIONS FOR APRIL 2007 | 30.60 | CEO |
| EP011594 | AUSTRALIAN SERVICES UNION | CONTRIBUTIONS FOR APRIL 2007 | 378.40 | CEO |
| EP011595 | SINCLAIRE KNIGHT MERZ | INTERIM CLAIM FOR PROFESSIONAL FEES | 16,500.00 | CEO |
| EP011596 | ORD RIVER ELECTRICS | ELECTRIC REPAIRS | 2,190.91 | EMEDS |
| EP011597 | COUNCILLOR KEITH WRIGHT | TRAVEL CLAIM UNTIL 03/05/07 | 352.58 | CEO |
| EP011598 | FISCHER, CYNTHIA | WYNDHAM CONTRACT TOILET CLEANING | 2,988.15 | EMEDS |
| EP011599 | TOLL WEST | FREIGHT CHARGES | 152.08 | CEO |
| EP011600 | TRAVELWORLD KUNUNURRA | RETURN AIRFARES - F LESSAC | 681.74 | EMCMS |
| EP011601 | KIMBERLEY KOOL REFRIGERATION | SUPPLY & FIT AIRCONDITIONER | 1,320.00 | EMEDS |
| EP011602 | FRANMOR CONSTRUCTIONS PTY LTD | REPLACE BROKEN PAVER ON POOL, FIT MAIL BOXES, REHANG SAIL | 895.18 | EMEDS |
| EP011603 | MCKINLAY, BETTY | PHONE SUBSIDY | 77.50 | CEO |
| EP011604 | BEAUREPAIRES (KUNUNURRA) | ALIGNMENT & BALANCE-WY10432 | 123.00 | EMEDS |
| EP011605 | STATE LIBRARY OF WESTERN AUSTRALIA | LOST/DAMAGED BOOKS & CD | 69.30 | EMCMS |
| EP011606 | FERTEIS, ELAINE | CLASSES FOR TEEN GYM- 30/04/07 | 80.00 | EMCMS |
| EP011607 | CORPORATE EXPRESS | DREAMWEAVER 8 MULTI PLATFORMS, STATIONERY | 445.06 | CEO |
| EP011608 | WYNDHAM TELECENTRE | BASTION FULL COLOUR PAGE ADVERTISING | 220.00 | CEO |

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| | EP011609 | DRIVEWEST CAR RENTALS | SUPPLY RENTAL VEHICLE - J.GAULT TRAINING | 160.02 | EMEDS |
| | EP011610 | CORPORATE PROFILE CLOTHING PTY LTD | UNIFORMS | 947.10 | CEO |
| | EP011611 | COATES HIRE OPERATIONS PTY LTD | HIRE OF 13 WATER FILLED BARRIERS | 482.63 | EMEDS |
| | EP011612 | JAMES O'KENNY AUCTIONEER | HIRE OF AMENITIES ROOM | 3,300.00 | EMCMS |
| | EP011613 | BRIDGESTONE AUSTRALIA LTD | SUPPLY OF TYRE | 247.77 | EMEDS |
| | EP011614 | SHIRE OF MURRAY | STAFF PAYROLL DEDUCTION | 28.00 | CEO |
| | EP011615 | KIMBERLEY TREE SERVICES PTY LTD | REMOVAL OF COCONUT TREE | 203.50 | EMCMS |
| 25/05/2007 | EP011616 | KIMBERLEY GROUP TRAINING | HOST EMPLOYERS CONTRIBUTION | 4,452.05 | CEO |
| | EP011617 | ROGERS MACHINERY SERVICE | MOWER BLADES, OIL & BAG OF RAGS | 433.60 | EMEDS |
| | EP011618 | KIMBERLEY WASTE SERVICES | REFUSE COLLECTION-MARCH 2007 | 36,799.37 | EMEDS |
| | EP011619 | STATE LAW PUBLISHER | RESIDENTIAL DESIGN CODES MANUAL | 16.95 | EMEDS |
| | EP011620 | FESA - EMERGENCY SERVICES LEVY PAYMENTS | ESL LEVY | 5,722.72 | CEO |
| | EP011621 | KIMBERLEY INDUSTRIES METALAND | SUPPLY STEEL PRODUCTS | 743.97 | EMEDS |
| | EP011622 | EAST KIMBERLEY HARDWARE | HARDWARE CONSUMABLES | 757.30 | EMEDS |
| | EP011623 | STITCHED UP EMBROIDERY SERVICES | WRITERS FESTIVAL SHIRTS | 215.60 | EMCMS |
| | EP011624 | NETWORK DRAFTING | DRAFTING SERVICES | 2,653.75 | EMEDS |
| | EP011625 | KP PUMPS & IRRIGATION | POPUP SPRINKLERS | 484.00 | EMEDS |
| | EP011626 | OFFICE NATIONAL KUNUNURRA | STATIONERY, COPY COUNT | 2,697.83 | CEO |
| | EP011627 | INSTITUTE PUBLIC WORKS ENGINEERING AUST | MEMBERSHIP SUBSCRIPTION | 5,500.00 | EMEDS |
| | EP011628 | JUST FRAMED | CABLE TRACK & SLIDES | 109.12 | EMEDS |
| | EP011629 | THORLEY'S STORE | INTERNAL OFFICE FREIGHT | 488.00 | CEO |
| | EP011630 | MARTIN PRINT | BUSINESS CARD PRINTING | 293.00 | CEO |
| | EP011631 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS MAY 2007 | 250.48 | CEO |
| | EP011632 | TRENGOVE, AMANDA JANE | TRAINING EXPENSES | 303.60 | CEO |
| | EP011633 | STUBBS, PETER | TELEPHONE SUBSIDY CLAIM | 122.79 | CEO |
| | EP011634 | NORBUILT PTY LTD | PROGRESS CLAIM 7 YOUTH CENTRE, CLAIM 2 POOL FENCING | 243,508.76 | CEO |
| | EP011635 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS MAY 2007 | 151.92 | CEO |
| | EP011636 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS MAY 2007 | 981.08 | CEO |
| | EP011637 | TRIPP, KATYA MARIE | ELECTRICITY SUBSIDY | 200.21 | CEO |

| | | | | |
|----------|---|---|-----------|-------|
| EP011638 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS MAY 2007 | 49.08 | CEO |
| EP011639 | ORIA ORCHARDS | FLOWER DISPLAY FOR FOYER | 55.00 | CEO |
| EP011640 | KIMBERLEY ECHO-ALBANY ADVERTISER | BUILDING LICENCE ENVELOPES | 461.80 | EMEDS |
| EP011641 | TIMBER CREEK GUNAMU TOURIST PARK | ACCOMMODATION FOR A DOUGLAS | 154.00 | CEO |
| EP011642 | MCCOY, SARAH | TRAVEL REIMBURSEMENT | 157.40 | CEO |
| EP011643 | GARRARDS PTY LTD | THERMAL FOG GENERATOR | 3,960.00 | EMEDS |
| EP011644 | BROOME CHAMBER OF COMMERCE | KIMBERLEY ECONOMIC FORUM | 308.00 | CEO |
| EP011645 | BRANKO BP MOTORS | MISC ORDER FOR MAY, SERVICE & REPAIR VEHICLES | 2,559.00 | EMEDS |
| EP011646 | EAST KIMBERLEY PLUMBING | REMOVE BLOCKAGE FROM TOILET, REPAIR WHITEGUM TOILETS | 7,718.70 | EMEDS |
| EP011647 | JSW HOLDINGS PTY LTD | CRACKER DUST TO ANZAC HILL, HIRE OF WATER CART FOR TIP | 831.60 | EMEDS |
| EP011648 | KUNUNURRA SECURITY SERVICE | SECURITY PATROLS | 2,547.00 | EMEDS |
| EP011649 | TOP END MOTORS | SERVICE WY11617 15,000KM | 226.00 | EMEDS |
| EP011650 | WYNDHAM TOWN HOTEL | MEAL - BUDGET WORKSHOP | 120.00 | CEO |
| EP011651 | TELFORD INDUSTRIES | POOL TESTING CHEMICALS | 92.62 | EMCMS |
| EP011652 | FLAMETREE NURSERY | PLANTS | 643.00 | EMEDS |
| EP011653 | KALUMBURU MISSION | 3 NIGHTS ACCOMMODATION K FEWSTER | 270.00 | EMEDS |
| EP011654 | ROYAL LIFE SAVING (WA BRANCH) | FIRST AID KITS | 151.20 | EMCMS |
| EP011655 | ALLGEAR MOTORCYCLE & SMALL ENGINE CENTRE | REPAIR BRUSHCUTTER, SUPPLY PARTS | 417.05 | EMEDS |
| EP011656 | AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS | PURCHASE OF FUEL - APRIL 2007 | 15,335.71 | EMEDS |
| EP011657 | GULLIVERS TAVERN | REFRESHMENTS FOR BUILDERS WORKSHOP, COUNCIL MEETING | 350.98 | CEO |
| EP011658 | GARRATT, SARAH | FITNESS CLASSES 05/05-16/05/07 | 785.00 | EMCMS |
| EP011659 | NEAT N TRIM UNIFORMS | UNIFORMS | 60.35 | CEO |
| EP011660 | WA LOCAL GOVERNMENT SUPERANNUATION PLAN | SUPER-APRIL 2007 | 58,866.97 | CEO |
| EP011661 | L.G.R.C.E.U | SUPER-MAY 2007 | 30.60 | CEO |
| EP011662 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS MAY 2007 | 378.40 | CEO |
| EP011663 | ATO CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS MAY 2007 | 279.28 | CEO |
| EP011664 | JAB INDUSTRIES | URGENT CALL OUT WEABER PLAINS RD | 2,497.00 | EMEDS |

| | | | | |
|------------------------------|--|--|---------------------|-------|
| EP011665 | RICK SPRY | TELEPHONE SUBSIDY CLAIM | 35.48 | CEO |
| EP011666 | AUSTRALIAN COMMUNICATIONS AUTHORITY | COMMUNICATIONS LICENCES 2007 | 242.00 | EMCMS |
| EP011667 | TRAVELWORLD KUNUNURRA | AIRFARES FOR GRAEME DONALD | 681.74 | EMEDS |
| EP011668 | TUCKERBOX/RETRAVISION | TUCKERBOX ACCOUNT PURCHASES | 1,487.00 | CEO |
| EP011669 | KIMBERLEY STEEL | FLAGPOLE FOR ANZAC HILL | 1,650.00 | EMEDS |
| EP011670 | FRANMOR CONSTRUCTIONS PTY LTD | REPLACE BROKEN POLE TO RE-ERECT SHADE SAIL | 2,068.32 | EMCMS |
| EP011671 | CABCHARGE | CAB CHARGE VOUCHERS USED APRIL | 52.20 | CEO |
| EP011672 | BEAUREPAIRES (KUNUNURRA) | TYRES FOR VEHICLES, GRADER, BATTERIES FOR AIRPORT | 2,710.15 | EMEDS |
| EP011673 | KUNUNURRA MOBILE WELDING SERVICE | REPAIRS TO FENCING AT EWIN CENTRE, COARSE GRAIN PIT LIDS | 704.00 | EMCMS |
| EP011674 | AUSTRALIAN TAXATION OFFICE | APRIL BAS 2007 | 20,081.00 | CEO |
| EP011675 | MARVIC CONSTRUCTIONS | VARIATIONS TO WORKS AT CHILD CENTRE | 18,811.54 | EMEDS |
| EP011676 | KUNUNURRA NEWSAGENCY | NEWSPAPERS, BOOKS FOR LIBRARY | 258.20 | EMCMS |
| EP011677 | CORPORATE EXPRESS | STATIONERY ORDER | 1,045.37 | CEO |
| EP011678 | WYNDHAM TELECENTRE | POSTERS FOR WYNDHAM REC CENTRE | 63.00 | EMCMS |
| EP011679 | MCLACHLAN, SHARON | ELECTRICITY & WATER SUBSIDY CLAIM | 1,142.75 | CEO |
| EP011680 | WA LOCAL GOVERNMENT ASSOCIATION | ADVERTISING FOR TENDERS, STAFF VACANCY | 1,343.42 | CEO |
| EP011681 | DRIVEWEST CAR RENTALS | HIRE CARE-R WORNES FOR TRAINING | 233.38 | EMEDS |
| EP011682 | KUNUNURRA VOLUNTEER FIRE BRIGADE | CLEAN DOWN NETBALL COURTS | 165.00 | EMCMS |
| EP011683 | DAVEY TYRE AND BATTERY SERVICE | 1 BATTERY, ROTATE TYRES, WHEEL ALIGNMENT | 90.00 | EMEDS |
| EP011684 | NORTHERN INFORMATION TECHNOLOGY SERVICES | COMPUTER SUPPORT | 785.00 | CEO |
| EP011685 | TOLL IPEC PTY LTD | FREIGHT CHARGES | 140.67 | CEO |
| EP011686 | BROADCAST AUSTRALIA PTY LTD | POWER RECOVERY FOR TELEVISION | 732.06 | CEO |
| EP011687 | SHERIDAN'S FOR BADGES | NAME BADGES | 100.00 | CEO |
| TOTAL OF EFT PAYMENTS | | | 1,123,955.46 | |
| TOTAL PAYMENTS | | | 1,220,707.38 | |

DIRECT DEBITS - MAY 2007

| | | |
|---|-------------------|--|
| RENT 12/33 KONKERBERRY DRIVE KUNUNURRA | 1,126.66 | |
| BANK FEES | 232.10 | |
| BILL EXPRESS | 55.00 | |
| SALARY AND WAGES | 178,465.13 | |
| VISA PAYMENT | 3,675.54 | |
| WESTNET P/L | 419.59 | |
| MOBILE OIL AUSTRALIA | | |
| TOTAL DIRECT DEBITS | 183,974.02 | |

OUTSTANDING INVOICES AS AT 31 MAY 2007

TOTAL OUTSTANDING 0.00

CANCELLED CHEQUES

| | | | | | |
|------------|----------|-------------------|--------------------------------|-----------------|-------|
| 04/05/2007 | EP011476 | RAW DANCE COMPANY | CANCELLED CHEQUE | 2,588.00 | EMCMS |
| | | | TOTAL CANCELLED CHEQUES | 2,588.00 | |

Sundry Debtors as of 25th May 2007

| Sundry Debtor | Amounts Over 90 Days Outstanding | Balance @ 25 April 2007 | Debt Collection Status for Debts over 90 Days |
|----------------------------------|---|--------------------------------|--|
| ARGYLE KIMBERLEY RESORT | 11,750.00 | 11,750.00 | Debtor Paid \$11000 on 31/05/07 |
| CARTER RON | 967.00 | 967.00 | Reminder Notice Issued |
| CHADWICK, STEVE | 5,949.96 | 5,949.96 | Debtor with Credipac |
| DEPARTMENT OF CORRECTIVE SERVICE | 1,682.69 | 2,272.35 | Reminder Notice Issued |
| GOLDEN EAGLE AVIATION | 1,054.76 | 3,824.46 | Reminder Notice Issued |
| LANDCORP | 1,386.00 | 1,386.00 | Debtor in discussion with officers |
| KUNUNURRA SOCCER CLUB | 890.00 | 890.00 | Debtor in discussion with officers |
| JOOROOK NGARNI ABORIGINAL CORP | 94.00 | 94.00 | Account half paid 31/05/07 |
| NEIL LAVERS | 1,380.00 | 1,380.00 | Debtor with Credipac |
| ORD AIR CHARTER PTY LTD | 55,429.47 | 56,341.58 | Debtor with Credipac |
| ORD RIVER SPORTS CLUB | 4,219.38 | 14,688.12 | Monthly Repayments are being made |
| WYNDHAM COMMUNITY CLUB | 3,510.49 | 3,510.49 | Debtor made a single \$500 payment |
| | 88,313.75 | 103,053.96 | |

12.3.3. Retrospective Rates Exemption – Wyndham Picture Gardens

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Wyndham Picture Gardens |
| LOCATION: | Civic Way Wyndham |
| AUTHOR: | Gill Old, Senior Finance Officer |
| REPORTING OFFICER: | Jo-Anne Ellis, Executive Manager Corporate Services |
| FILE NO: | 01.0502.04 |
| ASSESSMENT NO: | 502 |

PURPOSE

To consider retrospective approval for rates exemption to Wyndham Picture Gardens from 1 July 2006.

BACKGROUND

Policy F18 (as noted below) was adopted by Council on 22 February 2006.

In March 2006 correspondence was sent to all community groups to which the new Policy F18 may apply, advising of the new policy and the requirements should they wish to apply. As a result of this mail out only one group applied for a rates exemption under Policy F18. This group was the Kununurra Progress Association Inc.

Rates were raised from 1 July 2006 for the financial year 2006/2007 with payment due in September 2006.

In response to a verbal request, an application for exemption status was forwarded to Wyndham Picture Gardens in January 2007.

Completed application for rates exemption was received 13 May 2007.

STATUTORY IMPLICATIONS

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

(1) Subject to subsection (2) and any other written law, a local government may -

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

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

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

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

POLICY IMPLICATIONS

Policy F18 – Community Groups Rating Policy

Objectives: *To form a policy on the rating of community groups within the Shire of Wyndham East Kimberley. In the past, community groups leasing land from Council have been exempt from rates. Community groups who possess their own land or lease from a third party have been rated.*

The objective of this policy is to create equality across all community groups in the Shire of Wyndham East Kimberley. Not for profit community groups which have a positive effect on life in the Shire of Wyndham East Kimberley will not be rated.

FINANCIAL IMPLICATIONS

Property in question is currently rated at the minimum GRV rate.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

N/A

COMMENT

Rates and charges levied on property as at 1 July 2006 totalled \$685.00 comprising rates of \$650.00 and Emergency Service Levy of \$35.00.

Due to non payment the debt has been incurring penalties at 11% since 30 September 2006.

As at 1 June 2007 the value of these penalties on the outstanding rates charge is \$47.79 and still accruing daily.

ATTACHMENTS

Application for rates exemption
Policy F18 Community Groups Rating Policy

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That rates exemption status be granted under Policy F18 Community Groups Rating Policy to the Wyndham Picture Gardens, Civic Way, Wyndham retrospectively from 1 July 2006.
2. Penalties that have accrued on the outstanding rates charge from 1 July 2006 be written off.
3. That Wyndham Picture Gardens be advised that their rates exemption status on the property does not remove their obligations to pay for any other service charges (eg: Refuse, Emergency Services Levy) that may be levied on the property.

COUNCIL RESOLUTION

Minute No. 7756

Moved: Cr K Wright

Seconded: Cr B Barnes

1. **That rates exemption status be granted under Policy F18 Community Groups Rating Policy to the Wyndham Picture Gardens, Civic Way, Wyndham retrospectively from 1 July 2006.**
2. **Penalties that have accrued on the outstanding rates charge from 1 July 2006 be written off.**
3. **That Wyndham Picture Gardens be advised that their rates exemption status on the property does not remove their obligations to pay for any other service charges (eg: Refuse, Emergency Services Levy) that may be levied on the property.**

Carried Unanimously: 7/0



APPLICATION FOR RATES EXEMPTION
FOR NOT FOR PROFIT COMMUNITY GROUPS
UNDER SECTION 6.12 OF THE LOCAL GOVERNMENT ACT 1995

| | | | |
|---------------------------------|---|-------------------|-----------|
| Name | Wyndham Picture Gardens | | |
| Address of Organisation | PO Box 169 Wyndham WA 6740 | | |
| | | | |
| Telephone: | 041 793 2978 | Facsimile: | |
| Date commenced operation | Not Known | | |
| ABN Number: | 74817076139 | | |
| | | Yes | No |
| 1. | Is the organisation an incorporated body? * | X | |
| 2. | Is the organisation considered not-for-profit? | X | |
| 3. | Does the organisation own the rateable land? | X | |
| 5. | Does the organisation run a profit making business that is incidental to its operation? | | X |
| * | If yes, please provide certificate of incorporation. | | |

Organisations need to outline the nature of their contribution to community life in the East Kimberley:

- Target demographic
- Description of the activity in the community
- 'Not for Profit' nature of the organisation

Maximum length: one typed page

Applicants need to illustrate eligibility to claim a rate exemption and to facilitate the Shire of Wyndham East Kimberley decision making, clear and concise information about the nature of your activities should be provided.

The Wyndham Picture Gardens is a Not for Profit Organisation that prior to 2007 was operating the Cinema on average twice per month during the dry season period. The Picture Gardens targets all persons who reside within the Wyndham Townsite along with any tourists who wish to attend. The majority of persons who attend are families or children under the age of 14 years.

The Picture Gardens generally shows two movies, one of which is the main show and is usually a recent along with another movie.

All persons who assist with the Picture Gardens are volunteers including projection, canteen and gate staff. The major portion of the entrance fee goes to paying for the cost of hire of the movie along with transport, electricity and insurance. All profit goes back into the Picture Gardens. Members of the community volunteer their time to assist with the movie nights, along with maintenance and fund raising events including Car Boot sales etc.

The Picture Gardens has been unable to run this year due to the projectors which are due to their age, not functioning properly. Parts to run the machines are running out and appear unable to be replaced.

The volunteers are currently fundraising to purchase a new projector to enable the Picture Gardens to move forward.

| | |
|-----------------------|--------------------------------------|
| POLICY NUMBER: | F18 |
| DIVISION: | Corporate Services |
| SUBJECT: | Community Groups Rating Policy |
| REPORTING OFFICER: | Executive Manager Corporate Services |
| ENABLING LEGISLATION: | 6.12 Local Government Act 1995 |

OBJECTIVE

To form a policy on the rating of community groups within the Shire of Wyndham East Kimberley. In the past, community groups leasing land from Council have been exempt from rates. Community groups who possess their own land or lease from a third party have been rated.

The objective of this policy is to create equality across all community groups in the Shire of Wyndham East Kimberley. Not for profit community groups which have a positive effect on life in the Shire of Wyndham East Kimberley will not be rated.

POLICY

“Community group” – An organisation of people who are formed to promote a community or sporting activity which has a positive effect on the East Kimberley.

Community groups within the Shire of Wyndham East Kimberley who operate as not for profit organizations, yet do not fall under an exempt category as per section 6.26 of the Local Government Act, will be required to complete an “Application for a Rates Exemption”.

The policy allows not for profit community organizations to focus all finances on furthering their particular activities. Council encourages community groups within society who make the Shire of Wyndham East Kimberley a more enjoyable place to live and work.

On completion of an “Application for Rates Exemption” form the details will be presented to the Chief Executive Officer. If the community group is successful in its application, the Rates Officer will be notified to label the property on our data base as exempt.

ADOPTED:22/02/06

AMENDED:

REVIEWED:

12.3.4. Request for Write Off of Rates – Mr Keith Donkers

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Mr Keith Donkers |
| LOCATION: | Lot 314 Peter Reid Drive & Lot 315 Laine Jones Drive Kununurra |
| AUTHOR: | Gill Old, Senior Finance Officer |
| REPORTING OFFICER: | Jo-Anne Ellis Executive Manager Corporate Services |
| FILE NO: | 61.23.03 / 01.5830.04 / 01.5831.04 |
| ASSESSMENT NO: | 5830 & 5831 |

PURPOSE

For Council to consider a customer request to write off interim rate charges on Lot 314 Peter Reid Drive & Lot 315 Laine Jones Drive Kununurra.

BACKGROUND

As a Local Government Authority the Shire of Wyndham East Kimberley is exempt from paying rates.

The Valuer General's Office has an indicator on these types of properties so that no valuation changes are advised to the Local Government Authority, and therefore no charges are raised to the Shire for the service.

Lots 314 & 315 were sold by the Shire of Wyndham East Kimberley to Mr Keith Donkers, with settlement effective 12 August 2002.

Property assessment 5831 (VEN812980) rates were raised and charged to Mr Donkers calculated on a property gross rental value of \$2,200.00. The rates notice showed a description of rated land as 315, 314, LOC327F. These rates have been paid in full.

During a review of properties it became evident that the value on property assessment number 5831 had not altered since 2002. A full revaluation for all properties within the Shire of Wyndham East Kimberley had been completed by the Valuer General's Office as at 1st July 2006.

Contact was made with the Valuer General's Office to obtain the correct valuations who confirmed that VEN812980 was representative of Lot 315 value only. Lot 314 value was represented under VEN812979 with a separate value apportioned.

| Dates | VGO Valuation |
|-----------------------|---------------|
| VEN812980 | |
| 1/7/2001 – 1/11/2002 | 2,200.00 |
| 1/11/2002 - 30/6/2006 | 20,800.00 |
| 1/7/2006 | 23,400.00 |
| VEN812979 | |
| 1/7/2001 - 30/6/2006 | 2,075.00 |
| 1/7/2006 | 2,300.00 |

Based on the above information provided, two interim rates notices were issued under sections 6.39(2) and 6.40 of the *Local Government Act 1995*. Excerpts of these sections are listed below.

Copies of the interim rate notices and a letter fully explaining the changes were sent to Mr Donkers are attached.

Mr Donkers attended a meeting at the Shire of Wyndham East Kimberley offices on 13 April 2007 after receipt of the letter and rate notices with former Executive Manager Corporate Services Yale Bolto, and former Rates Officer Di O'Neill to discuss the situation.

Correspondence has been received from Mr Donkers on 30 April 2007 requesting Council to write off all rates charged in this instance as bad debts, a copy of which is attached.

The issue was discussed at Council's Audit Committee Meeting on 8 May 2007 as part of General Business and the resolution was as follows:

That the Audit Committee recommend to Council that due to an error in rates database associated with lots 314 Peter Reid Drive and 315 Laine Jones Drive, interim rates between 2001/02 and 2005/06 not be recovered.

An item was put to Council at the Ordinary Council Meeting of 15th May 2007 and the resolution was as follows:

That Council note:

1. that further clarification is being sought by staff in regards to the request by Mr Kieth Donkers for rate waiver associated Lots 314 Peter Reid Drive and 315 Laine Jones Drive, Kununurra to enable Council to be fully informed on this matter.
2. the Audit Committee consideration of this issue
3. the advice from staff that this matter will be reported to the Ordinary Council meeting 19 June 2007.

Legal advice has been obtained from Civic Legal and a full copy is attached.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.39. Rate record

(2) A local government -

(a) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and

(b) may amend the rate record for the 5 years preceding the current financial year.

6.40. Effect of amendment of rate record

(1) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in -

(a) the rateable value of;

(b) the rateability of; or

(c) the rate imposed on,

that land, the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.

(2) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in a service charge imposed on that land, the local government is to reassess that service charge and to give notice to the owner or occupier of the land, as the case requires, of any change in the amount of the service charge payable on the land.

(3) If, as a result of a reassessment of rates under subsection (1), a rate on any land is -

(a) reduced, and that rate has already been paid to a local government, the local government -

(i) may, and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or

(ii) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land;

or

(b) increased, that increased rate is the rate to which section 6.44 applies.

6.44. Liability for rates or service charges

(1) The owner for the time being of land on which a rate or service charge has been imposed is liable to pay the rate or service charge to the local government.

(2) If there are 2 or more owners of the land they are jointly and severally liable to pay the rate or service charge, as the case requires.

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

(1) Subject to subsection (2) and any other written law, a local government may -

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,
which is owed to the local government.

* Absolute majority required.

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

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

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

POLICY IMPLICATIONS

Rate Collection Policy F12.

FINANCIAL IMPLICATIONS

Council revenue will be decreased by the value of any approved write off.

STRATEGIC IMPLICATIONS

It is not uncommon for Rate records to be amended and interim rates notices issued under the above mentioned sections of the *Local Government Act 1995* within the parameters of up to 5 years preceding the current financial year. Any decision made may be perceived as a precedent for past and future claims where the Act has been applied for similar situations.

COMMENT

Local Government is heavily reliant on information provided by other parties for the raising of rates, be that values from the Valuer General's Officer, sale/purchase advice from settlement agents and/or owners, or from owners themselves regarding up to date contact details etc. When irregularities are brought to the attention of Staff they are attended to.

In the past twelve months staff have located numerous properties that have not had correct values applied and have issued interim rate notices for payment, some of which were also back rated in accordance with the above mentioned sections of the *Local Government Act 1995*.

In a similar situation in 2006, legal opinion was obtained from Civic Legal which confirmed:

"Section 6.39(2)(b) provides the power to the Shire to amend the rate record for the 5 years preceding the current financial year."

"The effect of the amendment of the rate record is set out in section 6.40 of the Local Government Act. We understand from your instruction that the property

which is Lot XXXX has not previously been rated. We agree with advice you have received from the Department of Local Government that the property is in fact rateable, and has been rateable for the whole of the period that you can levy an amended rate for.”

“Pursuant to section 6.40(1) once the rate record has been amended, the Shire must give notice “the Owner” of the land of the change in the amount of rates payable on the land”

“Pursuant to section 6.40(3)(b) of the Act section 6.44 of the Act governs who pays the amended rate.”

“Section 6.44 provides for the liability for rates or service charges. The subsection provides that the Owner for the time being of the land on which a rate or service charge has been imposed is liable to pay the rate or service charge to the Local Government.”

“The effect of section 6.44 is that the current owner can be billed for the 5 years back rate based on the amended rate record.”

The property concerned in this situation has recently settled and payment of the outstanding rates was made at the time of settlement.

Lots 314 & 315 have been sold by Mr Donkers. Shire staff were advised on the 23 April 2007 that settlement occurred on 19 April 07, new owners are Wards Heliwork Pty Ltd, who formally leased the Lots from Mr Donkers. Advice was provided to the settlement agent prior to settlement of the outstanding rates balance. Wards Heliwork Pty Ltd as the intending purchaser had full knowledge of the outstanding rates through their Settlement Agent prior to settlement. The settlement agent has advised that Mr Ward informed them that he was aware of the outstanding rates debt and would be discussing the matter with the Shire.

ATTACHMENTS

Letter to Mr Donkers

Letter from Mr Donkers

Legal advice from Civic Legal (supplied to Elected Members under Confidential Cover)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That the outstanding rate balance related to Lots 314 Peter Reid Drive and 315 Laine Jones Drive stand with agreement to be reached between the Shire of Wyndham East Kimberley and the current owners Ward Heliwork Pty Ltd regarding a suitable payment arrangement, with no penalties to apply during the repayment period.

AUDIT COMMITTEE RECOMMENDATION

That the Audit Committee recommend to Council that due to an error in rates database associated with Lots 314 Peter Reid Drive and 315 Laine Jones Drive, interim rates between 2001/02 and 2005/06 not be recovered.

COUNCIL RESOLUTION

Minute No. 7757

Moved: Cr D Ausburn

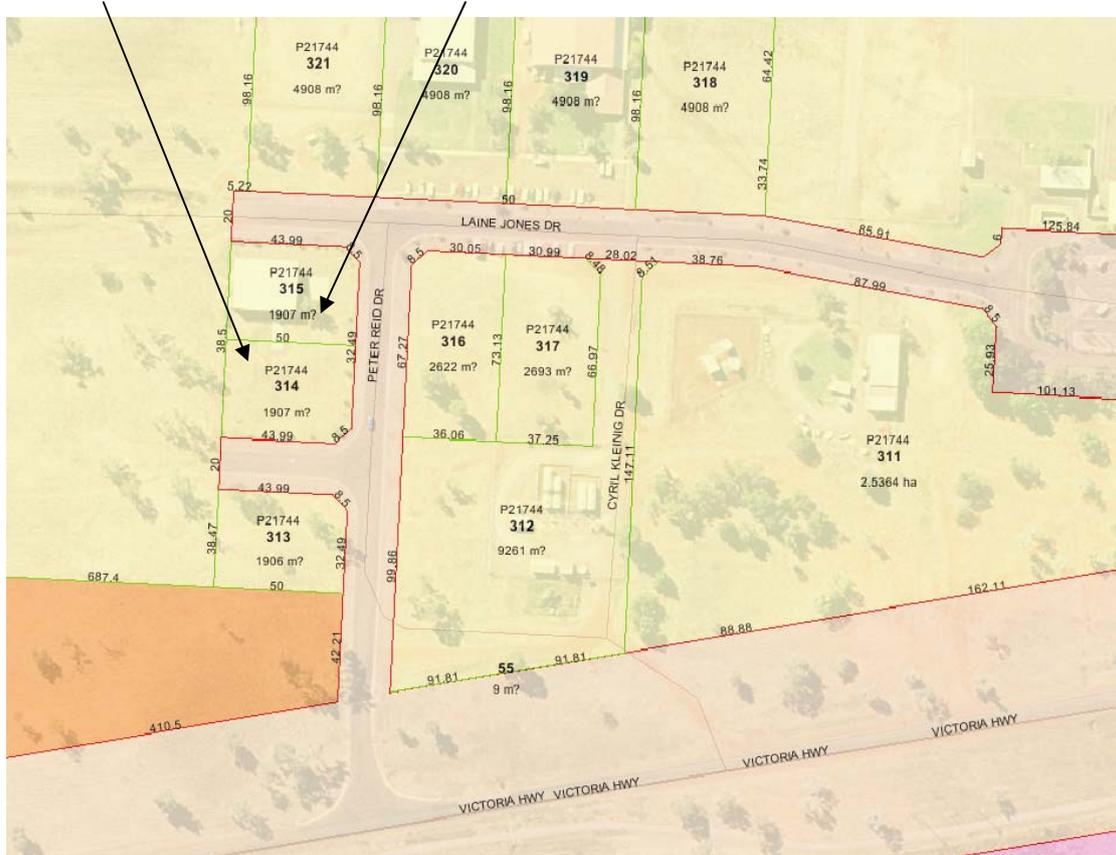
Seconded: Cr J Buchanan

That the outstanding rate balance related to Lots 314 Peter Reid Drive and 315 Laine Jones Drive stand with agreement to be reached between the Shire of Wyndham East Kimberley and the current owners Ward Heliwork Pty Ltd regarding a suitable payment arrangement, with no penalties to apply during the repayment period.

Carried Unanimously: 7/0

Location Map

Lots 314 Peter Reid Drive and 315 Laine Jones Drive



Our ref: 01.5830.04, 01.5831.04

6 March 2007

Keith Donker
Po Box 651
KUNUNURRA WA 6743

Dear Keith,

Assessment 5831 - LOT 315 PETER REID DRIVE, KUNUNURRA AIRPORT

Assessment 5830 - LOT 314 PETER REID DRIVE, KUNUNURRA AIRPORT

The Shire of Wyndham East Kimberley has recently conducted a review of properties at the Kununurra Airport. Lots 314 and 315 Peter Reid Drive were purchased by you on 12 August 2002. It has become evident to the Shire during this review that you have only ever received a minimum rates notice for Lot 315 and have never received a rates notice for Lot 314.

Lot 315 has been rated at a minimum value and thus you have paid between \$550 and \$650 per year in rates. During our review we contacted the Valuer Generals Office who advised that the property (Lot 315) has been under rated since the 1 November 2002.

Please see the tables below for a break down of rates paid versus correct rates payable.

Assessment 5831 - Lot 315

| Year | Rates paid K.Donker | ESL Paid | Correct Rates | Rates Due |
|--------------|------------------------|-------------|---------------|-------------------|
| 2002/2003 | \$0 | \$0 | \$1382.92 | \$1382.92 |
| 2003/2004 | \$550 | \$0 | \$2013.38 | \$1463.38 |
| 2004/2005 | \$550 | \$0 | \$2053.65 | \$1503.65 |
| 2005/2006 | \$600 | \$0 | \$2135.00 | \$1535.00 |
| 2006/2007 | \$650 | \$35 | \$2197.89 | \$1632.23 |
| TOTAL | | | | \$7,517.17 |

received by hand delivery by
Jessica Morgan at 30/04/07

Keith Donkers
PO Box 651
Kununurra WA 6743

Your ref: 01.5830.04, 01.5831.04

Peter Stubbs (CEO) and Shire Councilors
Shire of Wyndham East Kimberley (SWEK)
PO Box 614
Kununurra WA 6743

| | |
|----------|------------|
| Doc No. | 058221 |
| Date | |
| Officer | CEO, FA2 |
| Response | |
| File | 01.5830.04 |
| | 01.5831.04 |

30 April 2007

Dear Peter and Shire Councilors

Re: Rates Dispute

It is with frustration that I write to you. Having lived in the Kununurra for the past twenty years, I take great pride in ensuring bills are paid in a timely and accurate manner. I purchased property from SWEK at the Kununurra Airport with a view to developing it for use by local aviators. This I have done at all times in conjunction with the Shire. This includes ensuring that the rates charged by the Shire for my property were paid. After a shed was built (with planning permission from the Shire) the property was leased in such a manner that all outgoings were paid by the Lessees. Recently SWEK issued a rates notice indicating that erroneous rates notices had been issued for the past five years.

Primarily my concern is that due to poor administration on your part I am paying the price and a large one at that. I have done nothing wrong, at all times the Shire would have been aware that two Lots had been sold to me and that a shed had been built. What capacity do I have to pick up Shire errors and protect myself from this situation?

The Lessee's cover all out-goings as part of their lease agreement – the rent charged to them takes this into consideration. However due to an error on SWEK's part I am now expected to pay a large amount of money which would have, had the rates been charged correctly, been paid by the Lessee's. In my case I have been sent a rates notice every year indicating that the rates charged are for both Lots and I have endeavoured to ensure these were paid in a timely manner by passing the relevant paperwork on to the various Lessee's.

I then receive a letter dated the 6 March 2007, along with Rates Notices issued on 23 March 2007 containing an unbelievable number of factual errors. You can imagine that my only response to the letter and rates notices was – this must be a huge administrative blunder – when I can, I must let the Shire know that these rates have already been paid and ask them to remove the double charge from their system. I

Page 1 of 2

Your ref: 01.5830.04, 01.5831.04

12.3.5. East Kimberley Regional Airport Sterile Area

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Shire of Wyndham East Kimberley |
| AUTHOR: | Rick Spry, Airports Manager |
| REPORTING OFFICER: | Jo-Anne Ellis, Executive Manager Corporate Services |
| FILE NO: | 20.09.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

That Council to consider a recommendation that Officers submit an amended Transport Security Program (TSP) with the Shire of Wyndham East Kimberley as the screening authority and that Officers purchase new screening security equipment at East Kimberley Regional Airport.

BACKGROUND

Under the current East Kimberley Regional Airport Transport Security Program (TSP), Qantas is the screening authority positioned at the East Kimberley Regional Airport. Due to Qantas ceasing all operations into the airport, they no longer wish to be the screening authority. As at the 31 August 2007, Qantas will be removing all screening equipment from the sterile area. DOTARS have advised that a period of 60 days minimum is required for the processing of a new TSP.

It is recommended that the Shire of Wyndham East Kimberley take over as the Screening Authority under the new TSP and that they seek to contract out the Passenger Screening. This service is currently sub-contracted to Kununurra Security Services by Chubb Security who holds a contract with Qantas.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996, Part 4 applies with the relevant extract provided as follows: -

Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*

- (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;*
- (ba) *the local government intends to enter into a contract arrangement for the supply of goods or services where —*
- (i) *the supplier is either —*
- (I) *an individual whose last employer was the local government; or*
- (II) *a group, partnership or company comprising at least 75% of persons whose last employer was that local government;*
- (ii) *the contract —*
- (I) *is the first contract of that nature with that individual or group; and*
- (II) *is not to operate for more than 3 years; and*
- (iii) *the goods or services are —*
- (I) *goods or services of a type; or*
- (II) *(in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type,*
- that were provided by the individual (or persons) whilst employed by the local government;*
- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or*
- (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*
- (d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;*
- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;*
- (ea) *the goods or services are to be supplied —*
- (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
- (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply*

the same kind of goods or services to the local government of the district referred to in that subparagraph;

- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines.*

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6.]

Section 6.8, Local Government Act 1995 also is applicable given the urgent nature of the situation. S6.8 reads as follows: -

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Sections 5.42 and 5.43, Local Government Act 1995 also are applicable in respect of the Officer's recommendation. S5.42 and S5.43 read as follows: -

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
or
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Qantas has offered the Shire a price of \$149,000 to purchase all the security equipment.

To purchase new equipment it will cost \$109,000 including a 5 year maintenance program, 12 months warranty on X-ray machine, 2 years warranty on the walk through metal detectors, 2 years warranty on hand held metal detectors, plus ETD (explosive trace detection system) at a cost of \$30,990.00, a total of \$139,990 GST Exclusive including Installation/Commissioning/Handover and Freight.

To lease the security equipment excluding the ETD for three years it will cost \$2,478.10 per month and to lease for 5 years it will cost \$1,621.20 per month.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Qantas has offered to sell their security equipment to SWEK for \$149,000. For the Shire to purchase outright new security equipment, including a 5 year maintenance

program, installation, commissioning, handover and freight it will cost \$139,990 in total.

Costs of the Explosives Trace Detector (ETD) will be 100% funded for DOTARS (price \$30,990).

Passenger screening security equipment that is required is detailed as follows:

- 622XR Dual Energy X-ray Machine
- 0.8 Meter Entry Roller Bed
- 3.0 Meter Exit Roller Bed
- Acrylic Shielding
- Metor 300EMD Walk through Metal Detector
- 2 x Metor 28 Hand Held Metal Detectors
- Year 1 Bronze Level Maintenance Contract
- Years 2-5 Gold Level Maintenance Contract
- Installation/Commissioning/Handover and Freight.
- Explosives Trace Detector Mini-Nose 1000 series.

The issue for Council is threefold, in that: -

1. The processing time required for the TSP to be considered and adopted by DOTARS
2. The date nominated by QANTAS to withdraw the present services – staffing and equipment
3. The cost of the equipment exceeding the tender threshold set by the Local Government (Functions and General) Regulations 1996.

Whilst the situation faced for the provision of passenger screening is considered urgent, the research by staff regarding equipment availability and the extension of time accepted by QANTAS it is considered that the circumstances are not appropriate to request the Shire President to authorise expenditure of funds under S6.8(1)c.

Staff recommend that the most appropriate actions to be initiated are as follows: -

- Request Council to delegate authority to the Chief Executive Officer to invite tenders for the supply, installation and maintenance of the screening equipment, consider and accept a supplier.
- Engage the service of Kununurra Security Services for a 6 month period (commencing 1 September 2007) as the Shire's nominated Screening Agent as a transitional arrangement, allowing adequate time for a tender process to be implemented for a longer term service provider. Kununurra Security Service are the only local accredited service provider for this service.
- Amend and submit to DOTARS a TSP nominating the Shire of Wyndham East Kimberley as the nominated Screening Authority and Kununurra Security Services as the nominated Screening Agent
- Prepare and invite tenders for the provision of screening services at the East Kimberley Regional Airport and for the tender period to be effective from 1 March 2008.

ATTACHMENTS

Quotes for the passenger screening security equipment:

- Rapiscan systems \$119,900 GST included.
- Genvision \$ 30,990 GST included.
- L3 Communications AUS \$122,650 GST included.
- Smiths Detection AUS \$213,652 GST included.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Delegate to the Chief Executive Officer the authority to invite, consider and accept a tender for the supply, installation and maintenance of screening equipment as listed in the report;
2. Authorise the engagement of Kununurra Security Services as screening agents for a six month period commencing 1 September 2007 as a transitional arrangement, allowing adequate time for a tender process to be implemented for a longer term service provider;
3. Approve the submission a new Transport Security Program to DOTARS appointing the Shire of Wyndham East Kimberley as the new screening authority and Kununurra Security Services as the screening agent at East Kimberley Regional Airport; and
4. Authorise the inviting of tenders for the provision of Screening Agent services at the East Kimberley Regional Airport to be timed so as to be referred to the December 2007 Council meeting.

COUNCIL RESOLUTION

Minute No.7758

Moved: Cr K Wright

Seconded: Cr D Ausburn

That this item be moved to a briefing session for further discussion.

Carried Unanimously: 7/0

From: Rick Spry [mailto:am@thelastfrontier.com.au]
Sent: Sunday, 10 June 2007 11:05 AM
To: Rick Spry
Subject: Kununurra Quotation Number RAPRH00144.doc

Quotation Number: RAPRH0144

8th June, 2007.

Mr. Rick Spry
Airport Manager
Kununurra Airport. Shire of Wyndham-East Kimberley, WA.

Dear
Rick,

Thank you for your request for a quotation for the supply, installation and associated maintenance contacts for X-ray and security equipment for Kununurra Airport. To that end, I am pleased to present you a quotation, and based on the site inspection conducted on the 7th June I am proposing the Rapiscan 622XR Series dual energy X-ray machine to best suit your immediate needs and those looking forward. The Rapiscan 622XR is part of our 600series X-ray machines which represent a step forward in the design, construction, reliability, ease of use and performance of dual energy X-ray systems.

The Rapiscan 620XR has a tunnel size of 620mm high by 420mm wide; very comparable to your current L3 MVT located on-site at Kununurra. But the recommended Dual energy X-ray being the Rapiscan 622XR has only a slightly larger footprint than the Rapiscan 620XR yet a substantially larger tunnel size of **750mm wide by 550mm high**. The 622XR machine is 20cm longer, 17cm wider and 8cm taller than the 620XR but boasts a very large tunnel size to accommodate larger bags, parcels/art, prams and strollers common in today's environment. I have included the Data Sheets to document all the Rapiscan products.

Please find attached the following quotation for our Rapiscan 622XR Series dual energy X-ray machine, with 0.8m input and 3.0m output roller bed and acrylic shielding. Further, the Metor 300EMD walk through metal detector, the Metor 28 Hand-Held Metal Detectors, ETD and stools to raise the height of X-ray machine if they are required. A maintenance contract quotation for 5 years has also been included to ensure there are no unbudgeted costs to the airport over the life-span of the machines.

Yours Faithfully,

INTRODUCING RAPISCAN SYSTEMS AUSTRALIA

Rapiscan Systems has recently opened two customer care offices in Australia and is now operating direct in the Australia Pacific Region. Rapiscan Systems Australia Pty Ltd operates from a Head Office in South Melbourne, Victoria and between our office teams and Australia wide engineers we are dedicated to providing a prompt, effective and personalized response that will exceed your expectations. The addition of our new 1800 service number ensures technical support is only a phone call away, 24 hours a day.

The team at Rapiscan Systems Australia are now fully functional and able to service any of your needs. We are in a position to take up any service or maintenance issues users of Rapiscan equipment may encounter both now and into the future, please channel any of your needs to our office during business hours on (03) 9929 4600. We have a team of highly skilled service technicians presently in place to promptly attend to any of your needs.

Rapiscan Australia stands ready to provide customers with the most technologically advanced and reliable X-ray security systems. Our global manufacturing and service presence ensures technical superiority and expertise so you can be certain Rapiscan Systems will always be prepared with a solution to meet your demands for today and into the future

RAPISCAN 622XR - BAGGAGE AND PARCEL INSPECTION

Rapiscan Systems is built on a strong legacy of quality and dependability. Nowhere is this more evident than with our full line of Baggage and Parcel Inspection Systems.

The new Rapiscan 600XR series represents a step forward in the design, construction, reliability, ease of use and performance of dual energy X-ray systems. With significantly enhanced seamless networking capabilities and improved throughput and image quality, our 600 series is the solution for high performance threat detection with the lowest cost of ownership.

| QTY | Description | Unit Cost | Extended Cost |
|-----|---|------------|---------------|
| 1 | <p align="center">Option 2: <u>Rapiscan 622XR Passenger Screening X-Ray Machine</u></p> <p>622 XR with Intuitive Graphical Interface</p> <p>622 XR includes: <u>750 x 550 mm Tunnel size</u> "L" Shaped Detector Array 1 x 17" High resolution colour monitor Automatic Colour Coding 160Kv X-ray source Variable Gamma Electronic zoom to 64x Crystal Clear Bag Counter High Penetration - 35 mm penetration of steel Organic/ Inorganic stripping</p> <p>Delivery Time is 6 to12 weeks from placement of Order</p> | A\$ 51,000 | A\$ 51,000 |
| 1 | <p>X-Ray INSTALLATION/ COMMISSIONING/ HANDOVER and FREIGHT</p> <p>Initial unpack, set up and delivery Power up and perform complete check Commissioning tests Handover and third party approvals Operator training Warranty provision (12 month) Project management</p> | A\$ 5,000 | A\$ 5,000 |

METOR 300 EMD WALK THROUGH METAL DETECTOR

The Metor 300 EMD has been designed using latest technology to meet the needs of civil aviation. When designing the Metor 300 EMD special attention has been paid on speeding up the security check process. The Metor 300 EMD has an excellent discrimination of shoe shanks, belt buckles and other harmless items, thus reducing the nuisance alarm rates and in-turn improving the throughput. This does not compromise the detection of threat objects including knives. The Metor 300 EMD offers top-of its class performance in metal detection and unbeatable detection uniformity for metal threat objects regardless of their shape or orientation.

| QTY | Description | Unit Cost | Extended Cost |
|-----|---|---------------|---------------|
| 1 | <p style="text-align: center;">Metor 300 EMD Walk Through Me</p> <p>Metor 300 EMD Detector Metor 300 EMD includes:</p> <ul style="list-style-type: none"> ➤ Two Display Zones to Assist Security Personnel Quickly ➤ Clearly Marked Traffic Lights on the Cross-Piece to O Flow ➤ Random Alarm Function ➤ High Immunity to Electromagnetic Interference ➤ Eight Independent Detection Zones ➤ Adjustable Alarm Time ➤ User Friendly Advanced Self-Testing Diagnostics ➤ Interference Suppression With Digital Filtering ➤ 100 Sensitivity Steps in Each Program ➤ Automatic or Manually Set Calibration ➤ Metornet Remote Monitoring System Compatible (Ethernet) ➤ User Friendly Interface ➤ UK DFT Approved ➤ CE Compliant ➤ Enhanced Security with Tamperproof Design <p>Delivery Time is 6 to12 weeks from placement of Order</p> | A\$ 14,000 | A\$ 14,000 |
| 1 | <p>INSTALLATION/ COMMISSIONING/ HANDOVER and FREIGHT</p> <p>Initial unpack, set up and delivery Power up and perform complete check Calibration tests Zone Sensitivity Adjustment Handover and third party approvals Operator training Warranty provision (24 Month. Parts and Labour)</p> | A\$ 1,100 | Included |

METOR 28 HAND HELD METAL DETECTOR - PEOPLE SCREENING

Hand-held metal detectors are an integral part of the physical security screening process. With the Metor 28, we have designed a unit that benefits security personnel as well as the person being scanned. Our unique angled design allows a thorough scan of an individual, whilst keeping the scanners hand away from their body.

The Metor 28 is safe for people with pacemakers and will not affect magnetic recording media. The magnetic field strength of the Metor 28 meets with the limits set by international standards for human safety.

| QTY | Description | Unit Cost | Extended Cost |
|-----|---|-----------|---------------|
| 2 | <p style="text-align: center;"><u>Metor 28 Hand Held Metal</u></p> <p><u>Detector</u> Metor 28 Hand Held Metal Detector</p> <p>Metor 28 includes: Unique Angled Design Circular opening assists in pinpointing metal objects Rugged Construction (High Impact Resistant ABS Case) Detects All Metals (Ferrous and Non-Ferrous) Three Sensitivity Settings Lightweight 260g including Battery Comfortable Handle for Easy Control and Grip Wrist Strap Standard 9V Battery or Rechargeable NIMH Battery 3-Way Push-Button Operation (On/Off/Momentary) Ambient Operating Temp from 0 degrees C to +50 degrees C</p> <p>(24 Month Warranty)</p> <p>Delivery Time is 6 to 12 weeks from placement of Order</p> | A\$ 300 | A\$ 600 |

EGIS DEFENDER EXPLOSIVES TRACE SYSTEM (ETD)

The EGIS Defender Explosives Trace Detection (ETD) system manufactured by Thermo Electron Corporation combines cutting edge technology and performance with rugged packaging, portability, reliability and ease of use. The high flexible dual technology platform provides extremely low false positives for high inspection throughput to assure the success of security missions around the world.

The next generation explosives detection system from Thermo is based on their patented High-Speed Gas Chromatography (HSGC) technology combined with Micro Differential Ion Mobility Spectrometry (DMx) setting a new benchmark for performance in the high-end Explosive Trace Detection system market. With the combination of these dual technologies the EGIS Defender offers the highest performance available and simultaneously detects plastic, commercial, and military explosives, TATP, HMTD and Nitrates, in a lightweight package.

| QTY | Description | Unit Cost | Extended Cost |
|-----|---|------------|---------------|
| 1 | <p align="center"><u>EGIS Defender Explosives Trace Detection System (ETD)</u></p> <p>EGIS Defender Explosives Trace Detection (ETD)</p> <p>EGIS ETD Includes: Dual Technologies 1. High Speed Gas Chromatography (HSGC) 2. With Micro Differential Ion Mobility Spectrometry (DMx) Low Cost of Ownership with Low Cost Consumables Detects both New and Emerging Threats such as TATP and HMTD Ease of Use and Operation Intuitive Colour Touch Screen Ease of Maintenance (Routine Calibration not Required). Automated Cleaning Remote Diagnostics for Maintenance and Trouble Shooting Remote Diagnostics for Simple On-site Field Upgrades (Internet Required) Provides Consistent and Fast Results: High Throughput/Low False Alarms Enhanced Sensitivity Internal 40Gb Hard Drive Portable Lightweight Desktop System</p> <p>(12 Month Warranty)</p> <p>Delivery Time is 6 to 12 weeks from placement of Order</p> | A\$ 59,000 | A\$ 59,000 |

RAPISCAN ACCESSORIES: 600XR SERIES

| <u>ENTRY AND EXIT X-RAY ROLLER BEDS</u> | | | |
|---|--|----------|----------|
| 1 | 0.8 Metre Rapiscan Entry Roller Bed | A\$1,980 | Included |
| 1 | 3.0 Metre Rapiscan Exit Roller Bed | A\$6,500 | Included |
| 1 | Rapiscan Acrylic Tunnel Assembly (Output Bed) | A\$1,900 | Included |
| 1 | Stools to Raise Height of 600 Series X-ray Machine | A\$ 500 | Included |

TERMS AND CONDITIONS

- Our Standard Terms and Conditions of sale apply.
- This quotation is valid for a period of 30 days.
- All prices are quoted in AUD. Payment terms: (Our normal terms are: 50% on order and 50% prior to shipping).
- Our minimum normal lead-times for shipping from date of order:
- This quote does not include the installation of single or three-phase power.
- We require easy, level, unrestricted access into the terminal to move the equipment into place.
- **All prices exclude GST**
- Prices do not include any radiation registrations or Radiation Compliance Certificates.

RAPISCAN SYSTEMS AUSTRALIA MAINTENANCE CONTRACT DESCRIPTIONS FOR 600 SERIES X-RAY MACHINES

RAPISCAN PREVENTATIVE MAINTENANCE PLAN FOR YEAR 1

Rapiscan Australia's Bronze Service plan provides our customers with a Quarterly Preventative Maintenance service for their Rapiscan x-ray system. This service plan is offered to avoid any potential down time for customer systems and to ensure that any warranties are not invalidated.

Each maintenance service includes full internal and external system servicing & cleaning; full functional testing of all controls and measuring components; full inspection of the system & re-calibration (as required); and full radiation leakage testing. The labour and travel costs for carrying out the 4 services a year are included in this plan's price. All minor spare parts (lamps, fuses, lubricants, or items less than \$10) are also included in this price.

\$3,300 per annum for 600XR Series X-ray machine and 1 x Metor WTMD/People Screening Device.

RAPISCAN GOLD SERVICE PLAN FOR YEARS 2 THROUGH 5

The Gold Service plan provides Rapiscan customers with the same Quarterly Preventative Maintenance service with the addition of a Breakdown / Repair service.

This plan guarantees a Rapiscan Service Engineer on site next working day and the plan includes all labour, travel & subsistence involved repairing the system. This plan covers the normal business hours of Monday to Friday 0800 to 1700, but excludes Saturdays, Sundays, and Public Holidays. Any service visits outside of normal business hours are separately charged.

The purpose of this plan is to eliminate any unbudgeted costs for our customers by including the cost of any spare parts used as part of a repair. Further, any associated costs involved in transporting spare parts to the customer's site are also covered by the Gold plan.

\$9,000 Year 2 for 600XR Series X-ray and 1 x Metor WTMD
\$9,400 Year 3 for 600XR Series X-ray and 1 x Metor WTMD
\$9,820 Year 4 for 600XR Series X-ray and 1 x Metor WTMD
\$10,261 Year 5 for 600XR Series X-ray and 1 x Metor WTMD

For the purpose of this quotation we are offering to lock in the Year 2 rate of \$9,000 for years 2-5. Total price for Years 2-5 on a Gold plan totals \$36,000.
Total Price for Years 2-3 on a Gold Plan totals \$18,000

TERMS AND CONDITIONS OF RAPISCAN SERVICE CONTRACT

Rapiscan Systems Australia Pty Ltd hereafter referred to as Rapiscan will provide a response as soon as possible to requests for service from the buyer's authorised

representative. A 6 hour response will be target time on Platinum Contracts in geographical locations where Rapiscan has a resident technician, next day response will be guaranteed, Gold Contract will be guaranteed next working day response, Silver Contracts next working day wherever possible.

1. As applicable to the specific support agreement schedule, service actions performed by Rapiscan will include parts, materials, and labour required to adjust, maintain, repair or restore the equipment to proper operating accordance with the manufacturer's specifications. Rapiscan will not perform any modifications without the buyer's written consent.
2. Service actions performed by Rapiscan under this agreement will NOT include maintenance or repair of accessories, attachments or other similar devices not originally supplied by Rapiscan Systems Australia Pty Ltd or by Rapiscan Systems agent in Australia. Also excluded from this agreement are parts, materials, and other ancillary equipment which has been damaged due to improper handling: equipment failures resulting from installation or operation or use not in accordance with Rapiscan Systems Australia Pty Ltd instructions: equipment damage due to misuse or abuse (through negligence, accident, or vandalism), erroneous reports by the buyer of equipment failures: and equipment which has been repaired or modified without the written approval of Rapiscan Systems Australia Pty Ltd .
3. Rapiscan will perform all service actions at the equipment site whenever possible and practicable. All service actions will be performed by Rapiscan with the least possible interference or disruption to the orderly conduct of the buyer's normal operations. Upon completion of the service, Rapiscan will leave the buyer's premises in as neat, orderly and clean condition.
4. The buyer will provide adequate facilities for Rapiscan's personnel. The facilities will include adequate workspace, heat, lighting, ventilation, proper electrical current, and earth grounded electrical outlets. The facilities will be located within a reasonable distance from the equipment being served and will be provided by the buyer at no cost to Rapiscan.
5. Rapiscan will not be responsible for the buyer's failure to provide prompt access to the equipment or to the facilities.
6. Rapiscan will be responsible for obtaining all airside passes, work permits, clearances, and required licenses.
7. Rapiscan will be responsible for compliance with all laws, codes, rules, and regulations applicable to services performed under this agreement.
8. Upon agreement between buyer and Rapiscan, Rapiscan will perform additional services beyond Rapiscan's obligations under this agreement. Such services may include, but are not limited to, upgrades, equipment installations, relocations, and re-installations. All such services will be invoiced to the buyer in accordance with the prevailing standard service rate schedule.
9. Upon completion of service, Rapiscan's service technician will submit the Rapiscan Systems Australia Pty Ltd Service Report. (SR) to the buyer's authorised representative. The SR will itemise the service actions performed. The buyer's representative will review and approve the SR by signature indicating that Rapiscan's service has been satisfactory completed and in doing so authorise

payment to Rapiscan for the services rendered. The buyer's representative will be provided with a copy of the completed and signed SR. Should the buyer fail to have an authorised representative on site for any reason upon completion of Rapiscan's services, the lack of the representative's signature on the SR will not be a basis for claiming that unsatisfactory service was provided by Rapiscan or for withholding payment to Rapiscan.

10. Rapiscan will not transfer or assign its obligations under this agreement, either in whole or part, without the prior approval of the buyer.
11. The buyer has the right to cancel this agreement immediately and without advance notice to Rapiscan should Rapiscan's services be unsatisfactory in quality or should Rapiscan fail to perform in accordance with the statement of services for any reason within Rapiscan's control. In the event of such cancellation, the buyer will notify Rapiscan in writing. The buyer will pay only for the services rendered to the date Rapiscan receives the written cancellation notice.
12. All prices are quoted in AUD and do not include GST.
13. This quotation is valid for a period of 30 days.

OPTION 1A - OUTRIGHT PURCHASE OF PRPOSED RAPISCAN SECURITY EQUIPMENT WITH 5 YEARS MAINTENANCE CONTRACT. (INCLUDING PURCHASE OF EGIS ETD)

| QTY | Description | Unit Cost | Total Cost |
|-----|---|------------|------------|
| 1 | <u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors EGIS Defender ETD Year 1 Bronze Level Maintenance Contract Years 2 -5 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight | A\$168,900 | A\$168,900 |

OPTION 1B - OUTRIGHT PURCHASE OF PRPOSED RAPISCAN SECURITY EQUIPMENT WITH 5 YEARS MAINTENANCE CONTRACT. (EXCLUDING PURCHASE OF EGIS ETD)

| QTY | Description | Unit Cost | Total Cost |
|-----|--|------------|------------|
| 1 | <u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors Year 1 Bronze Level Maintenance Contract Years 2 -5 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight | A\$109,900 | A\$109,900 |

**OPTION 2A - RENTAL OF PROPOSED RAPISCAN SECURITY EQUIPMENT
FOR 3 OR 5 YEARS WITH MAINTENANCE CONTRACT. (INCLUDING
PURCHASE OF EGIS ETD)**

| QTY | Description | Unit Cost | Rental Cost |
|-----|--|------------|--|
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors EGIS Defender ETD Year 1 Bronze Level Maintenance Contract Years 2 -5 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight</p> <p>(Rental based over 60 months)</p> | A\$168,900 | A\$ 3,565 per month over 60 months (INC GST) |
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors EGIS Defender ETD Year 1 Bronze Level Maintenance Contract Years 2 and 3 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight</p> <p>(Rental based over 36 months)</p> | A\$150,900 | A\$ 4,520 per month over 36 months (INC GST) |

OPTION 2B - RENTAL OF PROPOSED RAPISCAN SECURITY EQUIPMENT FOR 3 OR 5 YEARS WITH MAINTENANCE CONTRACT. (EXCLUDING PURCHASE OF EGIS ETD)

| QTY | Description | Unit Cost | Rental Cost |
|-----|---|------------|--|
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors Year 1 Bronze Level Maintenance Contract Years 2 -5 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight</p> <p>(Rental based over 60 months)</p> | A\$109,900 | A\$ 2,265 per month over 60 months (INC GST) |
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors Year 1 Bronze Level Maintenance Contract Years 2 and 3 Gold Level Maintenance Contract Installation/Commissioning/Handover and Freight</p> <p>(Rental based over 36 months)</p> | A\$91,900 | A\$ 2,755 per month over 36 months (INC GST) |

OPTION 3A - LEASE OF PROPOSED RAPISCAN SECURITY EQUIPMENT FOR 3 OR 5 YEARS WITH MAINTENANCE CONTRACT. (EXCLUDING PURCHASE OF EGIS ETD)

| QTY | Description | Unit Cost | Lease Cost |
|-----|--|---|---|
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors (Year 1 Bronze Level Maintenance Contract) (Years 2 -5 Gold Level Maintenance Contract) Installation/Commissioning/Handover and Freight</p> <p>(Hire Purchase based over 60 months)</p> | <p>A\$109,900 Though can only do Hire Purchase on equipment, with Nill Balloon with total price of: A\$70,600 (Excludes Maintenance Contract of A\$39,300)</p> | <p>A\$1,621.20 per month over 60 months (INC GST)</p> |
| 1 | <p><u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors (Year 1 Bronze Level Maintenance Contract) (Years 2 and 3 Gold Level Maintenance Contract) Installation/Commissioning/Handover and Freight</p> <p>(Hire Purchase based over 36 months)</p> | <p>A\$91,900 Though can only do Hire Purchase on equipment, with Nill Balloon with total price of: A\$70,600 (Excludes Maintenance Contract of A\$21,300)</p> | <p>A\$2,478.10 per month over 36 months (INC GST)</p> |

OPTION 3B - LEASE OF PROPOSED RAPISCAN SECURITY EQUIPMENT FOR 3 OR 5 YEARS WITH MAINTENANCE CONTRACT. (INCLUDING PURCHASE OF EGIS ETD)

| QTY | Description | Unit Cost | Lease Cost |
|-----|--|--|--|
| 1 | <u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors EGIS Defender ETD (Year 1 Bronze Level Maintenance Contract) (Years 2 -5 Gold Level Maintenance Contract) Installation/Commissioning/Handover and Freight (Hire Purchase based over 60 months) | A\$168,900 Though can only do Hire Purchase on equipment, with Nil Balloon with total price of: A\$129,600 (Excludes Maintenance Contract of A\$39,300) | A\$2,976.02 per month over 60 months (INC GST) |
| 1 | <u>Rapiscan Passenger Screening Security Equipment</u> 622XR Dual Energy X-ray Machine 0.8 Meter Entry Roller Bed 3.0 Meter Exit Roller Bed Acrylic Shielding Metor 300EMD Walk Through Metal Detector 2 x Metor 28 Hand Held Metal Detectors EGIS Defender ETD (Year 1 Bronze Level Maintenance Contract) (Years 2 and 3 Gold Level Maintenance Contract) Installation/Commissioning/Handover and Freight (Hire Purchase based over 36 months) | A\$150,900 Though can only do Hire Purchase on equipment, with Nil Balloon with total price of: A\$129,600 (Excludes Maintenance Contract of A\$21,300) | A\$3,549.03 per month over 36 months (INC GST) |

From: Rick Spry [am@thelastfrontier.com.au]
Sent: Wednesday, 30 May 2007 1:19 PM
To: Amanda Trengove
Subject: FW:

Attachments: PMD2brochureGB.pdf; PD140brochureGB.pdf; PD140SVR.pdf
Copy,

Rick Spry
Airports Manager
Shire of Wyndham East Kimberley
Phone: (08) 91 682 648
Fax: (08) 91 681 904
Mobile: 0417980673
Email: am@thelastfrontier.com.au

This email may contain confidential information. If you are not the intended recipient, please contact the sender.

The views expressed in this email may or may not be the official position of the Shire of Wyndham East Kimberley.

From: Timo Salke [mailto:timosalke@genvision.com.au]
Sent: Wednesday, 30 May 2007 9:17 AM
To: 'Rick Spry'
Subject: RE:

Hi Rick,

The price for Mini Nose 100 is:

| | |
|----------------------------------|----------------------|
| Mini Nose 1000 | \$29,995.00 plus GST |
| Printer with Bluetooth interface | \$995.00 plus GST |
| Total | \$30,990.00 plus GST |

Genvision is selling CEIA Walk Through Metal Detectors and Hand Held Metal Detectors. I have attached couple of brochures for your information.

Regarding the X-ray Machine, I will introduce the new unit to market soon but have to confirm the availability.

Please visit our web site www.genvision.com.au for all the information on products we are offering.

Best Regards

Timo Salke
General Manager

GENVISION – The future of technology

Unit 16, 10-18 Ocean St, Botany NSW 2019 Australia

Ph: +61 2 8335 1500 | Fax: +61 2 8335 1555 | Mob: +61 418 500 082

Email: timosalke@genvision.com.au | Web: www.genvision.com.au

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From: Rick Spry [mailto:am@thelastfrontier.com.au]

Sent: Tuesday, 29 May 2007 5:54 PM

To: timosalke@genvision.com.au

Subject:

Hi Timo, Can you please confirm price was \$31,000.00 for SDT mini nose 1000 ETD machine.

Do you sell Walk – through metal Detector. And Hand –held metal detectors,X-ray equipment with image projection System,
Regards Rick

Rick Spry

Airports Manager

Shire of Wyndham East Kimberley

Phone: (08) 91 682 648

Fax: (08) 91 681 904

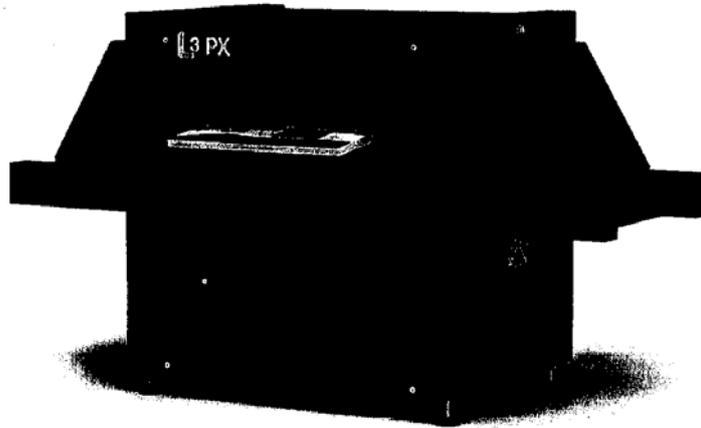
Mobile: 0417980673

Email: am@thelastfrontier.com.au

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The views expressed in this email may or may not be the official position of the Shire of Wyndham East Kimberley.

QUOTATION FOR
THE SUPPLY, INSTALLATION, TESTING, COMMISSIONING
OF
X-RAY INSPECTION SYSTEM
AND
WALKTHROUGH METAL DETECTOR



Pr
30th April 2007



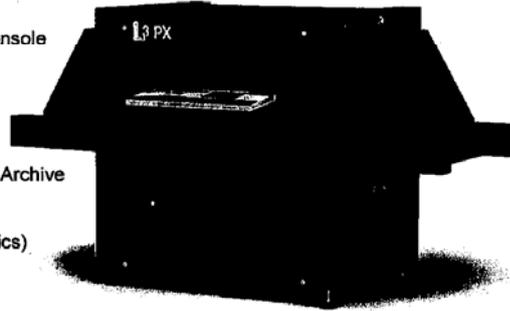
Telephone: 03 8645-4500

REF : DSGP-000189

Equipment Offered (MODEL PX-6.4)

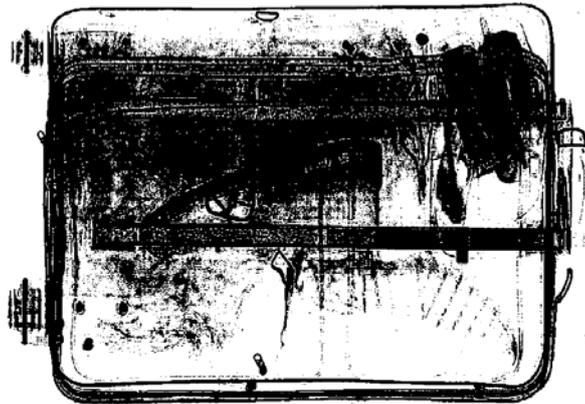
PX.6.4 MAINFRAME

- Best Image Resolution in it class
- Patented Touch Pad Operator Console
- Patented Heads-up Display
- Tunnel size (640mm X 430mm)
- Threat Image Projection & Image Archive software
- Threat Alert (Explosives & Narcotics)
- Optional Conveyor Lengths



WORKSTATION

- High resolution image
- Unique 'heads-up' control
- Numerous imaging functions
- Image storage capability
- Imaging through 32 mm of steel
- 17 inch monitor



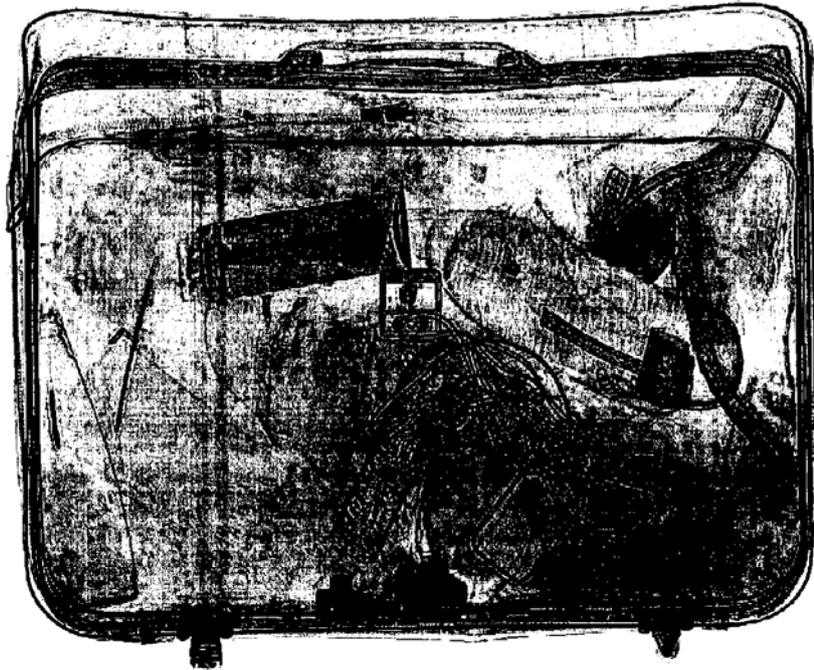
Preface

Proprietary Information Notice

This document contains trade secrets, commercial, financial or other information which is PROPRIETARY, to L3 Communications Security & Detection Systems and may be used only in connection with evaluating the proposal herein. This document contains information that is protected by copyright, and all rights are reserved. No portion of this document may be copied, photocopied, reproduced by any means, or translated into another language without the prior written consent of L3 Communications Security & Detection Systems.

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Business Information

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Woburn, MA 01801 United States
Internet Address: <http://www.dsrxray.com>
Telephone: (781) 938-7800
Fax: (781) 939-3998

Customer Support

Americas

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Woburn, MA 01801 United States
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Telephone: 800-776-3031
Fax: 781-939-3998

L3 Communications Security and Detection Systems
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St Petersburg, Florida 33716 United States
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Port Melbourne
Australia 3207
Telephone: (03) 8645 4500
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ABN: 13 099 461 819 ACN: 099 461 819

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Shui On Centre
6-8 Harbour Road
Wan chai
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L3 Communications Singapore Pte Ltd
3 Tampines Grande
#07-03 AIA Tampines
Singapore 528799
Telephone: +65 67870118
Fax: +65 67871127

L-3 Communications Korea Co., Ltd
Room 2089 Incheon International Airport Passenger Terminal
2851 Woonseo-dong
Jung-gua, Incheon City, Korea.
Telephone: +82 32 741 6495
Fax: +82 32 741 7497

Europe and the Middle East

L3 Communications Security & Detection Systems Limited (UK)
Astro House
Brants Bridge
Bracknell
Berkshire
United Kingdom
Telephone: 44 (0) 1344-477900
Fax: 44 (0) 1344-477901

L3 Communications - Security and Detection Systems Executive summary of the offer

L3 Communications Inc. is a publicly owned company listed on the New York Stock Exchange (under stock symbol: LLL). L3 Communications was formed from ten business units derived from Lockheed Martin Corporation and Loral in 1997. Since that time L3 Communications has shown substantial growth and is a leader in defence and security products with over \$9 billion in sales during 2005

L-3 Communications Security and Detection Systems Inc and L-3 Communications Australia Pty. Ltd. are wholly owned subsidiaries of L3 Communications Inc.

We are pleased to respond to your Request for quote for the provision of X-Ray screening units and look forward to competing for your business.

L-3 Communications Security and Detection Systems is qualified for the Supply and Installation of the X-Ray Equipment solution for the following reasons:

- The products and service offering we present in this proposal exceeds your functional and technical requirements. Our solution is based upon a proven design, using our current range of standard products – the PX series and other models in our product range are extensively used in many aspects of security applications.
- The PX series advanced performance conventional X-ray systems are deployed at Airports, Prisons and Mail screening rooms throughout Australia and the rest of the world. The PX series forms the backbone of our new conventional product range. The advanced PX engine provides superior best in class imaging performance.
- We have the appropriate skills, qualifications and experience. L3 Communications Security and Detection Systems – the world's leading supplier of X-ray security screening systems – offers an unparalleled portfolio of security products. Our clients throughout the world, including Qantas in Australia, have enjoyed success with our products and our services.
- We have very close teaming relationships with companies such as Qantas and other commercial customers providing a level of support which is highly regarded in the industry.
- The capability and resources at our disposal to accomplish this project are second to none. This includes the local presence of a substantial organization – L-3 Communications Australia Pty. Ltd. – which guarantees outstanding in-country management, installation, and responsive service.
- Our technical expertise comes from many years of experience in the Conventional X-ray, Checked bag screening X-ray inspection and the Cargo X-ray business. This includes exceptional personnel with substantial X-ray industry knowledge and backgrounds.
- All products and services conform to ISO 9000 standards.

**L3 COMMUNICATIONS AUSTRALIA PTY LTD
STANDARD TERMS AND CONDITIONS**

10. CHANGES, DELETIONS AND EXTRA SERVICES: Customer may, by written Change Order, request changes within the general scope of any services provided. If any such change will result in an increase or decrease in the cost or time required for the performance of any part of the project under this Agreement, there shall be an equitable adjustment to the contract price or in the time for performance, or both. L3 shall not be obligated to proceed with the change or extra services until: (1) the value of such change or extra services and the effect on the schedule of completion of the services have been agreed upon and (2) the Change Order has been signed by L3 and Customer.

Upon receipt of a written request by the Customer to L3 to perform extra services or to alter, add to, or deduct from the services provided, L3 shall submit to the Customer the contract price, or any adjustments as agreed to by the Customer and L3. The price of any extra or change shall be determined in one or more of the following ways: (1) by mutually agreed firm lump price, or (2) by unit prices specified in the contract or agreed upon, or (3) by cost and negotiated percentage of cost or fixed fee.

At any time and with prior consent of Customer in case of material change, L3 reserves the right to make changes in design, construction, arrangement or products; provided such changes do not result in any increase in the contract price or time for performance or alter the performance guarantee or warranty obligations set forth herein. Customer shall not unreasonably withhold its consent in case of material changes.

11. CONDITIONS AFFECTING THE SERVICES: Customer shall advise L3 of the location and nature of any known unusual condition which would affect the services.

L3 shall be entitled to assume that any Site data furnished by Customer is accurate and complete. L3 shall promptly notify Customer of (1) any conditions at the Site which materially differ from those indicated in the information furnished by Customer, (2) any previously unknown physical conditions at the Site of an unusual nature, not revealed by previous investigations and differing from those normally encountered in the type of services provided for in this Agreement, (3) the suspected presence of any toxic substances, hazardous substances, or hazardous wastes (as such terms may be defined in any federal, state or local statute, ordinance or regulations) which require special handling and/or disposal, or (4) the presence of archaeological remains. If such conditions cause an increase in L3's cost or time for performance of any part of this agreement, L3 shall be entitled to an equitable adjustment in the contract price and an extension in the time for performance.

12. GENERAL: Any L3 product or services provided hereunder shall be considered a "commercial item" as defined in FAR PART 2.2.101 Definitions and in accordance with FAR 52.244-6. If the reasonableness of the price cannot be established through the presence of adequate price competition or price elaboration, if cost pricing data should be required for any other reason, or if the service cannot be considered a "commercial item", L3 reserves the right to withdraw this proposal without penalty.

Unless otherwise specified by L3, any quotation of L3 shall expire (30) days from the date of issuance and may be modified or withdrawn at any time prior to the date of Customer's order. Customer may terminate an order only upon paying L3 its termination charge as determined in accordance with L3's standard accounting practices upon submission of L3's invoice therefore. Termination of an order shall not relieve either party of any obligation arising out of work performed prior to termination.

L3 reserves the right to subcontract any of the work to one or more subcontractors. The delegation or assignment by either party of any or all of its duties or rights hereunder without the other party's prior written consent shall be void, except that L3 may, without prior written consent of the Customer, assign this agreement to a successor in interest by merger, by operation of law, by purchase, or otherwise, or to any entity at least 50% of whose stock or other equity interest is beneficially owned, directly or indirectly, by L3 or any affiliate of L3.

Any representation, warranty, course of dealing or trade usage not contained or referenced herein will not be binding on L3. These Project Terms and Conditions contain the entire and only agreement between the Customer and L3 with respect to terms and conditions and supersede and cancel all previous negotiations, agreements, commitments, representations and writings in respect thereto. The Project Terms and Conditions may not be amended, supplemented, changed or modified in any manner, orally or otherwise, except by an instrument in writing of concurrent or subsequent date, signed by a duly authorized representative of each party. The validity, performance and all matters relating to the interpretation and effect of this agreement and any amendment hereto shall be governed by the law of the State, excluding its conflict of law rules. The invalidity, in whole or part, of any of the articles or paragraphs in these Project Terms and Conditions will not affect the remainder of such article or paragraph of any other article or paragraph.

The provisions of this agreement are for the benefit of the parties hereto and not for any other person except as specifically provided herein.

Equipment Offered : CEIA 02PN10 Walkthrough

MODEL 02PN10 Panel type High Security
Walkthrough Metal Detector

- Very High Sensitivity at low alarm rate
- High immunity to external interferences
- Detection of magnetic, non magnetic and mixed alloys metal weapons



Equipment Offered : CEIA 02PN20 Walkthrough

MODEL 02PN20 Panel type High Security
Walkthrough Metal Detector

- Very High Sensitivity at low alarm rate
- High immunity to external interferences
- Detection of magnetic, non magnetic and mixed alloys metal weapons
- GDK setting built in
- *Restricted sales to Aviation and Government users only. Very low alarm rate at high sensitivity*

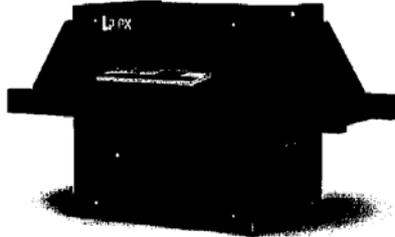


CEIA PD-140 SVR Handheld Metal Detector

- Very High Sensitivity
- Detection of both Magnetic and Non-Magnetic Metals
- Optical, Acoustical and Vibration Alarm
- Long Battery Life
- Special Ergonomic Shape
- Very High Reliability
- Easy to Use
- Self-Calibrating



Conventional Systems



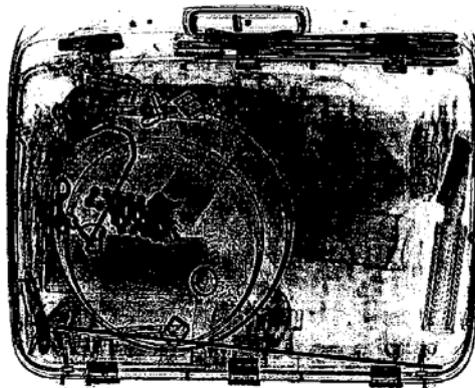
INTRODUCTION

L-3 offers a complete line of conventional products that address all the needs of check point security operations. The line of equipment focuses on X-ray baggage systems with scanning X-ray energies from 70 KeV to 160 KeV and tunnel sizes from 50cm x 30cm to 1.5m x 1.65m. L-3 also offers systems and accessories to provide a complete checkpoint security solution, including handheld metal and metal / gamma detectors and walk through metal detector systems. The systems can be configured to meet all the operational requirements for throughput, networking, and training needs for a range of customers from airport checkpoints, high security buildings, schools, correctional facilities.

L-3 is pleased to offer the PX-6.4, X-ray inspection system to meet the requirement of mail screening application.

The key features PX-Series inspection systems are as follows:

- TIP (Threat Image Projection)
- Operator Assist
- Image Archiving
- Bag lengths to 2.5m
- Film Safe
- Full network capability



SYSTEM DESCRIPTION

The L-3 PX based systems are a third-generation inspection system for baggage, combining the capabilities of a powerful set of X-ray data acquisition electronics with effective image processing software and an easy to learn user interface. The conventional systems provide the operator the ability to "see" inside baggage, and enable the intelligent interpretation of images to determine the presence or absence of threats. This line of equipment supports both freestanding and networked inspection environments.

The PX software can compare scanned objects to stored X-ray characteristics of specific materials, in an option known as Operator Assist. The system utilizes a series of algorithms, combined with a proprietary data processing system in the analysis of scanned objects. The system collects, analyzes, compares, and stores data for each item being inspected. The software provides a material analysis that identifies the Zeff of target materials based on a number of physical characteristics. When "Operator Assist" is active, a red "overlay" is used to highlight suspect, targeted materials for the Operator.

Several unique and standard imaging features are provided so that the Operator may further investigate objects that the system has imaged. The system software provides a Configuration Menu System that allows for customization of many controls and tools. This also allows the system to be adapted to changing security needs. The set of imaging analysis tools include:

- Magnifications: 1x to 64x
- Trimat Display mode
- Organic Stripping
- Inorganic Stripping
- Edge Enhancement
- Reverse Video
- Gray Scale Display mode
- Pseudo Color Display mode
- Contrast Windowing
- Display Contrast

Upon powering up the PX 6.4 system, it automatically performs a system initialization and verification. The verification procedure is performed to ensure the accuracy and stability of the system. During the verification procedure, diagnostics are performed to check the status of all of the hardware components as well as the X-ray detectors. The system is tolerant of a small number of non-performing detectors. When an inoperative detector is found, the data of adjacent detectors is used to fill the missing data.

Technical Highlights

This L-3 Security and Detection System's conventional line of equipment is a precision, X-ray based system. The system combines a "dual-energy" data acquisition technology, combined with detector subsystem in a right-angled, "L-shaped" arrays configuration to provide full tunnel imaging.

The PX imaging platform provides high-resolution video display for real-time inspection of items and enables the operator to easily detect recognizable shapes of weapons, explosives, narcotics and other contraband. Images are presented on high-quality, display screen with a resolution of 1280 x 1024 pixels. This provides bright and very sharp colour or black and white images with a wide dynamic range.

The system software provides many advanced image enhancements with several unique image and threat analysis modes. The ergonomic, icon-labelled interface was designed for rapid learning and ease of use by operators, supporting quick deployments providing rapid learning for personnel at new checkpoint security installations. The system's layout was designed to be fully

compatible with a variety of installations in a wide range of facilities and operational environments.

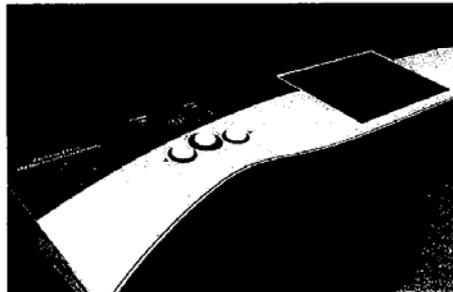
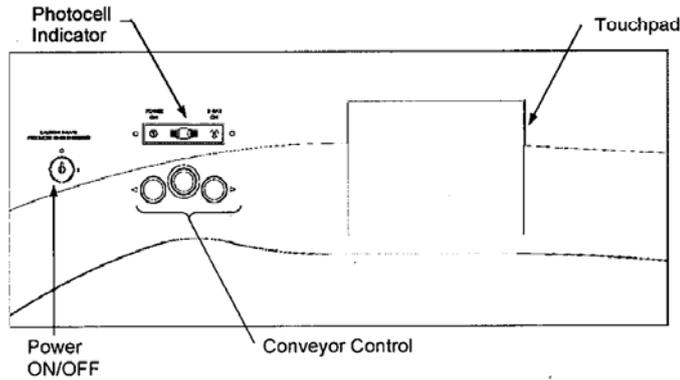
The system incorporates high-reliability, industrial-quality components and features extensive self-test and diagnostic capabilities to ensure the required high level of accuracy and stability in a sometimes-hostile environments.

System Controls:

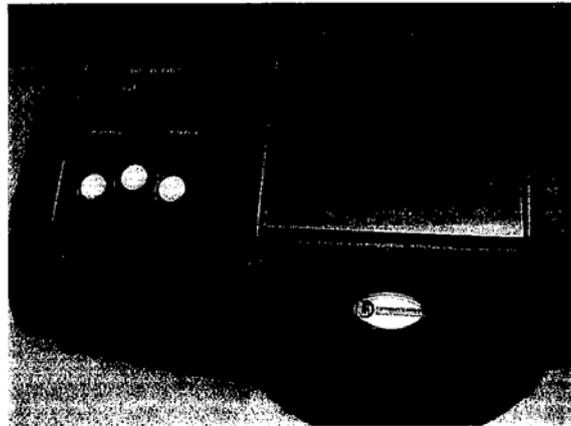
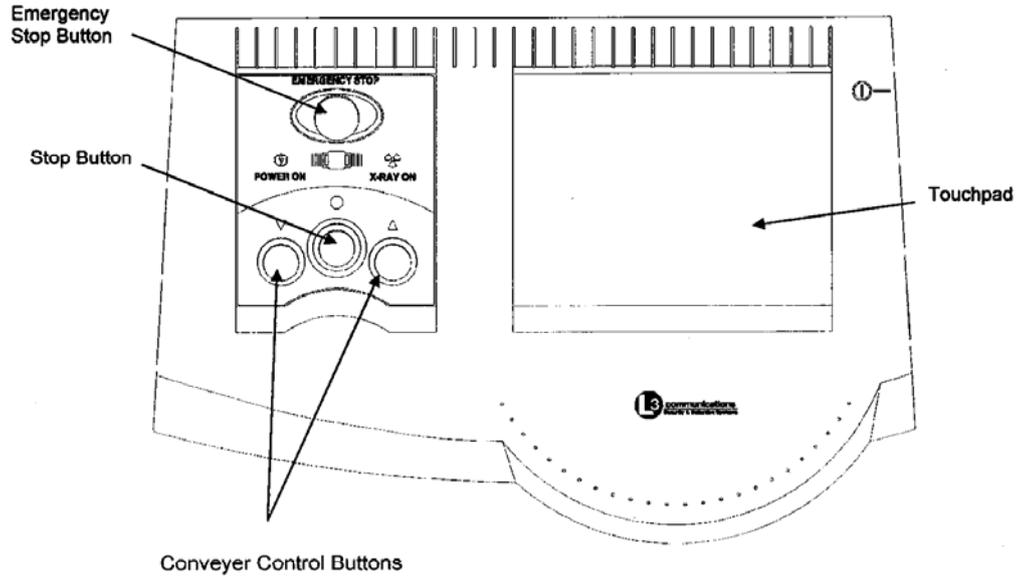
The control of the system is provided by either a side mounted or a remote console and monitor combination. The console has been designed to allow the operator to focus on the critical task at hand: image analysis and interpretation. The console provides this ability by the use of simple, easily understood interface through a touch pad input, (3) conveyer control buttons and additionally, a system stop button on the remote console. Operators easily learn the control layout and in a short period of time, do not have look at the control console to run the machine. This allows the operators to focus on the screen images and the items being scanned.

The consoles configurations are depicted as follows:

Side Mounted / Drop down Console: (not to scale)



Remote Console: (not to scale)



Key features to the system are described below:

User interface

Icon Toolbar:

The **Toolbar** typically contains fifteen icons on start-up, but may have as many as eighteen active icons depending on the system configuration. Each icon represents a specific mode or imaging function that can be activated or deactivated. These icons allow the operator to zoom in or out on an object, change the image mode, contrast, and image enhancement so that certain articles are easier to see (including an icon to activate or deactivate selected threat overlays)



Zoom Modes:

There are two (2) modes that control image zooming on the system; continuous (1x to 64x) and direct (1x to 16x).

Image Modes:

There are five **Image Modes**: **Trimat**, **Organic Stripping**, **Inorganic Stripping**, **Gray-Scale**, and **Pseudo Colour**. Each mode represents a different type of image analysis functionality and has its own configurable default settings.

Trimat is the default image mode in which the objects are shown on the display monitor in color, with color representing different materials. This is also known as organic-inorganic image where the contents are colored based on their atomic number. Organic materials are displayed in orange, inorganic materials are shown in green, and metallic objects in blue.

Organic Stripping is the mode where all of the organic materials are taken out of the displayed image. This allows the operator to focus on the inorganic and metallic materials.

Inorganic Stripping is used to take away all of the inorganic materials. This allows the operator to focus only the organic materials to be displayed.

With the **Gray-Scale** mode, the item being inspected is displayed in 240 different shades of gray, representing the measured attenuation of each pixel. While using this mode, hi, med and low contrast setting can also be selected, via icon.

The **Pseudo Colour** option (not shown on the above icon bar) uses an extremely high contrast color palette to accentuate the differences in material density of the contents. It uses a range of colors to display objects of dissimilar density, rather than shades of the same color. This enables an operator to distinguish between objects that look similar in Gray-Scale mode.

Image Enhancement Icons:

Image Enhancements can be used to optimize the quality of displayed Trimat or Gray-Scale images during inspection. The following icons control image enhancements and processing functions used on various modes. Some controls modify the image; while others display various overlays on top of the image.

Contrast is used to vary the contrast of the displayed image. Selecting this will change the contrast of the image from the default medium contrast, to high contrast or to low contrast, in a step through process.

Contrast Windowing allows the operator to vary the level of contrast of a targeted threat. When enabled, this feature activates a 'dynamic contrast' or continuously variable contrast adjustment mode. The operator can adjust the contrast lower and higher by sliding a finger left and right on the touchpad.

Edge Enhancement is generally used to better determine the shapes of objects in a complex image, allowing them to be identified more readily. Selecting this icon sharpens the image to improve the definition of objects and helps to identify borders of objects.

Reverse Video creates a display that appears as a "negative" of a normal black and white image. If the display screen normally displays light images against a dark background, putting it in reverse video mode will cause it to display dark images against a light background.

Operator Assist Option:

The Operator Assist option provides assistance to the operator to rapidly identify suspect threat areas. This feature is designed to enhance operator effectiveness by highlighting suspected areas within an image, automatically; for further visual inspection and analysis, reducing time spent on each image by the operator. **Operator Assist** occurs as X-ray attenuation data is received from the detectors and displayed as colour "overlays" (overlays are either pixels over the targeted material in the image, or boxes around the targeted material in the image). These appear real-time as the image is scrolling across the screen, when this feature is active. The results of the detection algorithm are evaluated by the computer, based on built-in evaluation and preset sensitivity settings.

The **Threat Overlay** displays all potential threats found in an inspected item during analysis. Each type of threat is identified by an overlay.

The system identifies threats by two different methods; by area or by pixel. **Potential Threat Areas** are identified by the system using a red box surrounding the area of a suspect material. This means that an area of targeted material has been detected during the scanning process. There are 2 separate potential threat algorithms, explosives and narcotics. **Density Alerts** are identified by the system by placing yellow pixels over the areas in question. Density alert is based on detecting full x-ray attenuation, meaning that this area is too dense to be analyzed by the system.

Explosive Threat icon controls the explosive threat overlay. Selecting this icon once removes the red overlay, and selecting it again restores the overlay. The presence of this icon indicates that the detection algorithm is currently targeting explosives.

Narcotics Threat icon controls the narcotics threat overlay. Selecting this icon once removes the red overlay, and selecting it again restores the overlay. The presence of this icon indicates that the detection algorithm is currently targeting narcotics.

Density Alert overlay is used to indicate suspect regions in yellow. Selecting this icon once removes the yellow overlay, and selecting it again restores the overlay.

Threat Image Projection:

The **Threat Image Projection (TIP)** option allows operator performance to be monitored over the scanning session or sessions, collects statistics, and allows reports to be generated and downloaded. The TIP feature is used to display fictional bags as well as project fictional objects into real bag images for the purpose of monitoring operator perception of and reaction to potential threats. It transmits stored threat images to the operator at predetermined, variable intervals during a scanning session.

Combined Threat Image (CTI) is a library image of a previously scanned, complete bag image. Each image mimics those qualities of any real bag that an operator may encounter during normal inspection session. The image may contain real threats or objects too dense to be analyzed.

Fictional Threat Image (FTI) projects a threat image into a "live" bag, in real-time. Each image mimics those qualities of any real threats that an operator may encounter during normal inspection. The image may contain real threats or objects too dense to be analyzed.

TIP functionality has been accepted by the US FAA/TSA as meeting their requirements. Libraries for non TSA customers are available. A set of real threat CTIs / FTI's, as well as false alarm CTIs / FTI's, are stored in the library system. Based on a selected frequency, the TIP enabled system inserts a threat bag (CTI) or fictional threat image (FTI) into a "live" bag into the stream of bags being viewed by the Operator. The system logs the operator's decision, and provides visual feedback to the Operator. The Supervisor downloads this response data so that they can monitor Operator performance on a daily, weekly, or monthly basis.

To manage the TIP system across a network of machines, a Network TIP station is available and consists of a networked computer, display monitor, keyboard and mouse that allows supervisors, managers and administrators to monitor the performance of workstation Operators.

Safety:

An **Emergency Stop** condition occurs when an Operator depresses an **EMERGENCY STOP (E-Stop)** Button. **E-Stops** are located around the tunnel at each end of the system and on the operator control panel. Pressing a red **E-Stop** button immediately terminates all X-ray generation and stops the conveyor motion. To release the emergency stop condition, twist the cap in the direction of the arrows. Then the scanning session can be restarted by the operator, once the safety issue has been cleared.

Image Archive

Image archiving is an option that will allow the system to automatically store scanned images. Length of storage can be selected as a number of days or left to automatically remove the oldest images when the disk is measured to be "full". The archived images can be viewed on the machine or on a network supervisor station. Images can be analysed with the full range of software tools available, printed out or stored to other graphic formats.

Software

System Software

The systems offer sophisticated features that has been developed over the many years. The software consists of operating application and system diagnostics.

The system software is used to control the functionality of the X-ray unit, workstation and the ancillaries. It is responsible for monitoring and controlling the hardware while providing the necessary interface to the other X-ray components and to the outside world.

The system software is compiled and running within an NT environment on high-speed PC platforms. As compatible updates are available, it may be possible to upgrade existing fielded systems, with little additional investment.

Diagnostic Software

Both X-ray unit and workstation components of L-3's screening systems include diagnostic software. Should a fault occur during normal operation, the nature of the problem is automatically identified and logged. Depending on the severity of the problem, the system may halt and report the fault.

In addition, a comprehensive set of software tools exist for the benefit of service staff. It is extremely effective in assisting with the identification and nature of hardware problems. The diagnostic software is also used to align and calibrate the X-ray system during manufacturing and commissioning.

Power Requirements

The following table shows the power ratings, permitted supply variations, outage recovery method and surge protection devices.

| | Power | Nominal Supply (V) | Permissible Range (%) | Outage Recovery | Surge Protection |
|--------|---------------|--------------------|-----------------------|-------------------------|-------------------------|
| PX 6.4 | 4 Amps (240V) | 240 | 8 | UPS for computer system | Filter & Spike Arrestor |

SAFETY

The Conventional X-ray system meets all applicable international Health & Safety Requirements. There are numerous features to aid safety:

- *Emergency Stop Input Monitoring:* Monitors local E-Stop Zone by checking the continuity of an external circuit (typically the BHS PLC relays). External E-Stops will terminate the generation of X-rays and stop the conveyor belt.
- *Shielded electrical connections:* Inadvertent contact with mains-voltage power supplies is prevented with CE-compliant shielding.
- *Lead X-ray Shielding:* Generous shielding prevents operators and service personnel from being irradiated. All shielding is labelled with bright yellow warning labels which indicate the danger of removal.
- *Tunnel Warning Signage:* Each end of the tunnel is labelled to advise against placing any part of the body through lead curtains into tunnel. Bright indicator lamps show when the X-rays are energized.
- *Other Signage:* All Systems are fitted with numerous other labels to warn service personnel of other electrical and mechanical dangers.

Electrical Protection

The PX 6.4 equipment is CE compliant and is fitted with protection in the form of fuses, circuit breakers and suppression units which, in the event of component failure, protect the neighbouring electrical systems from knock-on failure.

MAINTAINABILITY

The PXM equipment offers exceptional access for the L-3 approved service technician to the key assemblies and subsystems.

Virtually all servicing and repair tasks on the Conventional Line of equipment can be done via the sides or top of the machines.

Major assemblies, including the systems electronics chassis, X-ray source and detector array, are all mounted for easy access and removal.

SUMMARY

Superior Imaging Technology

- PX based imaging system presents the industries leading trimat image on an ergonomically designed, easy to learn interface.
- Operator workstations utilize L-3's advanced, patented "heads up" touchpad interface, which maximizes efficiencies in training and minimizes operator fatigue, increasing the value of the system through higher levels of operator awareness, ease of use and ability to be have efficient and effective screening checkpoints.

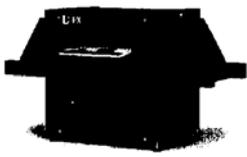
Seamless Networking and Integration

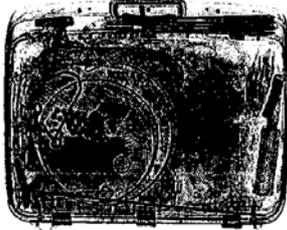
- Multiple Conventional systems can be networked, enabling more efficient deployment of operators by reducing the total number of support staff required to supervise and manage the systems. This maximizes the utilization of the trained base of operators at multiple security checkpoints.
- The Conventional Line is easily customized to fit in the available space for a checkpoint. All accessories, such as in-feed and discharge conveyors required for freestanding installations to handle oversize baggage are designed as modular components.

International Deployment

- The Conventional Line of systems are deployed and are fully factory supported at the highest security conscious locations throughout the world.

PRICES - EX GST

| Item Description | Qty | Unit Price (EX GST) | Total |
|---|-----|---------------------|--|
| <p>Model PX-6.4</p> <p>Standard Imaging Features:</p> <ul style="list-style-type: none"> Continuously Variable Contrast Adjustment Tri-material Discrimination Pseudo Color Imaging Threat Alert Density Alert Zoom 2X - 16X Edge Enhancement High/Low Penetration Mode Reverse Video Organic/Inorganic Stripping Home Key <p>Other Standard Features:</p> <ul style="list-style-type: none"> Best Image Resolution in its Class Compact Design Standard Conveyor Length (2.25 m) Full Features Set with Advanced Options Standard Uninterruptible Power Supply Remote or Side Mount Operator Console Patented, Touch Pad Operator Console Stainless Steel Entry/Exit Tunnel Shields Patented Heads-up Operator Display Tunnel Opening (640mm X 430mm) <p>Advanced Software :</p> <ul style="list-style-type: none"> Threat Image Projection (TIP) Operator Assist® (OA) Image Archiving (IA) Diagnostic Software <p>Warranty :</p> <ul style="list-style-type: none"> 1 Year Full Parts and Labour warranty | 1 | \$68,500 ea | Total \$68,500 |
| | | |  |
| | 1 | FOC | |
| | 1 | Included | |

| Description | Qty | Total Price (Ex GST) |
|--|-----|----------------------|
| <p>New Advanced 32 Bit Transparent Colour, Imaging enhancement Software for the PX Series X-ray units</p>  | 1 | \$ FOC |

OPTIONAL X-RAY ROLLER BEDS

| Description | Qty | Total Price (Ex GST) |
|-----------------------------------|-----|-------------------------------|
| 0.8 Meter Entry Roller Bed | 1 | \$3,750 ea Total \$3,750 |
| 3.0 Meter Exit Roller Bed | 1 | \$9,100 ea Total \$9,100 |

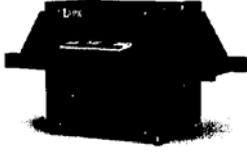
OPTIONAL X-RAY ITEMS

| Description | Qty | Total Price (Ex GST) |
|--|-----|-------------------------------|
| <p>Lexan Shield</p> <p>Lexan Shield to restrict passengers prematurely claiming their items off the conveyor belt</p> | 1 | \$1,500 ea Total \$1,500 |
| <p>Stools</p> <p>Stools to raise the height of the X-ray if required.</p> | 4 | \$150 ea Total \$600 |

| Description | Qty | Unit Price | Total |
|--|-----|-------------|----------------|
| <p>CEIA Model 02PN10 High Sensitivity Walkthrough Metal Detector</p> <ul style="list-style-type: none"> • Very High Sensitivity to magnetic and non-magnetic metals • Immediate selection of security levels • High Detection speed to 15 m/s • Very high immunity to mechanical & electrical interference. • Harmless to wearers of pacemakers • High intensity display • Local or Remote Programming with Networking Capabilities <p>Warranty :</p> <ul style="list-style-type: none"> • 1 Year Full Parts and Labour warranty | 1 | \$13,500 ea | Total \$13,500 |
| <p>CEIA Model 02PN20 High Sensitivity Walkthrough Metal Detector</p> <ul style="list-style-type: none"> • Very High Sensitivity to magnetic and non-magnetic metals • Immediate selection of security levels • High Detection speed to 15 m/s • Very high immunity to mechanical & electrical interference. • Harmless to wearers of pacemakers • High intensity display • <i>Restricted sales to Aviation and Government users only. Very low alarm rate at high sensitivity</i> <p>Warranty :</p> <ul style="list-style-type: none"> • 1 Year Full Parts and Labour warranty | 1 | \$23,000 ea | Total \$23,000 |
| <p>CEIA PD-140 SVR Handheld Metal Detector</p> <p>Very high Sensitivity Enhanced Metal Detector</p> <ul style="list-style-type: none"> • Very High Sensitivity • Detection of both Magnetic and Non-Magnetic Metals • Optical, Acoustical and Vibration Alarm • Long Battery Life • Special Ergonomic Shape • Very High Reliability • Easy to Use • Self-Calibrating • Fast Inductive Battery Charger | 1 | \$650 ea | Total \$650 |

INSTALLATION CHARGES

Please note that these prices do not include any disbursements such as travel or accommodation and will be charged at cost plus 15%

| Description | Qty | Total Price (Tax Incl) |
|---|-----|---|
| X-Ray Installation / Commissioning/ Handover and Freight Initial unpack, set up and delivery Power up and perform complete check Commissioning tests Handover and third party approvals Operator training Warranty provision (1 year) Radiation survey Report | 1 | \$3,250 ea Total \$3,250  |
| Walkthrough Installation / Commissioning/ Handover Initial unpack, set up and delivery Power up and perform complete check Commissioning tests Handover and third party approvals Operator training Warranty provision (1 year) | 1 | \$500 ea Total \$500  |

FINANCE RENTAL OPTION:

We also offer to lease the following rental monthly rate schedule; the figures are based on current rates and are valid for seven days, paid quarterly in advance.

Model PX 6.4 rental rate including Roller Beds, shields, installation and commissioning.

| Rental Term** | 36 Months | 48 Months | 60 Months |
|---------------|-----------------------|-----------------------|-----------------------|
| PX-6.4 X-ray | \$ 3,415.00 per/month | \$ 3,105.00 per/month | \$ 2,917.00 per/month |
| 02PN10 | \$ 506.00 per/month | \$ 454.00 per/month | \$ 421.00 per/month |
| 02PN20 | \$ 863.00 per/month | \$ 777.00 per/month | \$ 724.00 per/month |
| PD-140 SVR | \$ 33.66 per/month | \$ 32.75 per/month | \$ 32.32 per/month |

** Ownership of the equipment reverts to the leasing company at the end of the rental period
 Includes maintenance during the rental term, excludes travel, accommodation and expenses

FINANCE LEASE OPTION:

We also offer to lease monthly rate schedule with a residual payment at the end of the lease period; the figures are based on current rates and are valid for seven days, paid quarterly in advance.

Model PX 6.4 lease rate including Roller Beds, shields, installation and commissioning.

| Leasing Term | 36 Months (30 % Residual payment) | 48 Months (20 % Residual Payment) | 60 Months (10 % Residual Payment) |
|--------------|--------------------------------------|---------------------------------------|--------------------------------------|
| PX-6.4 X-ray | \$ 3,120.00 per/month | \$ 2,951.00 per/month | \$ 2,869.00 per/month |
| 02PN10 | \$ 460.00 per/month | \$ 430.00 per/month | \$ 413.00 per/month |
| 02PN20 | \$ 786.00 per/month | \$ 737.00 per/month | \$ 712.00 per/month |
| PD-140 SVR | \$ 31.51 per/month | \$ 31.63 per/month | \$ 31.97 per/month |

Includes maintenance during the lease term, excludes travel, accommodation and expenses

| |
|---------------------------------|
| LEASING AND RENTAL TERMS |
|---------------------------------|

- All equipment be must insured by the buyer..
- The leasing prices are subject to variation until the final contract is signed between the L3 Communications and buyer based on current interest rate ruling and approval.
- Leasing and rental provided through Capital Finance

Maintenance Options:
PREVENTATIVE MAINTENANCE COSTS ;

We propose to complete preventative maintenance visits on you PX series x-ray machine in accordance with our requirements. All preventative maintenance charges have been quoted based on the condition that the work is completed during normal working hours. Please note that all system repairs stemming from a preventative maintenance call will be charged out at the standard maintenance costs. We suggest that the preventative maintenance option be purchased during the 12 month warranty period.

| Description | Qty | Potential Price (Ex GST) |
|--|-----|--------------------------|
| 2 x Preventative Visits during the 12 month warranty period. Includes one radiation survey per year. | 1 | \$ 3,800 |
| Additional cost of air fares and accommodation and expenses are charged at cost plus 15% | | |

PLATINUM CONTRACT COSTS

Please note that under the platinum contract all parts and labour is included. The following costs are only for major capital cities in Australia, additional travel and accommodation and expense charges apply for regional installations and will be charged at cost plus 15%. The pricing is based on the works being performed during normal working hours. All consumables are excluded.

| X-ray Machine | Cost AUS \$ Ex GST | Comments |
|---------------|--------------------|---|
| Year 2 | \$9,800 | 2 PM's per annum plus one radiation survey report |
| Year 3 | \$10,290 | 2 PM's per annum plus one radiation survey report |
| Year 4 | \$10,805 | 2 PM's per annum plus one radiation survey report |
| Year 5 | \$11,345 | 2 PM's per annum plus one radiation survey report |

Reference Sites

Australian References

Name Michael Van der Veld
Company Qantas Airways Pty Ltd
Position Security Manager National operations
Phone 02 9691 0000
e-mail mvandervelde@qantas.com.au

Scope of Works;

Installation of new Model PXM passenger screening X-ray machines for Qantas throughout Australian domestic airports. The multiple installation rollout schedule was completed on time and also included operator and "Train the Trainer" training for Qantas's staff and security contractors.

Name Alistair Kerr
Company Brisbane International Airport
Position Security Manager
Phone 07 3406 3016
e-mail alistair.kerr@bne.com.au

Scope of Works;

Installation of new inline Checked bag X-ray machines and the Model PXM X-ray for the International terminal at Brisbane airport. The project involved the integration of the X-rays systems to the baggage handling system.

Name Terry Matthews
Company Department of Justice - WA
Position Project Officer
Phone 08 9264 1953
e-mail Terry.Matthews@justice.wa.gov.au

Scope of Works;

Installation of five Model PXM X-rays for their new gatehouse and reception areas at Heke, Casuarina and Albany prison.

EXTENT OF WORKS

- ↳ This price does not include installation of 240V AC power.
- ↳ Site (lock-up) or store area to be provided by others.
- ↳ We have allowed for all work to be performed within normal working hours.
- ↳ We require easy, level, unrestricted access into the building to move the equipment into place.

TERMS AND CONDITIONS OF SALE

- ↳ L-3 Communications Security & Standard Terms and Conditions of sale apply.
- ↳ This quotation is valid for a period of 30 days.
- ↳ The above prices are quoted in Australian dollars and exclude GST.
- ↳ Retention's - the customer will not withhold monies against project works.



**L3 COMMUNICATIONS AUSTRALIA PTY LTD
STANDARD TERMS AND CONDITIONS**

1. The sale of any service and products, and the integration thereof, ordered by the Customer is expressly conditioned upon the terms and conditions contained or referenced herein. Terms and conditions included in the L3 Communications Australia Pty Ltd (herein called L3) proposal, where not in conflict with the terms included herein, shall be incorporated by reference. Any additional or different terms and conditions set forth in the Customer's purchase order or similar communication are expressly objected to and will not be binding upon L3 unless specifically agreed to in writing by an authorized L3 employee.

2. **WARRANTY.** L3 warrants to Customer that products and any services furnished hereunder will be free from defects in material and workmanship and will be of the kind and quality specified in the L3 written quotation. The foregoing shall apply only to failures to meet said warranties which appear within one (1) year of installation date when installed within 6 months of shipment by an L3 Communications SDS Field Service Engineer. The warranty period for units installed more than 6 months after factory shipment or for units installed by someone other than an L3 Field Service Engineer will begin at factory shipment date or eighteen (18) months from the date of shipment, whichever occurs first. Consumable items (such as filters, membranes, seals, belts, curtains and other identified items) are excluded from this warranty. In no case does this warranty apply to any failure or non-conformance with specifications caused or attributed to any associated or complementary products not supplied under this contract. The warranty and remedies are conditioned upon (a) proper storage, installation, use and maintenance, and conformance with any applicable recommendations of L3, and (b) Customer promptly notifying L3 of any defects and, if required, promptly making the product available for correction.

If any product or service fails to meet the foregoing warranties, L3 shall thereupon correct any such failure either, at its option, (i) by repairing any defective or damaged part or parts of the products, and/or re-performing any defective service, or (ii) by making available, F.O.B. the L3 plant or other mutually agreed upon point of shipment, any necessary repaired or replacement parts. If re-performance is not practicable, L3 will furnish without charge services in an amount essentially equal to those that, in the sole judgement of L3, would have been required for performance. Where a failure cannot be corrected by L3's reasonable efforts, the parties will negotiate an equitable adjustment in price.

THE PRECEDING PARAGRAPH SET FORTH THE EXCLUSIVE REMEDIES FOR CLAIMS BASED ON DEFECT IN OR FAILURE OR PRODUCTS OR SERVICES, WHETHER THE CLAIM IS IN CONTRACT, INDEMNITY, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE. Upon the expiration of the warranty period, all such liability shall terminate and the Customer shall have a reasonable time, not to exceed thirty (30) days after the warranty period, to give written notice of any defects that appear during the warranty period. EXCEPT AS SET FORTH IN ARTICLE 3, "PATENTS", THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, WHETHER WRITTEN, ORAL, IMPLIED OR STATUTORY. NO IMPLIED STATUTORY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE SHALL APPLY. L3 does not warrant any products or services of others designated by Customer.

3. **PATENTS:** Subject to the provisions of this Article, L3 warrants that products, services, or products and services in combination, furnished under this contract shall be delivered free of any rightful claim of any third party for infringement of any patent. If notified promptly in writing and given authority, information and assistance, and contingent upon Customer not taking any position adverse to L3 in connection with such claim, L3 shall defend, or may settle at its expense, any suit or proceeding against Customer so far as based on a claimed infringement which would result in a breach of this warranty and L3 shall pay all damages and costs awarded therein against Customer due to such breach. In case any product, service or combination thereof is in such suit held to constitute such an infringement and the use of said product or service is enjoined, L3 shall, at its expense and option, either procure for Customer the right to continue using said product or service, or replace same with a non-infringing product or service, or modify same so it becomes non-infringing, or remove the product or halt the service and refund the purchase price (less reasonable depreciation for any period of use) and any transaction costs separately paid by Customer. The foregoing states the entire liability of L3 for patent infringement relating to products, services or any combination thereof. The preceding paragraph shall not apply to any product or service specified by Customer or manufactured to Customer's design, or to the use of any product in combination with products not provided by L3.

4. **SOFTWARE:** Unless subject to a separate license agreement, any software furnished hereunder whether separate or incorporated with supplied hardware, including any subsequent updates, is furnished under the following terms and conditions: The software, and any part thereof, is designed for use only on the unit on which the software is first installed. No exclusivity of use of the software is transferred to the Customer. Software and documentation copyrighted by L3 shall not be copied in whole or in part, but additional copies of software and documentation in printed form may be obtained from L3 or its representatives at L3's then standard charges, subject to applicable import and export laws and regulations. Customer agrees that any copyright, proprietary, trade secret or similar notices appearing on and in software will be reproduced and included on an in any modifications and copies, in whole or in part, of software. The source code for software is not included unless specifically listed as an item in the L3 specification. The source code for software is not included unless specifically listed as an item in the L3 specification.

On occasion, third party licensed software is provided. It will be identified as such and Customer will be required to complete any sublicense specified by the software licensor and provided by L3.

If a separate software license agreement is required by L3, Customer shall execute the software license agreement on or before installation, and the provisions of the separate software license agreement shall supersede the foregoing subparagraphs to the extent that they are inconsistent with such license.

5. **DELIVERY, TITLE AND RISK OF LOSS:** Delivery dates are approximate and are based upon prompt receipt of all necessary information from Customer. Unless otherwise specified by L3, title shall pass to the Customer when products are placed in the hands of the carrier at the point of shipment, or on a pro rata basis as services are performed.

If any part of the products cannot be shipped when ready due to any cause referred to in Article 6 "Excusable Delays", herein, L3 may place such products in storage (which may be the place of manufacture). In such event (i) L3 shall notify the Customer of the placement of any products in storage, (ii) L3's delivery obligations shall be deemed to be fulfilled and title and all risk of loss or such cause, (iii) promptly upon submission of L3's invoice, Customer shall reimburse L3 for all expenses incurred by L3, such as preparations for and placement into storage, handling, storage, inspection, preservation and insurance, and (iv) when conditions permit and upon payment of all amounts due hereunder, L3 shall assist and cooperate with Customer in any reasonable manner with respect to the removal of any products placed in storage.

6. **EXCUSABLE DELAYS:** L3 shall not be liable for delays in delivery or performance, or for any failure to manufacture, deliver or perform due to (i) a cause beyond its reasonable control, or (ii) an act of God, act of Customer, prerequisite work by others, act of civil or military authority, Governmental priority, strike or other labour disturbance, flood, epidemics, war, riot, transportation delay or shortage, or (iii) inability on account of a cause beyond the reasonable control of L3 to obtain necessary material, components, services or facilities. L3 will notify Customer promptly of any material delay excused by this Article and will specify the revised delivery date as soon as practicable. In the event of any such delay, there will be no termination and the date of delivery or of performance shall be extended for a period equal to the time lost by reason of the delay. In the event L3 is delayed by acts of the Customer or by prerequisite work by other contractors or suppliers of the Customer, L3 shall be entitled to an equitable price adjustment in addition to an extension of the time of performance.

7. **PAYMENTS AND FINANCIAL CONDITIONS:** Except as otherwise specified by L3 in its quotation, pro rata payments shall become due as shipments are made. If L3 agrees to delay shipments after completion of any product, payment shall become due on the date when L3 is prepared to make shipment. In the event of any such delay, title shall pass and products shall be held at Customer's risk and expense. All payments shall be made without set-off for claims arising out of other sales by L3. Unless otherwise agreed, payments shall be made by wire transfer upon receipt of invoice. If Customer's financial condition at any time does not, in the judgement of L3, justify continuance of the work to be performed by L3 hereunder on the agreed terms of payment, L3 may require full or partial payment in accordance or shall be entitled to terminate the contract and receive termination charges. In the event of Customer's bankruptcy or insolvency or in the event any proceeding is brought against Customer, voluntarily or involuntarily, under bankruptcy or insolvency laws, L3 shall be entitled to terminate any order then outstanding at any time during the period allowed for filing claims against the estate and shall receive reimbursement for its termination charges. L3's rights under this Article are in addition to all rights available at law or in equity.

8. **TAXES:** In addition to any price specified herein, Customer shall pay, or reimburse L3 for, the gross amount of any present or future sales, use, excise, value-added, or other similar tax applicable to the price, sale or delivery of any products or services furnished hereunder or to their use by L3 or Customer, or Customer shall furnish L3 with evidence of exemption acceptable to the taxing authorities.

9. **LIMITATIONS OF LIABILITY:** Except as provided in Article 3, "Patents", in no event, whether as a result of breach of contract, indemnity, warranty, tort (including negligence), strict liability or otherwise, shall L3's liability to Customer or its insurers for any loss or damage arising out of, or resulting from this agreement, or from the performance or breach thereof, or from the products or services furnished hereunder, exceed the price of the specific product or service which gives rise to the claim. In no event, whether as a result of breach of contract, indemnity, warranty, tort (including negligence), strict liability or otherwise, shall L3 be liable for any special, consequential, incidental or exemplary damages including, but not limited to, loss of profit or revenues, loss of data, loss of use of the products or any associated equipment, damage to associated equipment, cost of capital, cost of substitute products, facilities, services or replacement power, downtime cost, or claims of customers of the Customer for such damages. If the products or services being provided by L3 will be furnished by the Customer to a third party, the Customer shall obtain from such third party a provision affording L3 the protection of this Article. If L3 furnishes Customer with advice or other assistance which concerns any product supplied hereunder or any system or equipment in which any such product may be installed and which is not required pursuant to this agreement, the furnishing of such advice or assistance will not subject L3 to any liability, whether in contract, indemnity, warranty, tort (including negligence), strict liability or otherwise. For the purpose of this Article, the term L3 includes L3 subcontractors and suppliers.

QUOTATION

smiths

Smiths Detection (Asia Pacific) Pte Ltd

Unit 7, 5-9 Ricketty St
Mascot NSW 2020
AUSTRALIA
T - +61 2 8338 9722
F - +61 2 8338 9733

Rick Spry
Airports Manager
Shire of East Kimberley

Ph: + 61 (0)8 91682648 (Office)
+ 61 (0) 417-980-873 (mobile)

Fax: + 61 (0)8 91681904

Email: am@thelastfrontier.com.au

Re: Email RS/JP 6 June 2007

Your Ref:

Our Ref: QU / 6864 / 06 / 07 / JP

Dated: 8 Jun 2007

| PREPARED FOR | BUYER | TERMS & CONDITIONS |
|--------------|---------------|-------------------------|
| Mr Rick Spry | Wyndham Shire | Quote valid for 60 Days |

Confidential

Page 1

8 Jun 07

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

20. SPECIFICATIONS

20.1. Unless otherwise agreed in writing, the Equipment is supplied subject to any specification as to weight, quantity, size, dimensions, finishes and physical properties as may be published generally by the Company or as may be set out in any specification issued by the Company in relation to the Equipment or, if no such specification has been published or set out, subject to such specification as is normally regarded as being commercially acceptable.

21. GENERAL

21.1. The Company may delay or cancel delivery or reduce the amount delivered if the Company is delayed in delivering the Equipment through circumstances beyond its reasonable control (including but not limited to strikes, lock-outs, accidents, war, fire, flood, explosion, shortage of power, breakdown of plant or machinery, shortage of raw materials from normal source of supply, act of God or any order or direction of any local, State or Federal Government, Government authority or instrumentality).

21.2. If the Company does not insist on strict performance of any provision of these Terms, the Company will not be taken to have waived its rights to later require strict performance.

21.3. Any provision of these Terms which is invalid or unenforceable in any jurisdiction is to be read down, if possible, so as to be valid and enforceable or severed to the extent of the invalidity or unenforceability. The remaining provisions will not be affected.

22. LOCAL REGULATIONS

22.1. The Customer must inform the Company at an early date of local regulations concerning delivery, erection, technical installations, operator safety, etc. Safety devices are supplied in accordance with written agreement between the two parties.

23. GOVERNING LAW

23.1. The terms of each contract for sale of Equipment by the Company to the Customer is governed by the law of New South Wales being the state in which the Company's principal place of business and headquarters is located and the parties submit to the non-exclusive jurisdiction of the courts of New South Wales.

Provision of Ionscan 400B – Explosive Mode (Excludes 10% GST)

| QTY | DESCRIPTION | UNIT PRICE AUD\$ | TOTAL PRICE AUD\$ |
|-----|--|---------------------|----------------------|
| 1 | Smiths Detection Ionscan 400B – Explosive Mode Kit Includes: <ul style="list-style-type: none"> • Ionscan Manager Software • Consumables Kit • Spares Kit • Maintenance Kit • 1x Sampling Spoon • 1x Set Sampling Swabs (200) • 1x Calibration Standard (Explosive) • Operators Manual Availability: 4-6 weeks from Order Delivery: Air Freight 1 week | \$69,950.00 | \$69,950.00 |
| | | Sub Total | \$69,950.00 |
| | | GST 10% | \$6,995.00 |
| | | TOTAL | \$76,945.00 |

Additional Inclusions:

Smiths Detection offers the following to Broome Airport for their consideration.

1. Extended 4 year warranty at no charge (value AUD16,000.00)
2. All consumables for first 12 months inclusive (value AUD2,500.00).
3. On site consumable store with usage billed half yearly from year 2 onwards.

Smiths Detection makes this offer in the commitment to developing a successful relationship between our two companies. I am available to respond further to your request in the future and look forward to hearing from you.

Prepared & Issued By:



Jayson Page
Regional Sales Manager
Smiths Detection Australia

Confidential

Page 2

8 Jun 07

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

QUOTATION

smiths

Smiths Detection

Smiths Detection (Australa) Pty Ltd

Unit 7, 5-9 Ricketty St
Mascot NSW 2020
AUSTRALIA
T - +61 2 8338 9722
F - +61 2 8338 9733

Rick Spry
Airports Manager
Shire of East Kimberley

Ph: + 61 (0)8 91682648 (Office)
+ 61 (0) 417-980-673 (mobile)

Fax: + 61 (0)8 91681904

Email: am@thelastfrontier.com.au

**Re: Passenger Screening Equipment
- Lease Options**

**Your Ref: Email RS/JP
Dated: 6 Jun 07**

Our Ref: QU / 6850 / 06 / 07 / JP

Dated: 7 June 2007

| PREPARED FOR | BUYER | TERMS |
|---------------|------------------|--|
| Mr. Rick Spry | Shire of Wyndham | In accordance with Terms and conditions 60 Days from Quotation |

Confidential

Page 1

7 June 2007

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

Supply of New Security Screening Systems

Lease over 3 year term, includes routine 6 monthly servicing on all equipment

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|---|-----------------------------------|-------------|
| 1 | <p>Smiths Heimann 6040I X-Ray System</p> <p>Includes:</p> <ul style="list-style-type: none"> • Input / Output Rollers • Sea Freight, Customs Charges & Delivery to Kununurra • Installation, Commissioning, Documentation and handover • 6 x 6 Monthly Routine Servicing <p>Warranty: Full 24 Months Parts & Labor Production: 9 weeks Shipping: 5 weeks</p> | \$1,961.00 | \$70,596.00 |

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|--|-----------------------------------|-------------|
| 1 | <p>CEIA PMD2 (Panel) Walk Through Metal Detector</p> <p>Includes:</p> <p>Delivery and installation and 6 x 6 monthly servicing</p> <p>Warranty: 24 Months for Parts & Labour Availability: 2 weeks Delivery: Sea Freight 4 weeks</p> | \$558.00 | \$20,088.00 |

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|---|-----------------------------------|-------------|
| 1 | <p>Smiths Detection Ionscan 400B (FCA)</p> <p>Includes:</p> <ul style="list-style-type: none"> • Delivery and installation to site • 6 x 6 monthly servicing <p>Warranty: 24 Months for Parts & Labour Availability: 2 weeks Delivery: Air Freight 8 weeks</p> | \$2,193.00 | \$78,948.00 |

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Page 2

7 June 2007

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Project Total – 3 year Lease of New Systems

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|---|-----------------------------------|---------------------|
| 1 | Smiths Heimann 6040i X-Ray System - And associated ancillaries | \$1,961.00 | \$70,596.00 |
| 1 | CEIA PMD2 (Panel) Walk Through Metal Detector | \$558.00 | \$20,088.00 |
| 1 | Smiths Detection Ionscan 400B | \$2,193.00 | \$78,948.00 |
| | Sub Total | \$4,712.00 | \$169,632.00 |
| | GST 10% | \$471.20 | \$16,963.20 |
| | Project Total | \$5183.20 | \$186,595.20 |

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Page 3

7 June 2007

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Reduced Price Supply of Refurbished Security Screening Systems

Lease over 3 year term, includes routine 6 monthly servicing on all equipment

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|---|-----------------------------------|-------------|
| 1 | <p>Smiths Heimann 6040i X-Ray System <i>Upgraded 6040A model to 6040i Standard</i></p> <p>Includes:</p> <ul style="list-style-type: none"> • Input / Output Rollers • Sea Freight, Delivery to Derby • Installation, Commissioning, Documentation and handover • 6 x 6 Monthly Routine Servicing <p>Warranty: Full 24 Months on upgraded parts Availability - Immediate</p> | \$1,694.00 | \$60,984.00 |

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|-----|--|-----------------------------------|------------|
| 1 | <p>CEIA PMD (Elliptic) - Refurbished Walk Through Metal Detector</p> <p>CEIA PD140 (Rechargeable) Hand Held Metal Detector:</p> <p>Includes:</p> <ul style="list-style-type: none"> • CEIA PD140 SR – Hand Held Metal Detector • CEIA BC 140 - Battery Charger • CEIA V140 – Carry Case <p>Delivery and installation and 6 x 6 monthly servicing</p> <p>Warranty: 12 Months for Parts & Labor Availability: 2 weeks Delivery: Sea Freight 4 weeks</p> | \$219.00 | \$7,884.00 |

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | TOTAL PRICE AUD\$ |
|-----|--|-----------------------------------|----------------------|
| 1 | <p>Smiths Detection Ionscan 400B (FCA) - Refurbished</p> <p>Includes:</p> <ul style="list-style-type: none"> • Delivery and installation to site • 6 x 6 monthly servicing | \$1,337.00 | \$48,132.00 |

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Page 4

7 June 2007

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| | | | |
|--|--|--|--|
| | Warranty: 12 Months for Parts & Labor Availability: Immediate | | |
|--|--|--|--|

Project Total – Supply of Refurbished Systems

| QTY | DESCRIPTION | LEASE PRICE AUD\$ PER Month | Term Total |
|----------------------|---|-----------------------------------|---------------------|
| 1 | Smiths Heimann 6040A X-Ray System (Upgraded to I model) - And associated ancillaries | \$1,694.00 | \$60,984.00 |
| 1 | CEIA PMD (Elliptic) Walk Through Metal Detector | \$219.00 | \$7,884.00 |
| 1 | Smiths Detection Ionscan 400B | \$1,337.00 | \$48,132.00 |
| Sub Total | | \$3,250.00 | \$117,000.00 |
| GST 10% | | \$325.00 | \$11,700.00 |
| Project Total | | \$3,575.00 | \$128,700.00 |

Prepared & Issued By:



.....
Jayson Page
 Regional Sales Manager - Transport
 Smiths Detection (Australia)

Confidential

Page 5

7 June 2007

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

QUOTATION

smiths

Smiths Detection (Asia Pacific) Pte Ltd

Unit 7, 5-9 Ricketty St
Mascot NSW 2020
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T - +61 2 8338 9722
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Rick Spry
Airports Manager
Shire of East Kimberley

Ph: + 61 (0)8 91682648 (Office)
+ 61 (0) 417-980-673 (mobile)

Fax: + 61 (0)8 91681904

Email: am@thelastfrontier.com.au

Re: WTMD and HHMD

Our Ref: QU / 6859 / 06 / 07 / JP

Dated: 7 June 2007

| PREPARED FOR | BUYER | TERMS & CONDITIONS |
|---------------|---------------|-------------------------|
| Mr. Rick Spry | Wyndham Shire | Quote valid for 60 Days |

Confidential

Page 1

7 Jun 07

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

Provision of Walk Through and Hand Held Metal Detectors (Excludes 10% GST)

| QTY | DESCRIPTION | UNIT PRICE AUD\$ | TOTAL PRICE AUD\$ |
|-----|---|---------------------|----------------------|
| 1 | <p>CEIA O2PN20 Walk Through Metal Detector</p> <p>Kit Includes:</p> <ul style="list-style-type: none"> • Highly Tuneable Antenna • Very High Material Discrimination • Very High Sensitivity set up | \$24,500.00 | \$24,500.00 |
| 1 | <p>CEIA PD140 (Rechargeable) Hand Held Metal Detector.</p> <p>Includes:</p> <ul style="list-style-type: none"> • CEIA PD140 SR – Hand Held Metal Detector • CEIA BC 140 - Battery Charger • CEIA V140 – Carry Case <p>Availability: 4-6 weeks from Order</p> <p>Delivery: Sea Freight 4 weeks ex works (per item, CIF Broome Sea Port)</p> | \$1,100.00 | \$1,100.00 |
| | | \$2,400.00 | \$2,400.00 |

Prepared & Issued By:



Jayson Page
Regional Sales Manager
Smiths Detection Australia

Confidential

Page 2

7 Jun 07

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

QUOTATION

smiths detection
bringing technology to life

Smiths Detection (Australia) Pty Ltd
ABN: 66 088 868 062
Security Master Licence: 407994094
7 / 5 - 9 Ricketty Street
MASCOT, NSW 2020
Tel: + 61 2 8338 9722
Fax: + 61 2 8338 9733

Rick Spry
Airports Manager
Shire of East Kimberley

Ph: + 61 (0)8 91682648 (Office)
+ 61 (0) 417-980-673 (mobile)

Fax: + 61 (0)8 91681904

Email: am@thelastfrontier.com.au

Re: Email RS/JP 6 June 2007
Your Ref:
Our Ref: QU / 6860 / 06 / 07 / JP
Dated: 8th June 2007

| PREPARED FOR | BUYER | TERMS |
|--------------|---------------|-------------------------|
| Mr Rick Spry | Wyndham Shire | Quote valid for 60 Days |

Confidential

Page 1

8 June 2007

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

Provision of X-ray Inspection Equipment

| QTY | DESCRIPTION | UNIT PRICE AUD | TOTAL PRICE AUD |
|-----|---|-------------------|--------------------|
| 1 | HS 6046si X-Ray System (FCA) <ul style="list-style-type: none"> • Hi-Trax II Electronics • XADA High Resolution Detectors • 1 x 17" Colour Monitor • Hi-MAT (Material Detection Software) • SEN (Super Enhancement) • HI-TIP (Threat Image Projection) • X-ACT (Automatic Detection Software) • IMS (Image Store with CD-RW) • Reverse Scanning Function • LCD Counter Set (Gen Hrs/ Op Hrs / Bags) <p> Warranty: Full 12 Months Parts & Labour Production: 8 – 10 weeks Delivery: Sea Freight 4-5 weeks from Ex-Works Installation: Min. 2 weeks advanced notice required </p> | \$67,000.00 | \$67,000.00 |
| 1 | 17" Monitor Stand & Housing - Monitor Base \$1,190.00 - Monitor Housing \$1,530.00 | \$2,720.00 | \$2,720.00 |
| 1 | Customs Charges, Duties & Handling Fees - X-Ray Inspection Unit - Monitor Stand & Housing | \$1,150.00 | \$1,150.00 |
| 1 | Sea Freight & Delivery to Site (Air freight available (1 week)) | \$3,600.00 | \$3,600.00 |
| 1 | Installation <ul style="list-style-type: none"> • Commissioning, Documentation & Handover. | \$4,800.00 | \$4,800.00 |
| | Sub Total | | \$79,270.00 |
| | GST (10%) | | \$7,927.00 |
| | TOTAL | | \$87,197.00 |

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Page 2

8 June 2007

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| Term | DESCRIPTION | UNIT PRICE AUD | TOTAL PRICE AUD |
|---------|--|-------------------|--------------------|
| 5 Years | Preventative Maintenance Schedule Includes: 6 monthly service schedule on sites Travel Labour Parts | \$5,000.00 | \$25,000.00 |
| | Non Parts | \$3,500.00 | \$17,500.00 |

Prepared & Issued By



.....
Jayson Page
Regional Sales Manager

Confidential

Page 3

8 June 2007

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

QUOTATION

smiths

Smiths Detection (Asia Pacific) Pte Ltd

Unit 7, 5-9 Ricketty St
Mascot NSW 2020
AUSTRALIA
T - +61 2 8338 9722
F - +61 2 8338 9733

Rick Spry
Airports Manager
Shire of East Kimberley

Ph: + 61 (0)8 91682648 (Office)
+ 61 (0) 417-980-673 (mobile)

Fax: + 61 (0)8 91681904

Email: am@thelastfrontier.com.au

Re: Email RS/JP 6 June 2007

Your Ref:

Our Ref: QU / 6864 / 06 / 07 / JP

Dated: 8 Jun 2007

| PREPARED FOR | BUYER | TERMS & CONDITIONS |
|--------------|---------------|-------------------------|
| Mr Rick Spry | Wyndham Shire | Quote valid for 60 Days |

Confidential

Page 1

8 Jun 07

The customer hereby acknowledges and accepts that this quotation is subject to the current Terms & Conditions of Trade ("the Terms") attached to this document. The application of any terms or conditions of the customer is excluded.

Provision of Ionscan 400B – Explosive Mode (Excludes 10% GST)

| QTY | DESCRIPTION | UNIT PRICE AUD\$ | TOTAL PRICE AUD\$ |
|-----|---|---------------------|----------------------|
| 1 | Smiths Detection Ionscan 400B – Explosive Mode Kit Includes: <ul style="list-style-type: none"> • Ionscan Manager Software • Consumables Kit • Spares Kit • Maintenance Kit • 1x Sampling Spoon • 1x Set Sampling Swabs (200) • 1x Calibration Standard (Explosive) • Operators Manual Availability: 4-6 weeks from Order Delivery: Air Freight 1 week | \$69,950.00 | \$69,950.00 |
| | | Sub Total | \$69,950.00 |
| | | GST 10% | \$6,995.00 |
| | | TOTAL | \$76,945.00 |

Additional Inclusions:

Smiths Detection offers the following to Broome Airport for their consideration.

1. Extended 4 year warranty at no charge (value AUD16,000.00)
2. All consumables for first 12 months inclusive (value AUD2,500.00).
3. On site consumable store with usage billed half yearly from year 2 onwards.

Smiths Detection makes this offer in the commitment to developing a successful relationship between our two companies. I am available to respond further to your request in the future and look forward to hearing from you.

Prepared & Issued By:



Jayson Page
Regional Sales Manager
Smiths Detection Australia

**SMITHS DETECTION AUSTRALIA
TERMS & CONDITIONS OF TRADE**

1. APPLICATION

- 1.1. These Terms and Conditions of Trade ("Terms") apply to all Equipment sold, and Services provided, by Smiths Detection (Asia Pacific) Pte Ltd ARBN 095 945 976 trading as Smiths Detection Australia ("the Company"). "Equipment" means all equipment sold and/or delivered and "Services" means all services provided, by the Company to the Customer from time to time. "Customer" means any customer of the Company. "Company's Premises" means Unit 16, 13 - 15 Wollongong Road, Arncliffe NSW 2205 or such other address as the Company notifies to the Customer.
- 1.2. No amendment, alteration, waiver or cancellation of any of these Terms is binding on the Company unless confirmed by the Company in writing.
- 1.3. The Company may vary these Terms at any time by giving at least thirty (30) days written notice to the Customer.
- 1.4. The Customer acknowledges that no employee or agent of the Company has any right to make any representation, warranty or promise in relation to the Equipment and Services or the sale of the Equipment and the provision of the Services other than as contained in these Terms.
- 1.5. These Terms prevail over any inconsistent terms contained in any documents of the Customer regarding the purchase of Equipment from and the provision of Services by the Company.

2. PRICES

- 2.1. Unless expressly stated otherwise in writing, prices are quoted strictly ex the Company's Premises, and do not include costs for packaging, delivery, freight, customs, duties, levies and/or insurance and are fixed for a period of thirty (30) days from the date of the quotation.
- 2.2. All applicable customs duties, tariffs and levies are payable by the Customer unless the order, order confirmation, invoice or other writing indicates otherwise.
- 2.3. Prices quoted are those current at the date of issue of quotation and are subject to adjustment resulting from variations in:
 - 2.3.1. The cost of labour, material and/or transport;
 - 2.3.2. Exchange rates, customs duty, freight and/or insurance; and/or
 - 2.3.3. Suppliers' prices.
- 2.4. A quotation is not an offer by the Company. The Company may withdraw or alter it at any time before receipt of an order without notice.

3. TERMS OF PAYMENT

- 3.1. Payments are to be made direct to the Company, strictly net, without any deduction or discount other than as stated herein or in the relevant invoice or statement.
- 3.2. Payments are to be made within thirty (30) days of the date of the Company's statement or invoice.
- 3.3. The Company may require immediate payment of all amounts outstanding (whether then due and payable or not):
 - 3.3.1. On the happening of any one or more of the events of default specified in clause 14; or
 - 3.3.2. If the Company in its discretion considers that the creditworthiness of the Customer has become unsatisfactory.
- 3.4. The Customer must pay interest on all overdue amounts calculated daily at 12% p.a. or the maximum overdraft rate charged by the Company's bankers, whichever is the higher.

4. SCOPE OF DELIVERY OBLIGATION

- 4.1. The Equipment and Services to be supplied by the Company are specified in the written order confirmation. Extras and additional Services are invoiced separately.
- 4.2. Availability dates are estimates only, but the Company will use its best endeavours to maintain these estimates.
- 4.3. At the Customer's request, the Company will arrange for the delivery of the Equipment into the Customer's premises at the Company's expense.
- 4.4. The technical data given are approximations unless described explicitly as accurate. They are subject to alteration by the Company without notice.
- 4.5. Unless expressly stated otherwise in writing, the delivery and service obligation does not extend to the installation and commissioning of the Equipment.
- 4.6. The Company will not be liable to the Customer for any loss or damage (including any consequential loss or damage) arising from late delivery.
- 4.7. The Company reserves the right to deliver the Equipment in whole or by instalments, as well as to deliver prior to the date of delivery and in such event the Customer must not refuse to take delivery of the Equipment.
- 4.8. Any failure on the part of the Company to deliver instalments within any specified time does not entitle the Customer to repudiate or avoid the contract with regard to the balance remaining undelivered.

5. SHIPMENT

- 5.1. The Equipment is shipped for the account and at the risk of the Customer. Special delivery instructions must be received by the Company at an early date. Complaints with respect to the shipment must be addressed by the Customer to the last carrier and the insurers immediately on receipt of the consignment or the shipping documents.

6. LIMITATION OF LIABILITY AND INDEMNITY

- 6.1. The Company expressly excludes all non-statutory warranties, conditions, liabilities or representations as to the quality or fitness of the Equipment and Services or the correctness of information, advice or other services concerning the Equipment or otherwise. Any rights which by law cannot be excluded, restricted or modified ("non-excluded rights") are not affected.

- 6.2. The liability of the Company and its employees or agents for a breach of any of the non-excluded rights referred to in clause 6.1 or any express warranty is limited, to the extent permitted by law, at the Company's option, to:
 - 6.2.1. In respect of Equipment, replacement of the Equipment or the supply of equivalent equipment; or
 - 6.2.2. Payment of the costs of replacing the Equipment or of acquiring equivalent equipment; and
 - 6.2.3. In respect of Service, re-supply of Service; or
 - 6.2.4. Payment of costs or re-supplying the Services.
- 6.3. The Customer indemnifies and will continue to indemnify the Company from and against all liabilities, losses, damages, costs or expenses directly or indirectly incurred or suffered by the Company because of any of the following:
 - 6.3.1. The Company complying with any instructions of the Customer about the Equipment;
 - 6.3.2. The Customer's failure to:
 - 6.3.2.1. Ensure that any safety markings on the Equipment are adequately displayed;
 - 6.3.2.2. Take any other reasonable precautions either to bring to the attention of any potential users of the Equipment, any dangers associated with Equipment, or to detect any matters in relation to which the Company may become liable, including, without limitation, liability under Part VA of the Trade Practices Act; or
 - 6.3.2.3. Comply with any laws, rules, standards or regulations applicable to the Equipment or the use of the Equipment;
 - 6.3.3. The Customer making any statement about the Equipment or its performance or characteristics beyond what is stated in the Company's literature about the Equipment without the Company's approval; or
 - 6.3.4. Any other negligence or other breach of duty by the Customer.
7. **INSPECTION**
 - 7.1. Unless the Customer has inspected the Equipment and Services and given written notice to the Company within seven (7) days after collection or delivery of the Equipment or provision of the Services, as the case may be, that the Equipment and Services do not comply with the relevant specifications or descriptions, the Equipment and Services are deemed to have been accepted in good order and condition.
8. **COMMENCEMENT OF WARRANTY**
 - 8.1. The Warranty Period for Equipment commences when either of the following conditions has been satisfied:
 - 8.1.1. Three (3) months from the date the Equipment has been shipped from the factory to the Customer; or
 - 8.1.2. The date that the Customer takes possession of the equipment, whether or not the Equipment has been installed and commissioned.
9. **RETURN OF EQUIPMENT**
 - 9.1. No returns will be accepted unless the Company has previously agreed in writing. If the Company agrees to the return of Equipment, it must be unsoiled, undamaged and in a resaleable condition (or Customer pays for all costs of replacement or repair) and delivered free to the Company's Premises unless otherwise agreed by the Company in writing.
10. **CANCELLATION OF ORDER**
 - 10.1. No order may be cancelled, modified or deferred, or deliveries postponed without the prior written consent of the Company (which is at the Company's sole discretion) and if such consent is given, it is subject to the Company being paid a cancellation fee equivalent to 5% of the value of the order and, at the Company's election, being reimbursed all losses, including loss of profits.
11. **RISK**
 - 11.1. The Equipment is entirely at the risk of the Customer from the moment the Equipment leaves the Company's Premises or, if the Equipment is dispatched from a location other than the Company's Premises, then the moment the Equipment leaves such location.
 - 11.2. The Company will not be liable for any loss or damage or deterioration of the Equipment after dispatch from the Company's Premises or from any other location even if transport is arranged by the Company.
12. **PROPERTY IN EQUIPMENT AND INSURANCE**
 - 12.1. Legal and beneficial ownership of Equipment supplied by the Company will not pass to the Customer until such time as the Equipment so supplied and all other Equipment supplied and all Services provided, by the Company to the Customer from time to time, have been paid in full in cash or cleared funds.
 - 12.2. From dispatch of the Equipment and until title has passed, the Customer must, at its own expense, maintain the Equipment and insure it for the benefit of the Company against theft, breakdown, fire, water and other risks. The Customer must further take all reasonable measures to ensure that the Company's title is in no way prejudiced.
13. **RE-SALE OF EQUIPMENT**
 - 13.1. Should the Customer be a re-seller then, subject to clause 13.2.4, the Customer has the right to sell the Equipment in its own name at full market value and in the ordinary course of business.
 - 13.2. Until the amount payable to the Company in respect of the Equipment and in respect of all other Equipment previously supplied by the Company to the Customer, has been paid in full in cash or cleared funds:
 - 13.2.1. The Customer will hold the Equipment only as bailee for the Company;
 - 13.2.2. The Equipment must be stored in such manner that they are readily distinguishable from other Equipment owned by the Customer or other persons and so as to clearly show that they are the property of the Company;
 - 13.2.3. The Customer must indemnify the Company from and against any claim, action, proceeding, damage, loss, cost, expense or liability incurred or suffered by the Company arising out of the possession, use or disposal of the Equipment by the Customer or repossession or attempted repossession of them by the Company; and

- 13.2.4. Any sale of the Equipment under clause 12.1 will only be effected by the Customer as trustee for the Company and the proceeds of such sale and the rights of the Customer against its customer arising from such sale will be held on trust for the Company. The said proceeds must be held in a separate account or otherwise clearly identified in the books and records of the Customer.
- 13.3. If the Customer resells any Equipment then, unless the Equipment are clearly identifiable by serial numbers or other distinguishing marks, the Customer is deemed to have disposed of the Equipment in the chronological order of supply by the Company to the Customer (oldest to most recent).
- 13.4. If the Customer has not received the proceeds of any such sale, it will, if called upon to do so by the Company, assign to the Company within seven days all rights against the person or persons by whom the proceeds are owed.
- 14. DEFAULT**
- 14.1. If:
- 14.1.1. The Equipment is not paid for in accordance with these Terms or any other written agreement between the Company and the Customer; or
- 14.1.2. The Company receives notice of, or reasonably believes that a third party may attempt to levy execution against or attach the Equipment; or
- 14.1.3. Any other event occurs which in the Company's opinion is likely to adversely affect the Customer's ability to pay for the Equipment (including but not limited to the appointment of a receiver, receiver and manager, administrator, controller, liquidator, provisional liquidator, trustee or similar person (each an "insolvency representative") to the Customer's undertaking), then the Company may at any time thereafter, without notice to the Customer and without prejudice to any other rights which it may have against the Customer, terminate any contract relating to the Equipment and the bailment referred to in clause 13.2.
- 14.2. If the Customer is in default under these Terms, the Company is also entitled to refer the overdue account, at the Customer's expense, to an agency for collection.
- 15. RIGHT TO ENTER PREMISES**
- 15.1. In any of the circumstances referred to in clause 14, the Customer:
- 15.1.1. Authorises the Company by itself, its agents or representatives, at all reasonable times, without notice, to enter onto (with force if reasonably necessary) and at all necessary time(s) to remain in and on any premises where the Equipment are located in order to collect the Equipment, without being guilty of any manner of trespass; and
- 15.1.2. Assigns to the Company all the Customer's rights to enter onto and remain in and on such premises until all the Equipment have been collected.
- 16. ADMINISTRATION, RECEIVERSHIP ETC.**
- 16.1. In any of the circumstances referred to in clause 14:
- 16.1.1. Neither the Customer nor its insolvency representative or any other person acting for the Customer and/or its creditors is entitled to sell, charge, remove, dispose of, use or otherwise deal with the Equipment in any way inconsistent with the Company's ownership of the Equipment, without the Company's prior written approval;
- 16.1.2. The Customer, its insolvency representative or any other person acting for or on behalf of the Customer and/or its creditors is obliged to re-deliver the Equipment to the Company immediately or immediately on his appointment at its or his expense; and
- 16.1.3. If the Equipment is returned to or collected by the Company, the Company will, within 28 days, account to the Customer or its insolvency representative for all monies received for the Equipment from the Customer less the Company's reasonable administration charges and expenses incurred and loss of profits involved.
- 17. CUSTOMER AS TRUSTEE**
- 17.1. If the Customer carries on business as trustee of a trust then the Customer warrants that:
- 17.1.1. The Customer enters into the contract as trustee of a trust;
- 17.1.2. The Customer has all requisite powers to enter into the contract;
- 17.1.3. The beneficiary of the trust approves the purchase of the Equipment on the terms of the contract including these Terms; and
- 17.1.4. The assets of the trust are available to the Company in satisfaction of any debt incurred by the Customer.
- 18. CATALOGUES AND TECHNICAL DOCUMENTS**
- 18.1. Particulars in leaflets, catalogues, drawings, brochures and other printed material are illustrations only, form no part of the contract between the Company and the Customer, and are not binding on the Company.
- 18.2. All technical documents such as manuals, drawings, illustrations, descriptions, etc, are the exclusive property of the Company. They must not be made available to third parties, or copied, duplicated or used for reproducing any part of the Equipment.
- 19. GOODS AND SERVICES TAX**
- 19.1. Goods and Services tax ["GST"] is not included in the quoted price.
- 19.2. If GST is imposed on the Company in respect of the Equipment and Services then the Customer must pay to the Company the amount of such GST in addition to the quoted price.
- 19.3. The Company must give the Customer written notice of the amount of any GST payable under this clause and provide a tax invoice showing the amount of GST payable.

12.3.6. Sundry Debtors Write Off – Debtor 96453 Kununurra Soccer Club

| | |
|---------------------------|---|
| DATE: | 13 June 2007 |
| PROPONENT: | Shire of Wyndham-East Kimberley |
| LOCATION: | Shire of Wyndham-East Kimberley |
| AUTHOR: | Nicole O'Connor, Payroll / Debtors Officer |
| REPORTING OFFICER: | Jo-Anne Ellis, Executive Manager Corporate Services |
| FILE NO: | 60.14.03 |
| ASSESSMENT NO: | N/A |

PURPOSE

To seek Council's approval to write off unrecoverable debts.

BACKGROUND

Write Off Sundry Debts - Debtor 96453 Kununurra Soccer Club

Officers have followed Council's Debtor Policy to recover funds of \$890 from Debtor 96453 and this has not been successful. All debt recovery actions have been exhausted. Council do not recommend sending this debt to Credipac and recommend write off due to a lack of capacity to reclaim the debt as Credipac can only reclaim a debt against a registered individual, business or association. The outstanding debts are registered to Kununurra Soccer Club, with whom there is no committee or registered contact person(s).

This issue has highlighted the shortfalls of the previous community facilities hire and booking system. The previous system included asking staff at Kununurra Sporties club to turn on oval lights. Upon this request hirers were required to complete relevant details in a usage register. Charges were then calculated from details written in this book. The previous format of this booking system has been revised to increase accountability and prevent this issue from reoccurring. The revised system was devised and implemented in March 2007.

STATUTORY IMPLICATIONS

- 6.12 Power to defer, grant discounts, waive or write off debts
- 1 Subject to subsection (2) and any other written law, a local government may –
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

**absolute majority required*

POLICY IMPLICATIONS

Actions taken to date and recommended are consistent with policy: Sundry Debt Collection Policy – F15

FINANCIAL IMPLICATIONS

Should Council resolve to write off this debt, it is recommended that the write off be applied against the Shire's provision for doubtful debts. The provision is accounted for in each financial year and has no impact on the current years operating statement.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Councils' Manager Recreation and Leisure has recommended that the Kununurra Soccer Club debt be written off due to being unable to make any payment and a lack of evidence of direct accountability, lack of association status, lack of committee office bearers, and an inability to feasibly recover the debt of \$890.

Debtor 96453 Kununurra Soccer Club

| Inv No | Inv Date | Amount | Description | Balance |
|---------------|-----------------|---------------|---|----------------|
| 11132 | 13/12/2006 | 80.00 | 02/11 OVAL HIRE 09/11 OVAL HIRE | 80.00 |
| 11129 | 13/12/2006 | 160.00 | 05/10 LIGHT USAGE 12/10 LIGHT USAGE 19/10 LIGHT USAGE 26/10 LIGHT USAGE | 160.00 |
| 11130 | 13/12/2006 | 120.00 | 30/10 LIGHT USAGE 02/11 LIGHT USAGE 09/11 LIGHT USAGE | 120.00 |
| 11131 | 13/12/2006 | 180.00 | 05/10 OVAL USAGE 12/10 OVAL USAGE 19/10 OVAL USAGE 26/10 OVAL USAGE | 180.00 |
| 10817 | 30/09/2006 | 170.00 | 07.09 OVAL LIGHT 14.09 OVAL LIGHT 22.09 OVAL LIGHT 28.09 OVAL LIGHT | 170.00 |
| 10705 | 07/09/2006 | 180.00 | 03/08 LIGHT USAGE 10/08 LIGHT USAGE 17/08 LIGHT USAGE 24/08 LIGHT USAGE | 180.00 |

ATTACHMENTS

N/A

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

1. That Council write off the debt for Sundry Debtor 96453 Kununurra Soccer Club of \$890.
2. That Council adopt the following inclusion in the standard conditions of hire for Council facilities:
That user groups with outstanding debts of 45 days or more are suspended from use or hire until all debts are paid, or until a satisfactory payment agreement is reached.

COUNCIL RESOLUTION

Minute No. 7759

Moved: Cr J Parker

Seconded: Cr M Middap

1. That Council write off the debt for Sundry Debtor 96453 Kununurra Soccer Club of \$890.
2. That Council adopt the following inclusion in the standard conditions of hire for Council facilities:
That user groups with outstanding debts of 45 days or more are suspended from use or hire until all debts are paid, or until a satisfactory payment agreement is reached.

Carried Unanimously: 7/0

12.4. COMMUNITY SERVICES

12.4.1. Kununurra School and Community Library – Staffing

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Kununurra School Community Library |
| AUTHOR: | Karyn Apperley, Executive Manager Community Services |
| REPORTING OFFICER: | Karyn Apperley, Executive Manager Community Services |
| FILE NO: | 35.14.06 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider options and implications regarding the recruitment and selection for the Librarian position at the Kununurra School Community Library.

BACKGROUND

Under the Deed of Licence, executed in 1997 between the Shire and the Department of Education regarding the operation and management of the Joint Use Library, the position of School Community Librarian is employed by the Department of Education.

The following clauses of the 1997 Deed of Licence relate to staffing arrangements:

- 6 (a) *The Minister and the Shire shall appoint a school community librarian (“the School Community Librarian”) who shall:*
- (i) have appropriate qualifications in both teaching and librarianship*
 - (ii) have a status and classification determined by the Minister and the Shire; and*
 - (iii) be in charge of the facilities at all times*
- (b) *The initial appointment and subsequent vacancies for the position of School Community Librarian shall be advertised widely in such manner as the Minister and the Shire shall agree and such advertisement(s) shall provide full particulars of the unique nature of the appointment which shall be on the basis of either:*
- (i) a contract with the Minister or*
 - (ii) (if the successful applicant is an employee of the Education Department) a secondment within that Department*
- (c) *The salary of the School Community Librarian shall be the amount appropriate to the status and classification determined by the Minister and the Shire pursuant to clause 6 (a)(ii) and shall be paid:*
- (i) During the first year of the term of this Licence in the following manner:*
 - A. By the Minister – an amount equal to the salary from time to time payable to a teacher (as prescribed by the Government School Teachers’ Enterprise Agreement 1996) having the same qualifications and period of service (as a teacher in the Education Department) as the person appointed to be the School Community Librarian; and*

B. *By the Shire – that portion of the salary from time to time payable to an Education Officer II (as prescribed by the Government School Teachers’ Enterprise Agreement 1996) less the amount under clause 6(c)(i)(A); and*

(ii) *Thereafter by the Minister and the Shire in such proportions and amounts as they shall agree and failing agreement as determined by arbitration as hereinafter provided.*

(d) *The Minister and the Shire shall appoint a library technician whose salary and associated costs shall be paid by the Shire*

(e) *The Minister and the Shire may appoint such further staff as are necessary to enable the facilities to be used for educational and public library purposes upon such terms and conditions as are agreed upon between the Minister and the Shire and in making such appointments regard shall be had to the number of community users of the facilities.*

13. *In both this Deed of Licence and Rules, reference to a person by job title, position or job description includes that person’s lawful delegate, nominee or agent and includes any person acting in or occupying that job or position.*

In addition, the following clause is also relevant to the current situation:

9. *Each party hereto shall cooperate with the other and do all acts, matters and things which are reasonable, within its power and are reasonably necessary to give effect to the intention of the parties to provide the facilities for the purposes hereinbefore provided.*

In February 2007, the Kununurra School Community Librarian resigned after 5 years of service at the Kununurra Library. The position of Librarian, employed by the Department of Education, was advertised in the West Australian on 17 February and in the Australian on 24 February. Two applications were received, neither of which met the position eligibility criteria of teaching qualifications and librarian qualifications.

Interim staffing arrangements have been put in place to maintain effective operation of the Library. An agreement was reached with KDHS for reimbursement of additional staff wages incurred by the Shire as a result of interim staffing arrangements.

The Library Advisory Committee met on 29 May 2007 to discuss the Librarian position, staffing arrangements and options. The Committee agreed that the Deed of Licence, executed in 1997 between the Shire and the Minister for Education regarding the Joint Use Library requires review and significant modification and updating.

Council received a presentation regarding staffing arrangements and options at its Briefing Session on 3 June 2007.

STATUTORY IMPLICATIONS

Local government library service provision is provided for under the *Library Board of Western Australia Act 1951*.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

The financial implications of maintaining the status quo in Library staffing arrangements are represented in the current budget allocations and the draft 07/08 budget.

A change in arrangements which proposed the Shire employing the Librarian, instead of the Department of Education being the employer, would result in the Shire incurring annual staff housing provision costs and additional staff wage costs associated with employment of a full time qualified Librarian.

STRATEGIC IMPLICATIONS

The importance of recruiting a suitably qualified, experienced and skilled Librarian for the Kununurra School Community Library is critical not only the operational functionality of the Library but also to continuing, and building on, the unique successes of the Library which have involved increased programming options for students and community members, increased and diverse community participation and the development of the Library as a central community hub for the expansion of literacy and cultural expression.

COMMUNITY CONSULTATION

N/A

COMMENT

There is reluctance by the School to re-advertise the position given the current qualified teacher shortage throughout WA and given that the employment conditions of the Librarian position are less attractive than those of a teacher position. Therefore, different staffing arrangements have been investigated by the Shire and the School.

A proposal is that the Shire could employ the full time Library Manager and the School could employ a full time qualified teacher librarian thereby negating the requirement for the Library Manager to hold teaching qualifications. There are obvious financial implications for the Shire associated with this proposal. In addition, the successful management of the library would be determined by the effectiveness of the working relationship between the Librarian and teacher librarian. Such an arrangement would need to clearly articulate roles and responsibilities of both positions in a manner consistent with the joint use of the library and the collaborative partnership and working arrangements between Shire and School library staff that had been developed to date.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council advise the Minister for Education of the need to review and update the 1997 Deed of Licence regarding the Kununurra School Community Joint Use Library and commence this review under the direction of the Kununurra School Community Library Advisory Committee.
2. That Council request the Minister for Education to remove the requirement for teaching qualifications from the eligibility criteria for the position of Librarian given the outsourcing of teaching duties from this position for the past 3 years and the current chronic teacher shortage in WA, to enable the position of Librarian to be filled in a timely manner.
3. That should the Minister for Education not agree to remove the eligibility criteria of teaching qualifications from the position of Librarian, then Council advise the Minister that Council will accept responsibility for employment of the Librarian only if the Department of Education reimburses the Shire for the position's housing costs and additional staffing costs associated with such a restructure of library staffing arrangements.

COUNCIL RESOLUTION

Minute No. 7760

Moved: Cr D Ausburn

Seconded: Cr B Barnes

1. That Council advise the Minister for Education of the need to review and update the 1997 Deed of Licence regarding the Kununurra School Community Joint Use Library and commence this review under the direction of the Kununurra School Community Library Advisory Committee.
2. That Council request the Minister for Education to remove the requirement for teaching qualifications from the eligibility criteria for the position of Librarian given the outsourcing of teaching duties from this position for the past 3 years and the current chronic teacher shortage in WA, to enable the position of Librarian to be filled in a timely manner.
3. That should the Minister for Education not agree to remove the eligibility criteria of teaching qualifications from the position of Librarian, then Council advise the Minister that Council will accept responsibility for employment of the Librarian only if the Department of Education reimburses the Shire for the position's housing costs and additional staffing costs associated with such a restructure of library staffing arrangements.

CARRIED UNANIMOUSLY: 7/0

NOTE: Cr K Wright expressed concern about the procedural matter taking place without the coverage of an altered deed of agreement being signed.

12.5. CHIEF EXECUTIVE OFFICER

12.5.1. Sponsorship Request – Country Medical Foundation

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Country Medical Foundation |
| LOCATION: | N/A |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 36.19.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider a sponsorship request from the Country Medical Foundation.

BACKGROUND

The Country Medical Foundation was formed 18 years ago through an initiative of Local Government at the time to assist with the shortage of doctors and nurses in rural and remote Western Australia.

The Foundation is run by a Board of Trustees and operates through funding donations providing sponsorship to students studying medicine and/or nursing.

At the Western Australian Local Government Association Annual General Meeting in August 2006 a motion was passed to continue and support the Foundation program.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Dependant on any sponsorship made.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Further information was requested from the Country Medical Foundation, through the questions listed below. The Foundation responses are provided in italic text:

1. Given the WALGA AGM resolution why has only 1 Shire donated funds since August 2006?

A vaguely worded 'in principle' resolution that committed no one to nothing is the prime culprit. The CMF in recent years fell off the country health landscape in terms of self promotion due to loss of key personnel and a lack of fundraising. The board is now rebuilt and its new, dedicated large scale corporate fundraising will be headed up by Bruce Larson (formerly of Rio Tinto fame, amongst other things) and Patricia Kailis (the one and only).

In response to the Chairman's letter we have had responses from about 20 Councils so far. Over half are unable to contribute; a large minority have given one off donations ranging from \$400-\$2000; and in several cases others have made a recurring commitment ranging from \$500-\$5000 (Laverton!).

2. What is the success rate in terms of % of students who received sponsorship and go back to working in rural areas?

The most recent survey (~2002) we have indicates an efficacy of just over 70%. We have tremendous difficulty in tracking these students and have a commitment from the universities to supply information this July. In likelihood we will commission a doctorate scholarship for dedicated research investigating efficacy of all the scholarship schemes in getting graduates out of the city.

3. Can we have a list of sponsors please and how much they donate?

I'll have to compile one as a result of the response to the recent letter.

As it stands the Country Women's Association Kalamunda Branch has donated \$1000 and Quairading has donated \$500. That has been the only incoming revenue in the previous fiscal year. The fund has largely persisted from a solid, well managed initial burst of fundraising done nearly 20 years ago. This fund has eroded from 1.3 million to a critical \$400,000. Hence the need for serious action.

4. If each Council donated \$500 that would be around \$70,000 and if this was matched dollar for dollar by the corporate sector that would give \$140,000 each year. Why can't that happen?

This could easily happen. It's been suggested that WALGA raise a levy for the sector. The strategic plan calls for an ideal of raising a perpetual fund (up to \$3 Million, timeframe to be determined) with annual operating revenues (~\$100,000 - \$200,000) ideally supplied from a variety of sources including the sector that started and owns the CMF.

ATTACHMENTS

Sponsorship request from the County Medical Foundation.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council, recognising the importance of skilled doctors and nurses to regional areas, and in support of the WALGA Annual General Meeting resolution regarding the Country Medical Foundation:

1. Provide a Quick Grant of \$500 to the Country Medical Foundation who coordinate sponsorship to support students from country areas studying medicine and nursing; and
2. Budget \$2,000 annually to support the Country Medical Foundation in its endeavours to support doctors and nurses return to service in regional areas.

COUNCIL RESOLUTION

Minute No. 7761

Moved: Cr K Wright

Seconded: Cr J Parker

1. **Provide a Quick Grant of \$500 to the Country Medical Foundation who coordinate sponsorship to support students from country areas studying medicine and nursing; and**
2. **Budget \$500 annually to support the Country Medical Foundation in its endeavours to support doctors and nurses return to service in regional areas.**

Carried Unanimously: 7/0

ATTACHMENT – Letter from Country Medical Foundation

Shire President
Cr. Michele Pucci
Shire of Wyndham East Kimberley
PO Box 614
Kununurra WA 6743



Dear Michele

I write to you in my capacity as Chairman of the Country Medical Foundation.

The Foundation began life 18 years ago as an initiative of Local Government aiming to solve the shortage of doctors and nurses in Rural and Remote WA that emerged through the eighties, became critical in the nineties and persists today.

I am well aware of the lengths most of us go to in order to compensate for short sighted policy at the State and Federal levels. An example of Local Government acting decades ahead of its counterparts, the CMF has been very innovative. By sourcing most of its income privately it has not been costly to Local Government, nor encouraged cost shifts – in fact the CMF was the inspiration for later State and Federal scholarships.

Most important has been our success in achieving what we set out to do; to increase the country medical workforce. The CMF has helped to place an average of 15 new professionals in country locations each year, or 221 in total. Attached is a list of the students who have come from, and returned to, Towns and Shires like ours.

In 2007 WA has seen record new intakes of medical students. One quarter of these are now from the country. The big centralized scholarship schemes still have gaps that many students fall through during such demanding studies – for example, most Bonded Medical Scheme students (who undertake to work in country settings to have their HECS debt reduced) do not receive Commonwealth scholarships. The need for WA based support to ensure these students complete their studies is greater than ever.

A very successful function has just been held to award continuing scholarships. Graduated Doctors (ex- scholarship awardees) spoke very highly of the help they had received and how it made the difference in them achieving their goal.

Unfortunately the CMF is in a financial position where for the first time, *funds are insufficient to offer a fresh round of scholarships*. Whilst the Board of Trustees is redoubling efforts to raise funds privately, the drop in support from all levels of government has left the fund facing wind-up.

At the August 2006 WALGA Annual General Meeting a motion was passed to support the CMF to continue its program. In the 10 months since, we have received a single donation from Quairading.

I request that, if your Council is committed to seeing our local youth aspire to medical careers in rural and remote WA, you discuss this matter with your fellow elected

members to authorise financial support of a scale you can sustain on an annual basis.

Without such support, the future of the scholarship program looks very bleak. It would be a shame to let the Foundation collapse as State and Federal commitment to country areas is never guaranteed. The old saying "The Lord helps those who help themselves" is very pertinent.

We seek and appreciate your support for what has been one of the most successful Local Government projects I have seen in twenty five years of Local Government, an example of "Community helping Communities".

Kind Regards,

Ken E. Pech AM J.P.

12.5.2. Sponsorship Request – East Kimberley Aboriginal Achievement Awards

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | East Kimberley Aboriginal Achievement Awards 2007 |
| LOCATION: | East Kimberley |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 36.19.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider a sponsorship request for the East Kimberley Aboriginal Achievement Awards 2007

BACKGROUND

Elected members were briefed on the East Kimberley Aboriginal Achievement Awards 2007 at their Briefing Session on the 5th June 2007.

The East Kimberley Aboriginal Achievement Awards (EKAAA) aims to celebrate and showcase community minded individuals and organisations who contribute to building a stronger future for Aboriginal people and the East Kimberley region. The award ceremony will be held in Kununurra on Saturday 15 September 2007.

The EKAAA is the only premium awards initiative in the North West that recognises these individuals and acknowledges their contributions. The vision of the EKAAA is to extend and grow, so that eventually nominees from all over the Kimberley region have the potential to be acknowledged and encouraged in their efforts.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Depending on sponsorship level considered. The recommended Silver sponsorship is \$2,500.

STRATEGIC IMPLICATIONS

Promotions of achievement of aboriginal people links to Council's commitment to the East Kimberley Regional Partnership Agreement it has committed too, which aims to increase indigenous employment.

COMMENT

Given the intention of the event organisers to extend and grow these achievement awards, it would assist Council's financial management if future requests for financial support were made within the existing Annual Community and Economic Development Grants program.

ATTACHMENTS

East Kimberley Aboriginal Achievement Awards 2007 brochure

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council sponsor the East Kimberley Aboriginal Achievement Awards 2007 at the Silver sponsor level of \$2,500;
2. That this sponsorship be allocated from the 2007/2008 Budget;
3. That Council give clarity of its intention for use of any complimentary tickets for sponsorship to the East Kimberley Aboriginal Achievement Awards 2007; and
4. That Council advise the East Kimberley Aboriginal Achievement Awards 2007 organisers that future sponsorship of this event will only be considered within the Annual Community Grants program.

COUNCIL RESOLUTION

Minute No. 7762

Moved: Cr J Parker

Seconded: Cr J Buchanan

1. That Council sponsor the East Kimberley Aboriginal Achievement Awards 2007 at the Silver sponsor level of \$2,500;
2. That this sponsorship be allocated from the 2007/2008 Budget;
3. That Council give clarity of its intention for use of any complimentary tickets for sponsorship to the East Kimberley Aboriginal Achievement Awards 2007; and
4. That Council advise the East Kimberley Aboriginal Achievement Awards 2007 organisers that future sponsorship of this event will only be considered within the Annual Community Grants program.

Carried Unanimously:7/0





TROPHIES & CERTIFICATES

Trophies in the form of hand painted plates with an engraved plaque will be presented to all the winning nominees on the night. Certificates will be presented to all award nominees. This can be at the time of notifying the nominees or they may wish to collect them on the night. The Certificates will not form part of the formal presentation of the awards.

EVENT PARTICULARS

| | |
|--------------------|--|
| Event Name | East Kimberley Aboriginal Achievement Awards 2007 |
| No of participants | 200-250 |
| Event Date | Saturday 15th September 2007 |
| Event Time | 5pm – 12pm |
| Venue | Argyle Kimberley Resort or Kununurra Leisure Centre (to be determined) |
| Catering | Formal 3 course meal, Bar sales on the night |
| Ticket price | \$30.00 |
| No of staff | 12 minimum |
| Entertainment | Mirima Dancers "Welcome to Country", Guest Speakers, Local Live Band |
| Equipment Hire | Sourced locally |
| Ticketing | Single contact point, pre-paid or purchase order |
| Security | Local security company |
| First Aid | First Aid volunteers |



*Mirima Dancers performing the Wangga
(Welcome to Country & Traditional dance)*



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Left to Right: Reggie Birch, Frank Chulung, Gilbert McAdam, Ian Trust, Laurie Waina, Donald Chulung, George Hamilton and John Green



VISION

Community spirit builds from the contributions of many individuals, families, community groups, businesses and organisations. The East Kimberley Aboriginal Achievement Awards (EKAAA) wants to celebrate and showcase those who contribute to the strength or of our local community and, in so doing, help to build a stronger future for the region and the people of the East Kimberley. The focus and drive remains in identifying "quiet achievers" and "leaders" who continually give back to the community in so many different ways.

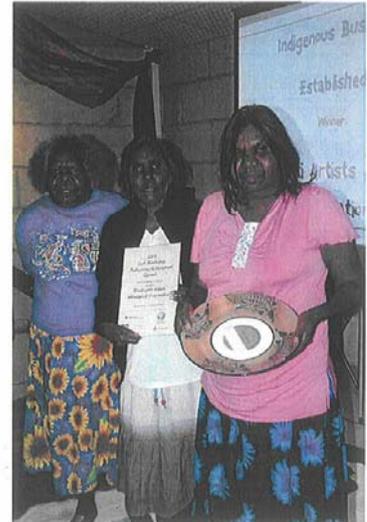
BACKGROUND

Previously known as 'The Wunan Achievement Awards' these awards were initiated by the ATSIC Wunan Regional Council in 2000, to recognise achievements by individuals and organisations in Aboriginal affairs within the East Kimberley. The Wunan Achievement Awards were last held in 2003. The Wunan Regional Council wanted to ensure that the awards were recognised as a community driven event and so the awards ceremony was renamed The East Kimberley Aboriginal Achievement Awards.

The Inaugural East Kimberley Aboriginal Achievement Awards, hosted by the Wunan Foundation, were held for the first time in 2006. With 12 category winners, 50 nominations and 200 attendees the awards event was hailed an outstanding success. The awards were held in the evening at the Argyle Kimberley Resort on the 23 June 2006. Guests and nominees were treated to a Traditional welcome by the Miriwung people, including traditional dance. The award presentations were the highlight of the evening and accompanied by a three-course meal and further entertainment which added to the magic of the evening.

Wunan Foundation has hosted the event, with support from other local groups such as Waringarri Aboriginal Corporation, and there is a clear intention to further build the level of community ownership of the Awards.

All nominees were announced and names displayed. They each received a certificate and category winners were presented with an engraved plate, hand-painted by members of the Wuggubun Aboriginal Community.



*2006 Indigenous Business Established
Warlayirti Artists Aboriginal Foundation*



REMOTENESS

The East Kimberley is one of the most remote areas of Australia, 3206km from its capital city Perth and 1032km to the next biggest town in Western Australia, Broome. The Wyndham-East Kimberley region is made up of 100% 'Very Remote' proportion of population according to the 2001 Census. 'Very Remote' makes up 2.6% of all population of Western Australia and 8.84% of all regional and remote areas in Western Australia. It also represents less than 1% of the proportion of population on a National level. According to the 2001 census the East Kimberley has the highest proportion of Aboriginal population in all of Australia at 47.3% this is even compared to 25% in the Northern Territory.

2002 Australian Bureau of Statistics (ABS) Information shows that the average total income for the Wyndham-East Kimberley area is less than the Western Australian and National averages. In addition to this there are lower than average earnings. Although food/goods price comparisons show that living in the East Kimberley is more expensive than in city/inner regional centres. On average, prices in the Kimberley are 13.3% greater than those in Perth.

Further, the region has an extremely young and fast-growing Aboriginal population, which in combination with other demographic challenges, underlines the importance of building a culture of success and promoting strong, positive role models within the community. The East Kimberley Aboriginal Achievement Awards is an event that specifically aims to do this by acknowledging, supporting, and promoting those in our community who are already achieving great things in a range of endeavours. This important ambition can only be achieved with help from a range of partners and supporters.

MOTIVATION

The EKAAA's aim to:

- Create positive goals and showcases role models within our Aboriginal community by creating an awards ceremony that recognises and appreciates the wonderful achievements and contributions made by Aboriginal people and organisations in our region.
- Contribute to a growing culture of success and progress through the Awards event itself, and also through comprehensive promotion activities and by engaging communities, particularly schools, in the development of the Awards.
- Encourage Aboriginal participation in the many social and economic opportunities of our region, and share ideas and inspirations from the Award winners and nominees.
- Provide a positive forum for building understanding, trust and cooperation between Aboriginal and non-Aboriginal people, simply by placing the spotlight on the many positive achievements in the East Kimberley.



MARKETING & PROMOTION

Promotion of the event will include, but not be limited to the following;

- **Posters and flyers** distributed in Kununurra, Wyndham, Warmun, Halls Creek and surrounding communities
- **Regional newspapers** including but not limited to; Kimberley Echo, Wyndham Bastion, Halls Creek Herald, Broome Advertiser
- **Television advertising** on Golden West Network pre and post awards
- **Kimberley radio stations** including but not limited to; Waringarri Radio, Spirit FM, ABC Kimberley, PRK Radio Halls Creek, , PAKAM network via Radio Goolarri
- **Local Newsletters** including but not limited to; SWEK newsletter, CommerceLink, Gelganyem Trust newsletter, Diamond Scoop newsletter, KGT newsletter, ICV newsletter,
- **Power Point presentation** in the local shopping centre leading up to the awards evening
- **Personal invites**

All advertising, marketing material and correspondence will mention key stakeholders and sponsors.



*Ben Ward
2006 Indigenous Individual
Personal Achievement*



*Ted Birch
2006 Indigenous Elder
Personal & Community Contribution*



SPONSORSHIP

Sponsorship of the 2007 Aboriginal Awards is a direct investment in the East Kimberley community, and a future for the region that is built on positive vision and success.

It is the aim of the 2007 East Kimberley Aboriginal Achievement Awards to ensure that the audience members and the community as a whole are conscious of your contribution and associate your organisation with this very important event.

This is your opportunity to:

- Promote and market your organisation's role in our region;
- Directly target an audience of Aboriginal people and communities across the region;
- Enhance your organisation's profile by demonstrating that you are involved in regional communities and regard the awards as having significant community benefits; and
- Enjoy networking opportunities with other key regional organisations through involvement in Award events.

Part of your financial contribution will be used to provide practical development opportunities for key Award winners, including training, travel, personal, professional & leadership development.

All sponsorship funds will be held in trust by the Wunan Foundation and an event summary and financial report will be forwarded to all sponsors after the event.

SPONSORSHIP PACKAGES

LEVEL ONE - PLATINUM SPONSOR \$10,000 + GST

- Naming rights for 3 awards and presentation rights at the event
- Banner at EKAAA
- Logo in TV advertising (Major visibility)
- Logo & 1/2 page advertisement in program booklet
- 200 word company profile in program booklet
- Logo in posters & flyers
- Acknowledgement at the event
- 10 complimentary tickets

LEVEL TWO - GOLD SPONSOR \$5,000 + GST

- Naming rights for 2 awards and presentation rights at the event
- Banner at EKAAA
- Logo in TV advertising
- Logo & 3/4 page advertisement in program booklet
- 200 word company profile in program booklet
- Logo in posters & flyers
- Acknowledgement at the event
- 6 complimentary tickets



LEVEL THREE - SILVER SPONSOR \$2,500 + GST

- Naming rights for 1 award and presentation rights at the event
- Banner at EKAAA
- Lineage in TV advertising
- Logo in program booklet
- 100 word company profile in program booklet
- Acknowledgement at the event
- 4 complimentary tickets

LEVEL FOUR - BRONZE SPONSOR \$1000 + GST

- Logo in program booklet
- 100 word company profile in program booklet
- Logo on posters & flyers
- Acknowledgement at the event
- 2 complimentary tickets



2006 Trophy – hand painted from Wuggabun Community

These sponsorship packages have been developed with flexibility in mind. Acting as the administrative body the Wunan Foundation would be pleased to enter into discussion to further negotiate tailored packages for your company/ organisation. Should you wish to discuss this Sponsorship proposal further please contact Jordie Rock on 0408 951 310.

AWARD CATEGORIES

Young People and Education – The key to our Future

1. Outstanding Academic Individual Achievement
2. Young individual for outstanding Sporting Achievement
3. Outstanding Education Project or Program that encourages Aboriginal Participation

Leadership – Building the Future

4. Young individual demonstrating outstanding Leadership
5. Individual demonstrating outstanding Leadership (Open)

Community – Nurturing our Future

6. Outstanding Individual contribution to the Community
7. Outstanding Individual contribution to the Arts & Culture
8. Exceptional Individual Care Giver
9. Outstanding community Partnership or Project (Predetermined)
10. Family of the Year (Predetermined)



Employment – A Working Future

11. Best Apprentice or Trainee of the Year
12. Best Employment and Training Service Provider (Predetermined)
13. Employee of the Year
14. Employer of Aboriginal People of the Year (Predetermined)

Business – An Enterprising Future

15. Best Aboriginal Small Business of the Year
16. Best Aboriginal Medium to Large Business of the Year
17. Outstanding Community Group or Organisation contributing to Aboriginal community

Positive Role Models

18. Non-Indigenous Person of the Year
19. Aboriginal Person of the Year
20. Elder (60+) Of the Year

AWARD DESCRIPTIONS

Outstanding Academic Individual Achievement

This award recognises commitment to and achievements within the education system for further academic development. This achievement can be for students who have undertaken their studies within the East Kimberley or for students who live in the East Kimberley but undertake their studies elsewhere. The award is open to students studying at secondary and tertiary level.

Young Individual for Outstanding Sport Achievement

This award recognises a commitment to and achievements in sporting activities (individual/ team/ national/ state levels). To be eligible for this category, the East Kimberley must be the sportspersons principle place of residence.

Outstanding Education Project or Program that encourages Aboriginal Participation

This award recognises Educational Projects or Programs that have contributed towards promoting Aboriginal participation and a positive image of Aboriginal culture and heritage or who have facilitated the development of Aboriginal people with the East Kimberley.

Outstanding Young Individual Leadership

This award recognises an individual 15-25 years old, who has demonstrated leadership through positively guiding others with in the family and/or community, personal goal achievement and community development, heritage and culture. Quality of engagement with the wider community through leadership in committees, peer assistance, sporting activities, emphasises on volunteer work, professional and personal development



Outstanding Individual Leadership

This award recognises an individual 25 years or older, who has demonstrated leadership through positively guiding others within the family and the community, personal goal achievement and community development, heritage and culture.

Outstanding Individual contributing to the Community

This award recognises an individual who has shown outstanding dedication towards others in the community, and who inspires and empowers others to add value and participate in community life. This individual has made a noteworthy contribution during the year or given outstanding service to the local community over a number of years. This may include people who are in paid positions or carry out this activity on a voluntarily basis.

Outstanding Individual contributing to Arts & Culture

This award recognises a commitment to and achievement in any aspect of the arts - Design, writing, painting, song, dance, music, theatre or storytelling)

Exceptional Individual Care Giver

This award recognises an individual whose extensive Care Giving has benefited others and the community.

Outstanding Community-building Partnerships and Projects

This award recognises a specific partnership or project within the Aboriginal community that demonstrates leadership, collaboration and real outcomes contributing to a stronger future for Aboriginal people in the East Kimberley.

Family of the Year – Participation in the Community

This award seeks to celebrate the strength of Aboriginal families by recognising one such family that stands out in the way the family group nurtures stability and achievement, both within the family and through its role in the community.

Best Apprentice or Trainee of the Year

This award will recognise an individual who has completed or is due to complete their apprenticeship or traineeship within the 2007 calendar year. This person should show career progress due to training, have applied themselves to their studies and have achieved personal goals and have career aspirations.

Best Employment or Training Service Provider

In recognition of the important role of service organisations working to deliver innovative and effective skills development and/or employment support for Aboriginal employees and their employers.



Employee of the Year

Tell us about your top employee/colleague and how they have contributed to your business success. The winner will be an employee who has excelled in all areas, who is dynamic, customer focused, enthusiastic and committed.

Employer of Aboriginal People of the Year

The Employer award will be presented to an enterprise that demonstrates outstanding commitment and excellence in the provision of training and employing Aboriginal people.

Best Aboriginal Small Business of the Year

This award recognises a new or emerging small Aboriginal business (10 employees or less) who have demonstrated good management and strategies to provide a better services Aboriginal people.

Best Aboriginal medium to large Business of the Year

This award recognises a new or emerging Aboriginal business (10 employees or more) or Corporation who have demonstrated good management and direction for growth.

Outstanding Community Group or Organisation contributing to Aboriginal community

In recognition of the many successful organisations that work tirelessly to build strength and opportunity within the Aboriginal community, this award will go to the Community group or organisation that best embodies the notions of achievement, service, credibility and delivering real and lasting opportunity for Aboriginal people

Non-Aboriginal Person contributing to Aboriginal Affairs

This award recognises an individual who has made a significant contribution to Aboriginal affairs or the quality of life of Aboriginal people in the East Kimberley.

Aboriginal Person of the Year

This award recognises an individual who is an inspirational role model to others. This person stands out through improving quality of life of Aboriginal people, improves the opportunities of people living in the region, enriches cultural diversity, reunites family and community activities and goes above and beyond to support and be active with in the community on all levels – family, community service and development, heritage and culture, personal goal achievement

Elder (60+) Of the Year

This award recognises an Elder who is inspirational to others as a “life-time” role model. This person stands out and goes above and beyond to support and be active with in the community on all levels – family, community service and development, heritage and culture, personal goal achievement

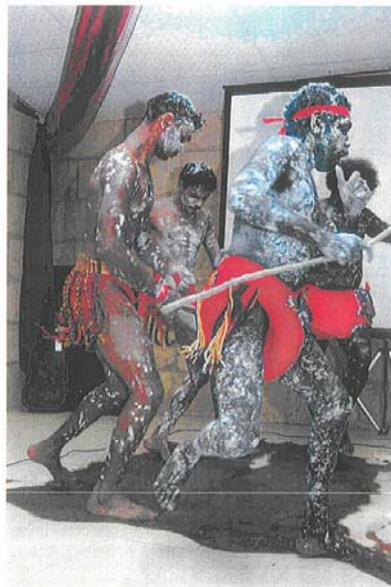


TROPHIES & CERTIFICATES

Trophies in the form of hand painted plates with an engraved plaque will be presented to all the winning nominees on the night. Certificates will be presented to all award nominees. This can be at the time of notifying the nominees or they may wish to collect them on the night. The Certificates will not form part of the formal presentation of the awards.

EVENT PARTICULARS

| | |
|--------------------|--|
| Event Name | East Kimberley Aboriginal Achievement Awards 2007 |
| No of participants | 200-250 |
| Event Date | Saturday 15th September 2007 |
| Event Time | 5pm – 12pm |
| Venue | Argyle Kimberley Resort or Kununurra Leisure Centre (to be determined) |
| Catering | Formal 3 course meal, Bar sales on the night |
| Ticket price | \$30.00 |
| No of staff | 12 minimum |
| Entertainment | Mirima Dancers "Welcome to Country", Guest Speakers, Local Live Band |
| Equipment Hire | Sourced locally |
| Ticketing | Single contact point, pre-paid or purchase order |
| Security | Local security company |
| First Aid | First Aid volunteers |



*Mirima Dancers performing the Wangga
(Welcome to Country & Traditional dance)*

12.5.3. Australian Sister Cities Conference 2007 - Darwin

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire Wyndham East Kimberley |
| LOCATION: | Darwin, Northern Territory |
| 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 consider having representation at the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007.

BACKGROUND

The Darwin City Council is hosting the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007. The Sister City initiative is global and aims to promote knowledge transfer, positive international relationships, commerce and trade between cities and regions.

Details and registration forms for the Conference were provided to elected members with the documents for the Briefing Session held on the 8 May 2007.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Early Bird registration fees for the Conference are \$1,050 per delegate.

Individual conference days can be attended for \$350/day.

Accommodation and travel cost would be additional to this.

An estimated cost for the attendance per person would be \$1,700 inclusive of accommodation and travel by road.

STRATEGIC IMPLICATIONS

There are a number of potential strategic interests the East Kimberley region may have in developing future Sister City relationships particularly in terms of trade and tourism.

COMMENT

Participation in conferences has a number of intangible benefits including networking, knowledge growth and relationship building.

At this particular time there is considerable national interest generating around the East Kimberley through the drought in much of Australia and the reliable water supplies provided here by the Ord River Scheme.

Should Council agree to the recommendation to have representatives attend this conference it is recommended that those representatives on behalf of Council schedule meetings with the Northern Territory Government at the same time to seek agreement to progress expansion of the irrigation scheme into the Northern Territory as planned for the Ord River Irrigation Scheme.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That Council give consideration to the attendance of three elected members and one senior officer at the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007.
2. That Council have its delegation to the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007 meet with representatives of the Northern Territory Government at this time to seek progression of potential expansion of the Ord Irrigation Scheme into the Northern Territory.

COUNCIL RESOLUTION

Minute No. 7763

Moved: Cr D Ausburn

Seconded: Cr K Wright

1. **That Council give consideration to the attendance of three elected members and one senior officer at the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007.**
2. **That Council have its delegation to the 2007 Australian Sister Cities Association Conference to be held in Darwin 30 September to the 3 October 2007 meet with representatives of the Northern Territory Government at this time to seek progression of potential expansion of the Ord Irrigation Scheme into the Northern Territory.**

Carried Unanimously: 7/0

12.5.4. Public Gazetted Roads – Consolidated Pastoral Company

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Consolidated Pastoral Company |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 42.09.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider how it approaches the need to facilitate release of land identified in the Ord Final Agreement to become freehold land to Consolidated Pastoral Company (CPC), and implications of this for any public gazetted roads to support his proposed freehold land.

BACKGROUND

Elected members were briefed on issues related to CPC road access to the proposed parcels of land that CPC will gain from the Ord Final Agreement, at the April 2007 Briefing Session. CPC were represented at that Briefing Session.

1. CPC will inherit approximately 16,000ha of freehold land as per the Ord Final Agreement, in return for surrendering an equivalent amount of land from its pastoral leases, to enable expansion of the Ord Irrigation Scheme, and for land surrendered to be Reserves co vested between the State and the Miriuwung Gajerrong Corporation (MG Corp).
2. The State advise it will not issue freehold title to CPC until CPC has a publicly gazetted road to these parcels of land.
3. The Ord Final Agreement places the onus for achieving publicly gazetted roads on CPC.
4. Getting the land into freehold ownership for CPC is strategically important to the East Kimberley region because it could provide the impetus for significant expansion of agriculture, and subsequent flow on benefits.
5. CPC are anxious to get this resolved and are frustrated by the processes around it. Those processes however are not necessarily related to Council.
6. Should Council accept any road as a public road it the has the liability for those roads and future upgrade costs needed unless those cost can be apportioned to future land subdivisions.
7. Council is not a signatory to the Ord Final agreement and was not requested to be.
8. The Chief Executive Officer therefore met with Civic Legal in April 2007 to seek advice as to issues Council should consider in seeking to resolve the issue. That advice has been provided to Councillors under confidential cover.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is linked to the strategic future of the East Kimberley region. 16,000ha of land, much of it suitable for more intensive land use, is more than the current developed area of the existing Ord Irrigation Area. What ever this land is used for will have a significant impact on the East Kimberley region and its economy.

COMMENT

While Council is keen to see the CPC land progressed to freehold ownership as soon as possible this must be done within legal frameworks that do not impose potentially large future financial burdens on the ratepayer base. It is recommended that Council seek independent legal advice to settle this matter.

Neither the State Government nor CPC saw fit to consult with the Council in the development of the Ord Final Agreement on aspects of road gazettals or to take into account the considerations for the Council on this matter. It cannot therefore be argued that it is Council who has created the circumstance around the current situation.

Given the Council has not created this situation, and neither the State Government nor CPC have presented solutions to it in the past 18 months, it reasonable that the Council's cost associated with resolving this matter be met by CPC who have the responsibility under the Ord Final Agreement to get these road gazettal's in place, at their cost.

ATTACHMENTS

Legal advice under confidential cover

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council consent to enage Civic Legal's service, under the terms and conditions provided to Council, to represent Council in the matter related to the gazettal of roads to proposed freehold land for Consolidated Pastoral Company.

Cr Ausburn left the room at 7:24pm before the vote.

COUNCIL RESOLUTION

Minute No. 7764

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council consent to engage Civic Legal's service, under the terms and conditions provided to Council, to represent Council in the matter related to the gazettal of roads to proposed freehold land for Consolidated Pastoral Company as per Council's legal advice 28 May 2007 (Legal Ref: AQ/AG/C119).

That Council instruct the Shire President to sign the legal agreement between Civic Legal and the Shire.

Carried Unanimously: 6/0

12.5.5. Ord Stage 2 – Leadership Options

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | National |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 42.09.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider leadership options seeking to ensure expansion of the Ord Irrigation Area.

BACKGROUND

1. This issue was considered at Council's briefing session on 5 June 2007 because as time rolls on uncertainty about Ord Stage 2 builds. The uncertainty has impacts on the region.
2. The wide ranging issues associated with the local sugar industry are complex and are an integral part of the uncertainty around expansion of the Ord Irrigation Area. The private sector has indicated to the government however that it believes the region has a strong future in an expanded sugar industry.
3. The Shire President has released the attached Press Releases, conveying the region's concerns about the lack of clarity on progress with expansion of the Ord irrigation scheme. No substantial response or positive comment from State or Commonwealth has been given.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Approximately \$50,000.

STRATEGIC IMPLICATIONS

Expansion of the Ord River Irrigation Scheme is arguably the most strategic project for the East Kimberley region. Its impact is expected to be catalytic on the regions economy providing an expanded economic base and capitalising on the past public investment in infrastructure such as Lake Argyle.

COMMENT

1. Both the recently announced State and Commonwealth budgets had no good news for the Ord project. The State budget had an allocation of just \$2.9M for 2007/08. The State is likely to argue that real capital expenditure would not be until 2008/09 because it will take that long before any agreed proponent developer gears up with on ground works. While that is true, it misses the opportunity to send a real and positive signal about the State commitment to this project, which could have been done, even if funds were carried forward to 2008/09. The State Government's failure to send a budget signal is at odds with the State Treasurer's comments reported in the Western Australian newspaper 13th January 2007 that the expansion of the Ord Scheme is important to the region *"crying out for some economic development."*
2. The Shire President has attempted to contact the State Treasurer to clarify first hand how the State sees progression of the Ord project. The Treasurer has not responded and this is seen as further evidence that the State is not giving this project the priority required to ensure future opportunities for this region are secured.
3. The community is desperate for leadership on this project. That leadership is not likely to come from sources other than Council.
4. A more passive, sit and wait conventional lobby approach, to get Ord Stage 2 implemented has not worked in the past, and it could be that it will not work for this region in 2007. If Council wants this project it might need to take action to ensure it happens.
5. It is recommended that Council consider what it is prepared to do to ensure Ord Stage 2 gets locked in and is done. Timing is important. It is important any action is not implemented prematurely, but equally procrastination can be counter productive. A judgement call is needed.
6. It is recommended that Council consider embarking on a professional media campaign invoking national interest in the Ord project and signalling to both the State and Commonwealth the need to fund this project, not next year, but in 2007.
7. It is recommended that this campaign include professionally made television commercials conveying to both State and Commonwealth governments their credibility on issues including:
 - Their rhetoric about developing northern Australia.
 - The impact of drought, when they ignore a water secure region.
 - Their commitment to future generations of indigenous people, who are denied opportunity by their inaction on Ord Stage2.

-is in question should they not cooperate and ensure the Ord Scheme reaches its full potential.

8. It is recommended these commercials be commissioned and run nationally on main stream prime time television, to signal to both State and Commonwealth governments that developing the Ord River Scheme to its full potential needs their attention and a higher priority. That action is likely to attract other media (e.g. Talk Back radio, A Current Affair, Landline, 60 Minutes etc)
9. This kind of action is not new. The Western Australian Local Government Association has campaigned through media advertising in this on issues including, road and library funding, and proportional preferential voting.
10. The Commonwealth government is running around saying it wants to develop northern Australia. It is saying it has a \$10B water fund, AND yet it fails to reach agreement with the State on a couple of hundred million for multi user infrastructure for the Ord project.
11. It is recommended that Council resist the temptation to get involved in lengthy processes with either government may seek to “work things through”, which could reasonably be expected to be offered, but really are code for shutting things up or delay tactics.
12. Finally, this sort of action leads to community respect for their local government because people know what their local government stands for and recognises the local government is fighting for its interest. It will however not be without its critics. Few things are. Ensuring Ord Stage 2 is worth a bit of criticism.
13. The Commonwealth have linked expansion to the Ord River Irrigation scheme with the State Governments moratorium on Genetically Modified (GM) crops (e.g. Senator Heffernan’s press release 7th March 2007) and stated that if GM cotton was available as a broad acre crop option in the Ord Scheme, the Scheme would be more viable. Yet the State and Commonwealth continue to not resolve their political differences in this issue, denying producers a viable crop option, and potentially important crop rotation. The State ignores its own Department of Agriculture and Foods research and recommendations about the value of GM cotton as a viable crop option to the Ord region.

ATTACHMENTS

Media Statements:

| | |
|-------------|--|
| 15 Jun 2006 | ABC transcript Genetically Modified Cotton |
| 13 Jan 2007 | Ord Scheme set to double in Size |
| 16 Jan 2007 | Ord Flow Tied to Cotton |
| 16 Jan 2007 | Overwhelming Case for lifting GM Cotton Ban |
| 7 Mar 2007 | Heffernan calls for rethink on genetically altered crops |

4 Jun 2007 Complacency threatens Ord's prospect of huge growth.

Press Releases:

2 May 2007 Shire Wyndham East Kimberley

1 Jun 2007 Shire Wyndham East Kimberley

Jun 2006 GM Cotton Research in the Ord River Irrigation Area, Department of Agriculture and Food publication.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That given the:

- The State - Federal Government procrastination on progressing the expansion of the Ord River Irrigation project as a nation building project,
- The investment ready nature of the Ord Irrigation Scheme; and
- The importance of the Ord River Irrigation scheme to the future of the East Kimberley region;

Council provide leadership on the issue by commissioning a national media campaign, of approximately \$50,000, to signal to both the Western Australian State Government and Federal Government the need for this project.

COUNCIL RESOLUTION

Minute No. 7765

Moved: Cr K Wright

Seconded: Cr J Buchanan

That given the:

- **The State - Federal Government procrastination on progressing the expansion of the Ord River Irrigation project as a nation building project;**
- **The investment ready nature of the Ord Irrigation Scheme; and**
- **The importance of the Ord River Irrigation scheme to the future of the East Kimberley region;**

Council provide leadership on the issue by commissioning a national media campaign, of approximately \$50,000, to signal to both the Western Australian State Government and Federal Government the need for this project.

Carried Unanimously: 7/0

10 C's / 17.6.05 / 17.06

Transcript

Station: ABC NORTH WEST WA Date: 15/06/2006
 Program: WA COUNTRY HOUR Time: 12:16 PM
 Compere: JANE GRIEVE Summary ID: P00022306248

Item: GENETICALLY MODIFIED COTTON IS ON THE AGENDA, WITH TWO COMPANIES APPLYING TO THE COMMONWEALTH FOR LICENCES TO GROW THE GM VARIETIES. WA HAS A MORATORIUM ON ALL GM CROPS. THE ARGUMENT IS BEING MADE THAT THE COTTON BE ALLOWED, AS IT IS NOT A FOOD CROP.

INTERVIEWEES: MARK BUCKINGHAM, CORPORATE AFFAIRS MANAGER, MONSANTO; GARY SCOTT, ENVIRONMENT CENTRE; TREVOR DE LANDGRAFFT, WA FARMERS; ROB BOSCHIMMER, CANE GROWER

| Demographics: | Male 16+ | Female 16+ | All people | ABs | GBs |
|---------------|----------|------------|------------|-----|-----|
| | N/A | N/A | N/A | N/A | N/A |

JANE GRIEVE: Genetically modified cotton is back on the agenda with two companies applying to the Commonwealth for licences to allow GM varieties to be grown in Northern Australia.

Western Australia currently has a moratorium on all GM crops, though debate ranges - rages rather, as to whether cotton should be excluded, as it's not a food crop. The application is with the Office of the Gene Technology Regulator and there's fierce opposition from environmental groups around any plans for a cotton industry north of the 22nd parallel. Bronwyn Herbert reports.

REPORTER: The Commonwealth technology watchdog, the Office of the Gene Technology Regulator, has

| ADELAIDE | BRISBANE | CANBERRA | HOBART | MELBOURNE | PERTH | SYDNEY |
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recently received applications from two companies – Monsanto and Bayer CropScience, to extend trials of genetically modified cotton into Northern Australia.

Now its environmental safety that needs to be cleared by the OGTR and there's already outcries from environmental groups opposed to GM cotton plans. The OGTR rejected a similar application four years ago on the basis that cotton could become a weed and may compete with native cotton in the tropics.

Monsanto's corporate affairs manager, Mark Buckingham, agrees weediness is still the issue the OGTR is most concerned about.

MARK BUCKINGHAM: Well that's very much the question the OGTR asked us to look at and why we're putting in this application. We've recently completed working with independent scientists a four year study of whether there is a risk of cotton with our GM traits becoming a weed, and is that risk any different from conventional cotton without the traits becoming a weed?

So that is the major part of the research that's gone into this application now, and the clear conclusion from these independent scientists is that there isn't a risk of cotton becoming a weed in any event.

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REPORTER: How independent are your scientists?

MARK BUCKINGHAM: The science that they've done is actually being peer reviewed and we hope will be published in two different independent journals later this year. So it's very good science we believe and their conclusions were clear, that there isn't a weediness risk from cotton in northern Australia.

We want to get this licence approval from the Federal government in Canberra, which would be that the Federal government's determination that cotton with our technology is not a weed, does not pose a weediness risk in northern Australia. So it would be a sign off of environmental safety. That would allow the sorts of trials, the sorts of small scale work that's been conducted for a number of years now to continue.

The question of whether farmers get access to the technology, whether it's grown on a larger scale, in fact whether any sort of commercial cotton industry were to develop, we see that as a separate question and that's a matter for the WA government moratorium, and a matter for further discussion.

We think that the WA government's trials conducted over almost ten years up here at Kununurra show that it's a viable crop, it's produced some very strong economic results and we would like to see growers have the opportunity to choose to grow some cotton.

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REPORTER: Monsanto's corporate affairs manager, Mark Buckingham. Environs Kimberley and the Environment Centre in the Northern Territory say commercial cotton growing involves massive land clearing, and could lead to pollution of rivers.

The Environment Centre's Gary Scott is urging the Gene Technology Regulator not to approve the applications.

GARY SCOTT: There's the potential for GM cotton to become a weed, we think that's still an issue that hasn't been resolved. Cotton is also an inappropriate crop for northern Australia. There's an over supply of cotton in the world at the moment with prices somewhat depressed.

It will create large demand for water resources. There's talk of having 200,000 hectares or more of cotton grown in northern Australia, which is a huge area. That's 2000 square kilometres. It will create a large demand for water, especially in the dry season when rivers and wetlands need the water.

The cotton trials that have gone on in the Kimberley and Katherine and in northern Queensland have shown that there are problems with pests, with aphids and with cluster caterpillars. There's also problems with Alternaria, which is a leaf spot disease.

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REPORTER: Gary Scott there from the Environment Centre in the Northern Territory. In Western Australia a moratorium exists for all GM crops regardless of whether they are growing food or fibre. Trevor De Landgraftt from WA Farmers says he supports the lifting of the GM ban for northern cotton.

TREVOR DE LANDGRAFFT: We would certainly support the trials going ahead and I believe that we would also support the lifting of the moratorium in that region for that purpose.

REPORTER: Mr De Landgraftt says GM cotton could be the alternative crop for the further development of the Ord irrigation area.

TREVOR DE LANDGRAFFT: I think there's no doubt that if stage two of the Ord is going to be successful it does need a staple crop. It's going to need either cane sugar or it's going to need cotton, and preferably have the option of both.

I believe that this would be the backbone of the industry if they could get a successful cotton industry going.

REPORTER: Though some farmers in the Ord region aren't convinced cotton needs to be the backbone of expansion. With licence fees of \$300 per hectare for the cotton GM technology cane grower,

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Rob Boschimmer, says he's not sure if the economics of cotton weigh up?

ROB BOSCHIMMER: I'm not sure if I'd grow it based on the economics, but I would look seriously at it. It would be a good rotation crop for our sugarcane industry up here. So that would be very beneficial and it means you just don't have one crop growing, like it could be with sugarcane.

I think it's a very dangerous situation where parts of the country can be allowed to use technology and other parts not. It seems totally unfair to me that if you live a metre one side of the 26th parallel you can grow GM cotton, if you live a metre the other side of the 26th parallel you can't. It seems to put an economic impost on us.

REPORTER: The OGTR is expected to release its draft response in August then opening a two month public consultation period before a decision is made.

Though the reality of a commercial industry of GM cotton in the north is still years away with uncertainty of state government approval, a lack of industry infrastructure and even land availability through Ord stage two still not determined.

JANE GRIEVE: Thanks to Bronwyn Herbert for that report.

* * End * *

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Tapping the vital resource that's in our backyard

Ord scheme set to double in size under new plan

GARETH PARKER

The ambitious Ord irrigation scheme could more than double in size if the State Government's expansion plans are successful.

After battling public perceptions for decades that it was a white elephant, the scheme is set to come into its own by expanding from 13,000ha of irrigated agriculture to 29,000ha, led by Lake Argyle.

The Government has received 10 expressions of interest from companies to develop up to 16,000ha of irrigated land known as the M2 development area, north of existing farmland on the Ivanhoe Plain.

The Ord irrigation area produces between \$50 million and \$70 million worth of crops a year.

Sugarcane is the dominant crop, accounting for roughly one-third of land under irrigation.

Seedcrops, including sorghum, sunflower and chickpeas, grapefruit, melons, pumpkins, mangoes and bananas, make up the rest.

Production will be boosted as big tree crops — predominantly Indian sandalwood — mature.

There are high hopes for Indian sandalwood, which produces fragrant oil used in expensive perfumes. Dwindling natural supplies in India are driving prices beyond \$100,000 a tonne and it can be grown to maturity in the Ord in 13-15 years compared with up to 80 years in the wild.

All available land in Stage One has

been under irrigation since at least 2001, and farmers are crying out to expand, according to Kimberley Primary Industry Association executive officer David McKerrell.

Mr McKerrell said it was possible that wheat and other grains could be grown in the Ord but other crops provided better economic returns.

"It's a very productive area. I've had a lot to do with farmers around Australia but I believe the farmers up there are at the leading edge," Mr McKerrell said.

"They're young, they're enthusiastic, they've got resources behind them and I think they've got a great future but they can't do it when they're land-locked. Those that view the Ord as a white elephant generally haven't been there."

Acting Premier Eric Ripper said the expressions of interest gave him a

degree of confidence that the expansion would go ahead but he stressed the proposals would have to be economic to the Government.

"The project can't be one that is supported at any cost — there has to be a degree of commercial reality about the proposals that are put forward and I will be watching with very close interest to see what comes out of the expressions of interest process," Mr Ripper said.

It is believed the Government wants proponents to pay for infrastructure like roads and irrigation.

Mr Ripper said the expansion was important in a region "crying out for some economic development" — expansion of the sugar industry would allow the Korean owners of Kununurra's sugar mill, Cheil Jedang, to achieve better economies of scale.

A factor that could complicate the economics of the expansion is the Government's moratorium on genetically modified crops. Ten years of trials have shown GM cotton — which makes up nearly 95 per cent of Australia's cotton production — can be grown successfully in the Ord.

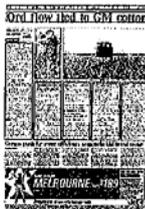
But the Government has refused to allow proponents to include GM cotton in their packages.

Mr McKerrell said the decision could affect Stage Two's viability.

"I would like to think that there is a cotton industry running in parallel with sugar — you can't just grow sugar on sugar on sugar. You've got to have rotation and cotton is a very good crop," he said.

Court government plans for an Ord expansion collapsed in 2001 when a Wesfarmers-led joint venture pulled out of a \$500 million sugar project that would have seen 30,000ha of sugarcane planted.

Since then, the world sugar price has tripled and the Gallop government settled native title issues with the Miriuwung/Gujerrong people.



Kununurra farmers push for the State Government to lift moratorium so pest-resistant varieties can be grown

Ord flow tied to GM cotton

GARETH PARKER

More than 20 years after cotton crops in the Kimberley were wiped out by tropical pests, the State Government is being urged to provide an exemption to its controversial ban on genetically modified plants to allow pest-resistant strains of cotton to be grown in the Ord River irrigation area.

Prominent Kununurra agricultural figures told *The West Australian* they fully supported the lifting of the Government's GM moratorium so that pest-resistant varieties of GM cotton could be grown.

And a successful stage two expansion of the Ord scheme, now under consideration by the Government, could turn on it lifting the GM moratorium.

More than 90 per cent of Australia's cotton production, grown mostly in NSW and Queensland, is genetically modified. Nearly all Australia's production, worth an estimated \$1 billion a year in exports, is bought by spinning mills in Asia.

Several attempts were made during the 1970s to grow cotton at Kununurra but they inevitably fell victim to heliothis moths, caterpillars and other insects despite widespread chemical spraying.

The new varieties of GM cotton, known as Bollgard, have been developed by global GM giant Monsanto and bred in Australia by the CSIRO.

Wyndham-East Kimberley Shire chief executive Peter Stubbs said GM cotton was a crucial part of the mix of crops that could carry the Ord scheme forward.

"The only genetic modification is that they have taken a gene out of a bacteria found in soil and put it into the cotton seed. The bacteria makes the cotton toxic to the heliothis moth," Mr Stubbs said.

Shire president Michele Pucci said her council was fully supportive of growing GM cotton on a commercial scale.

GM cotton has been grown on more than 3000ha in Kununurra over the past decade in trials conducted under the supervision of the Department of Agriculture and Food and the CSIRO.

The department's cotton project manager Geoff Strickland said there was now sufficient data from the trials to be confident that GM cotton would prove both economic and environmentally sustainable.

Contrary to the popular public perception of cotton as a thirsty crop, it used only a moderate amount of water, about one-third that of sugar, the dominant crop in the Ord.

And the genetic modification which controlled caterpillar pests meant crops had to be sprayed about three times per season. In the final year of cotton production in the Ord in the 1970s, farmers sprayed 40 times.

"We're confident about yields, we're confident about pest management, we're confident about water use," Mr Strickland said. "We've really developed a package for cotton growing in the region, assuming Ord

Stage 2 comes on line one day and the necessary Government approvals are also provided.

"When the Ord was first established in the 1960s and 70s the best yields were about four bales of lint per hectare. These days commercial scale yields have been in the 8 to 10/hectare range."

Mr Strickland said while those

'In calling for expressions of interest for project developers in the Ord, we are excluding proponents for cotton.'

AGRICULTURE MINISTER KIM CHANCE

yields were not exceptionally high compared with peak production in the Eastern States, they were consistent. Kununurra's winter, dry-growing season meant the crop was not vulnerable to the occasionally disastrous hails, summer storms and flood suffered by Eastern States growers.

Despite the successful trials, the Government has ruled out accepting proposals that included GM cotton in the current expressions of interest for

the Ord Stage 2 expansion.

Agriculture Minister Kim Chance is a strong supporter of GM cotton, but he was quick to point out that Government policy will see the GM moratorium maintained until 2008 when it will be reviewed.

"In calling for expressions of interest for project developers in the Ord, we are excluding proponents for cotton," Mr Chance said.

Asked if he would lobby Cabinet to have the moratorium lifted, Mr Chance said that was between him and his colleagues.

"The advantage that cotton has over sugar is that it uses so little water. It's a very light user of water and I think that is going to influence the final decision," he said.

Quizzed on the moratorium, Acting Premier Eric Ripper said: "We have a moratorium on GM crops across the State, and the expressions of interest (for Ord Stage 2) required people to comply with State law.

"I'm not signalling an end to the moratorium... and we conducted the EOI process within that context. If people in Kununurra have different views, they would need to present a strong case to the Government."

Kimberley Primary Industry Association executive officer David McKerrell said the exclusion of GM cotton from the EOI process was "short-sighted". GM cotton was a low water user and far less damaging to the environment in terms of pest control than standard varieties.

"I think cotton has got great prospects, the hard work has been done over the past 10 years and they have shown that the area can grow cotton very well," he said. "There's a fair bit of hypocrisy around with GM."

Mr Strickland said many in the department thought the success of Ord Stage 2 required two base crops.

"The only two crops you can really make money out of frankly are cotton and sugar," he said. "I think the strength of the Ord is that you have options available to you. That should be the area's great strength and it would be a pity for it not to proceed that way."



The West Australian | Established 1833 Tuesday January 16 2007

Overwhelming case for lifting GM cotton ban

The State Government's moratorium on genetically modified crops generally makes good sense. It reflects justifiable caution about an evolving science, about which many questions remain unanswered.

In particular, people are entitled to be worried about what health effects there might be from eating foods produced as a result of seeming interference with nature. Unless scientists can come up with unqualified assurances about the safety of such foods, consumers are entitled to be wary and the Government has good reason for adopting a safety-first policy.

Also, the moratorium helps to protect WA's export reputation as a source of natural agricultural products of high quality. It prevents what could amount to pollution of natural produce by genetically modified crops.

However, the Government is unreasonable in insisting that the ban on GM crops should be applied to pest-resistant varieties of cotton proposed for planting as part of an expansion of the Ord Irrigation Scheme. There is no human health issue here and no commercial threat to other crops from GM cotton.

Indeed, there is informed opinion that the success of Ord Stage 2 could depend on GM cotton being part of the mix of crops that would

be included in it. Research has pointed to GM cotton as potentially both an economic and environmentally sustainable crop for the region.

Despite this, the Government has ruled out accepting proposals that include GM cotton in expressions of interest for the Ord Stage 2 expansion. Curiously, Agriculture Minister Kim Chance is reported to be a strong supporter of GM cotton, but has said that under Government policy the GM moratorium will be maintained until next year, when it will be reviewed. He has been coy about whether he would lobby Cabinet colleagues to have the moratorium lifted on GM cotton.

Surely, there is an overwhelming case here for the Government to show some flexibility in favour of the public interest, rather than being locked in bureaucratic intransigence. The possibilities of GM cotton at the Ord amount to a fantastic commercial opportunity, not only for the region but for WA generally.

After the necessary research has been done, it is now clear that the long-pursued dream of a profitable cotton industry in the Kimberley to supply Asian markets is feasible. This is a potentially outstanding industry based on using the Ord's water resources. It should not be jeopardised by blind adherence to the letter of GM policy.



Heffernan calls for a rethink on genetically altered crops

By JEWEL TOPSFIELD
CANBERRA

AUSTRALIA will need to rethink its attitude to genetically modified crops in order to transform the water-drenched Top End into the nation's food bowl, Senator Bill Heffernan says.

In his first major interview since being asked in January to head a high-ranking taskforce into the ambitious plan, he also told *The Age* that rice growers had formally expressed interest in moving north.

Rice could be a success in the north, he said, with growers now having the scientific expertise they lacked in the 1950s when a Northern Territory rice experiment failed.

Senator Heffernan said genetically modified crops such as cotton were more environmentally friendly because there was less need for chemical pesticides and they were more water efficient.

The close confidant of Prime Minister John Howard said the taskforce would be guided by science and would not take a bulldozer approach.

Only two GM crops, cotton and carnations, are grown commercially in Australia.

The West Australian Government has banned all GM crops, though trials of genetically modified cotton near Kununurra, in far north WA, highlighted its potential as a commercial crop.

"One of the things which would make Kununurra immediately viable would be GM cotton production," Senator Heffernan said. "The taskforce and Northern Territory and West Australian governments have to come to terms with a change of attitude on things like GM produce."

Former deputy prime minister John Anderson this month called for a rethink on the states' ban on genetically modified food crops.



Heffernan: Wants to transform Australia's Top End.

PICTURE: PAUL HARRIS

He said Australia was falling behind in the rapid world growth of more productive biotech crops, such as drought-tolerant and pest-resistant strains.

Senator Heffernan said development of the north could see Australia position itself as the one of the world's great food, fibre and energy exporters, as countries such as China and India face problems with food production as they run out of water.

"One of the most alarming things about the Intergovernmental Panel on Climate Change report is that in 50 years' time, 50 per cent of the world's population is going to be water poor," he said. "If Australia is to remain an aggressive world marketer in primary industries, it needs to look at all the opportunities that present themselves with climate change."

He said the taskforce, which would include scientists, indigenous Australians, farmers, environmentalists and finance experts, would also look at options for new infrastructure, such as an east-west rail line, which could also be used by gas and mineral producers.

Senator Heffernan said there were probably "unlimited"

opportunities in the north for carbon off-setting, in which greenhouse emissions are reduced through tree planting. He also said there were great opportunities for ethanol production from crop residues, sugar stalks and stems and crop stubble, rather than molasses and grain, which are needed for food.

"Given the right science and understanding of Mother Earth, this represents one of the last great agriculture frontier opportunities on the planet.

"We may well reconfigure the settlement of Australia, especially in the rural and regional sense."

Senator Heffernan, a farmer from Junee, has been pushing for a decade for Australians to harness the millions of megalitres of fresh water that flow into the northern tropical seas.

Whereas Australia's drought-stricken food bowl, the Murray-Darling Basin, typically received run-off of about 23,000 gigalitres a year, he said the three major river catchments in northern Australia received inflows of 280,000 gigalitres.

He said he hoped the taskforce would meet for the first time within the month.



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A \$2.9M allocation in the recently announced State Government budget to progress expansion of the Ord Irrigation Area has done nothing to engender confidence in the East Kimberley region that the Government is serious about this project.

Shire President Michele Pucci said "it was now urgent that the State Government not only talked the talk, about this critical project for the region, but walked the walk as well."

Cr Pucci said that "people in the region, and the private sector the State Government seeks to engage with to expand the Ord Irrigation Area by 16,000ha as advertised in its Expression of Interest process, need to see the colour of the Governments money."

Cr Pucci said "the private sector had responded to the State's call for Expression of Interest process, and now needed clarity from the State about what is planned and what is going on."

"With climate change forecast, predicted less rain in southern Australia, and the headwork investments taxpayers had already made in the past in key infrastructure like Lake Argyle it was time Governments provide leadership and go on with the expansion of the Ord Irrigation Area in the nation's interest" Cr Pucci said.

"With all we know now about climate change and food demand trends in the world, it was ridiculous any Government should dilly dally around with the Ord project when it was development ready, with 30 years of scientific work and most headwork's done."

Cr Pucci said "Council and the region is expecting the State and Commonwealth Governments to put political differences aside and get on with nation building through this project."

"It is all very well for State and Federal politicians to wax lyrical about their visions for northern Australia, and to create a better future for the country and the high population of disadvantaged indigenous people in the region, but that rhetoric was not backed up in budget announcements."

Cr Pucci said "delivering the Ord project is catalytic expansion of the economic base in the East Kimberley that is so necessary to generate opportunities for the young indigenous population."

The lack of tangible leadership and budget allocation by both State and Commonwealth for this project remains a gapping black hole, at time when both Governments are flushed with budget surpluses.”

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Ord Expansion Overlooked Yet Again

The State Government's recent announcement of a \$93 Million prison to be built near Derby and a \$335M stadium to be built in Perth are yet further examples of the Ord Scheme being out of sight - of mind for the State Government.

Shire President Cr Michele Pucci said "it was disappointing and frustrating to people in the region and to potential investors that in times of record budget surpluses when things like prisons and stadiums can be afforded, that the State continues to overlook expansion of the Ord Irrigation Scheme."

Cr Pucci said "The lack of decisiveness by the State Government on the Ord Irrigation Scheme is misguided and risks robbing this region of a much needed expansion to the regions economy, to provide increased opportunity to the growing young population here."

"A couple of hundred millions dollars would see Stage 2 of the Ord Scheme done, and the flow-on benefit of that to the East Kimberley region would be enormous. Clearly the State Government can afford it, if it can afford prisons and stadiums" said Cr Pucci.

Cr Pucci said "the recent State Government budget announcements on infrastructure indicated the East Kimberley region and the future of people here was not high on the Government's priority. That needs to change, and it needs to change in a hurry."

Cr Pucci said "State Treasurer Eric Ripper has personally driven through the Ord Final Agreement on Native Title, paving the way for sustainable development in the region, but seems to have lost his way on Ord Stage 2. "

"The East Kimberley region was not interested in the 'blame game' being played out by the State and Federal Governments regarding the Ord Scheme which should be national building project."

Cr Pucci said "Council is calling on the state to reassure the region including potential investors that Ord two will not be overlooked."

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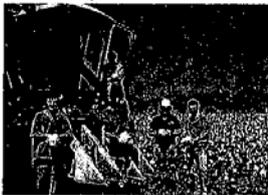
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GM cotton research in the Ord River Irrigation Area

| Inside this brochure: | |
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The first GM cotton harvest at Kununurra, 1997.

GM cotton trials impressive!

Picking the 2005 cotton trials at Kununurra was completed in September and the results were very impressive. The yield from the large 25 hectare Bollgard II® demonstration paddock was a local record of 9.4 bales/ hectare. This compares favourably with the Australian industry average of 9.2 bales/hectare and improved on the previous two years which yielded about 8.5 bales/hectare.

Perhaps even better news is that the excellent yields were achieved with few insecticide applications and low water use relative to other crops in the area.

The focus of cotton research has always been on sustain-

ability as well as high yield. For this reason it is especially pleasing to achieve high yields without compromising the important principles of sustainable pest and soil management.

The Department and its research partners have conducted cotton trials at Kununurra for 10 years. During that time, and with the enormous support of local farmers, more than 3,000 hectares of GM cotton have been evaluated. Despite some difficult years, there is now great confidence in the draft production package produced through this collaboration.

The guidelines for sustainable cotton production in the east

Kimberley will be published in mid-2006 by the Cotton Catchment Communities CRC.



A mature cotton boll opening

This update gives a summary of research results obtained at Kununurra.

How is GM cotton regulated?

All dealings with GM material in Australia are controlled by the Gene Technology Regulator under the powers of the *Gene Technology Act 2000*. The Regulator undertakes a thorough evaluation of the health and environmental impacts of all GM releases into the environment, including research trials. In September 2002, the Regulator approved the commercial release of Bollgard II® and Boll-

gard II®/Roundup Ready® cotton in Australia below latitude 22°S. However, commercial release approval was refused in northern Australia due to the Regulator's concerns that the crop may become a weed in the tropical environment (update page 5).

Most States also have legislation restricting the growing of GM crops. In Western Australia, the *GM Crop Free Areas*

Act 2003 prohibits the growing of all GM crops unless the Minister for Agriculture provides an exemption for a particular GM crop and/or area. GM cotton is grown in Queensland because the State does not have a moratorium and in NSW because the State considers that cotton is not a food crop and therefore falls outside the scope of its GM food crop moratorium.

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Visit the Cotton Catchment Communities
 Cooperative Research Centre at:
<http://www.cotton.crc.org.au/>



Cotton Catchment Communities CRC

What is GM cotton?

There are two types of GM grown commercially in Australia:

- Bollgard II® - cotton varieties containing two bacterial genes that provide protection against common caterpillar pests. (In 2003, Bollgard II® replaced INGARD®, which contained a single Bt gene and had been grown since 1996)
- Roundup Ready® - cotton varieties that are tolerant to the common herbicide glyphosate during the early growth stage

Both these genetic traits were developed by Monsanto and, in Australia, have been incorporated into Australian bred varieties by CSIRO and Deltapine Australia. CSIRO varieties are marketed by Cotton Seed Distributors and have more than 80% of the market share.

Cotton growers in eastern Australia have the choice of growing conventional cotton or GM cotton that contains either or both of the insect and herbicide tolerance traits. Farmers have adopted GM technology readily and 90% of the 2005/06 crop contained GM traits.

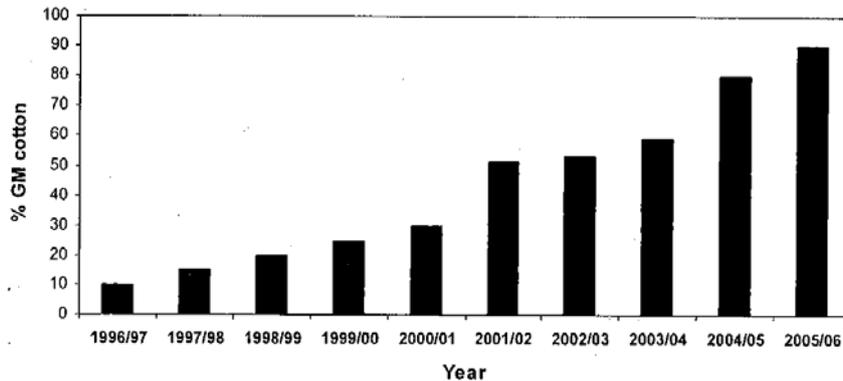
The major impact of GM cotton in eastern Australia is an 85% reduction in insecticide applications since 1998. Future cotton production in the Kimberley would also need to be GM based to capture these environmental benefits.

Note: ® Bollgard II, Roundup Ready and INGARD are registered trademarks of Monsanto Technologies LLC used under licence by Monsanto Australia Limited.

History of commercial GM cotton production in Australia

Australian cotton farmers have adopted GM technology readily and 90% of the 2005/06 crop contained one or more GM traits.

Percentage of Australian cotton production containing GM traits



Source: Annual audit figures from Monsanto Australia.



Australian Government
 Cotton Research and
 Development Corporation



Department of Agriculture and Food
 Government of Western Australia



Cotton CRC research update, June 2006.

A novel production system

The famously unsuccessful attempt at cotton growing at Kununurra in the 1960/70s dramatically illustrated the importance of sustainable production systems. The almost total reliance on insecticides to control insect pests led to pests developing resistance to the chemicals and eventually the

industry collapsed.

The development of GM cotton varieties, containing genes that give plants resistance to caterpillar attack, has opened the door to the prospect of redesigning sustainable cotton production systems for the Kimberley. Differences between

the unsuccessful "old industry" and the new model for sustainable production are summarised in the table below.

| 1970s INDUSTRY | NEW INDUSTRY | BENEFITS |
|---|--------------------------------------|---|
| Summer cropping (wet season) | Winter cropping (dry season) | Avoids major pests – pink bollworm, <i>Spodoptera</i> |
| Conventional varieties | Transgenic varieties | Controls caterpillar pests |
| Broad spectrum insecticides (>20 sprays per season) | IPM systems (<5 sprays per season) | Environmentally friendly - few insecticide sprays |
| No pesticide resistance management | Pre-emptive Bt resistance management | Long-term sustainability |

What research has been done?

A comprehensive range of studies has been undertaken, as summarised in the following table.

The research between disciplines

has been well integrated with the result that a cohesive package for sustainable production has been drafted. The final package will be

released as "NORpak" in mid-2006. A series of Factsheets highlighting research achievements will also be published in 2006.

| Pest management | Crop husbandry | Environmental issues |
|-----------------------|-----------------|----------------------------|
| large-scale IPM | nutrition | GM cotton weediness |
| GM cotton efficacy | varieties | water runoff quality |
| trap crops | crop growth | water use efficiency |
| resistance management | irrigation | Integrated weed management |
| beneficial insects | minimum tillage | "soft" insecticides |

Who's been involved with cotton research?

Cotton research at Kununurra has been a large collaborative effort between research organisations, local farmers, businesses and industry funding organisations. Key amongst these are the Department of Agriculture & Food, CSIRO, the Australia

lian Cotton CRC, Cotton Research & Development Corporation, Colly Cotton, Ord River District Cooperative, Cotton Seed Distributors and Monsanto Australia. Most importantly, local farmers have invested in cotton growing and produced

more than 3,000 hectares of GM cotton on a high risk research basis. Torben Sass Nielsen invested in cotton picking and module building equipment, without which the trials could not have been possible.

Cotton CRC research update, June 2006.

Yields at Kununurra

Bollgard II® demonstration paddocks have been grown at Kununurra according to best management systems (NORpak) for the past three seasons.

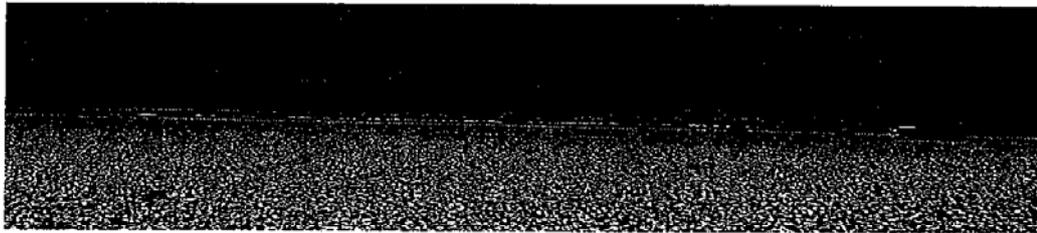
Yields are clearly commercially acceptable. Although Kununurra is not an inherently high yielding area, it produces reliably without the risks of drought, floods and summer storms.

| Year | Kununurra (Bollgard II®) | Australian industry average | World average |
|------|--------------------------|-----------------------------|-------------------|
| 2003 | 8.4 bales/hectare | 7.4 bales/hectare | 2.8 bales/hectare |
| 2004 | 8.5 bales/hectare | 7.8 bales/hectare | 3.1 bales/hectare |
| 2005 | 9.4 bales/hectare | 9.2 bales/hectare | 3.2 bales/hectare |

Source: Cotton Yearbook 2005 & local data.



Steve Yeates (CSIRO) admiring Ord cotton.



Irrigation application and efficiency

Cotton can be irrigated with any of the standard techniques including drip, lateral move, centre pivot or furrow. Almost all cotton research at Kununurra has utilised furrow irrigation because it is the standard for the region and enables direct comparisons with other crops.

Considerable research effort

has been devoted to developing efficient irrigation strategies for cotton. In essence, the preferred method involves scheduling irrigation events according to how much soil water the crop has used. This can be measured directly by soil moisture probes or by calculating water loss using a formula based on plant size

and daily evaporation data from the local weather station. Cotton crops at Kununurra typically require eight irrigations during the 6 month life of the crop, including initial crop establishment.

The following table summarises the irrigation data from Bollgard II® demonstration crops grown at the Frank

Wise Institute.

Irrigation events were meticulously monitored with all water on and off the paddock measured.

| Year | Total water applied/ha | Water application efficiency |
|------|------------------------|------------------------------|
| 2003 | 7.5 Megalitres | 83% |
| 2004 | 7.0 Megalitres | 73% |

Research data shows that Bollgard II® has a moderate irrigation requirement (~7.5 Megalitres/hectare) and that high water application efficiencies (~80%) can be achieved in the traditional furrow irrigation system.



John Moulten (DAFWA) measuring water runoff from an irrigation experiment.

Cotton CRC research update, June 2006.



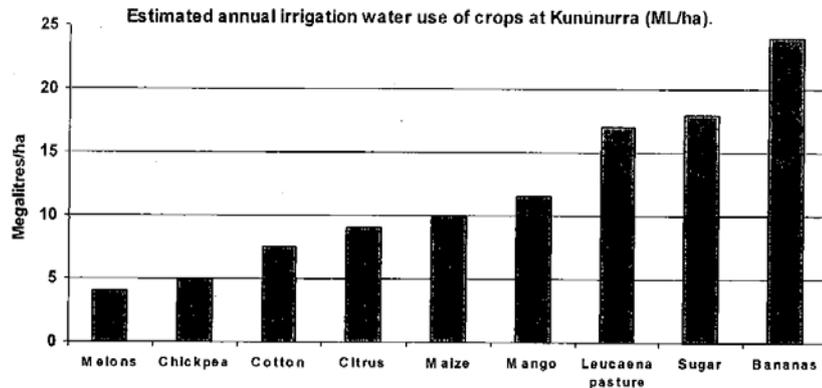
Measuring irrigation efficiency is an important research activity.

How much water does cotton use?

Urban mythology suggests that cotton is a "thirsty" crop, but trial data shows that cotton has a modest irrigation

water requirement at Kununurra of about 7.5 Megalitres /hectare. This compares favourably with

other crops commonly grown in the region, as shown in the chart below.



Source: Dr J Sherrard, Department of Agriculture & Food, unpublished data.

Is GM cotton economic to grow?



Picking cotton at Kununurra.

State and Federal legislation currently precludes the commercial growing of GM cotton at Kununurra and therefore there is no opportunity for an industry to develop at this time. However hypothetical gross margin budgets for cotton growing at Kununurra have been developed and published. The budget assumes the availability of picking and ginning equipment and these costs are included in the budget. Gross margins for all crops fluctuate according to changes in exchange rates, input costs and world prices. However, an average gross margin for GM cotton production at Kununurra is typically about \$1,200 per hectare. This compares favourably with other crops in the ORIA.

The region's guaranteed water supply and consistent yields mean that farmers would have the advantage of accessing forward selling strategies to capture high prices. This is an important distinction between Kununurra and most other production areas in Australia that suffer from water uncertainties and reduced marketing opportunities.

Relative gross margins for selected crops at Kununurra.

| Cotton | Sugar | Chickpea | Pumpkin | Sorghum (Grain) | Sorghum (hay) | Maize |
|---------|-------|----------|---------|-----------------|---------------|--------|
| \$1,200 | \$270 | \$160 | \$800 | -\$140 | \$270 | -\$210 |

Source: Department of Agriculture & Food, field crop budgets 2004.

Cotton CRC research update, June 2006.

Pest management

IPM (integrated pest management) principles have been rigorously evaluated at Kununurra in large-scale trials over a 10 year period. Local farmers have test-farmed novel IPM systems on more than 3,000 hectares cumulatively during the research phase. Key results from this research are summarised as:

- winter cropping (rather than summer) avoids peaks in abundance of some major pests, espe-

cially the pink bollworm and cluster caterpillar

- using a combination of trap crops and IPM compatible insecticides to control minor pests maximises the effectiveness of naturally occurring beneficial insects
- Bollgard II® effectively controls caterpillar pests throughout the season and is the cornerstone of successful IPM. The only exception is cluster cater-

pillar, which can occur as a minor pest in some seasons

- few sprays (<5) are required to manage insect pests on Bollgard II® cotton, compared to the 20-40 sprays that were required for summer grown conventional cotton in the 1970s

Bollgard II® cotton requires a moderate level of spraying for insect pest control compared to other crops in the region.



Inspecting an IPM cotton crop at Kununurra.

Will GM cotton become a super weed?

When Bollgard II® and Bollgard II®/Roundup Ready® cotton was approved for commercial release in 2002, the Gene Technology Regulator refused approval for northern Australia citing concerns about potential environmental weediness. At the time of the Regulator's decision, detailed multi-site weediness research conducted by CSIRO had

not been completed.

However, the research is now completed and published by the NT Government. Key results are expected to be published in the scientific literature in the near future and forms the basis of a new application to the Regulator for a commercial licence in northern Australia.

The CSIRO research was conducted in three regions; south of Broome, around Kununurra, and in the vicinity of Katherine. Detailed studies involving conventional cotton and two types of GM cotton occurred at each of several sites in all of the three regions. The trials were monitored for five years or until all plants had died.

At no site did a viable self-sustaining population of cotton establish.

The major conclusion from the research was that cotton is not an environmental weed and GM cotton does not have a higher weediness risk than conventional cotton.

(Full report at: <http://www.cotton.crc.org.au/Assets/PDFfiles/TR3051.pdf>)

Will insects become resistant to GM cotton?

Bollgard II® cotton contains two genes, which produce two different proteins that control the caterpillar pests that ingest them. The genes originated from a soil bacterium called *Bacillus thuringiensis*, commonly known as "Bt". Bt sprays have been used in agriculture for over 50 years and are favoured by organic farmers that use it as a natural control. Bt products are considered very safe to the consumer and are readily available

in garden shops and supermarkets.

Insects can develop resistance to insecticides in a similar way to human diseases developing resistance to antibiotics. In the case of the Bollgard II® genes, it is known that resistance genes exist naturally in pest populations, but at very low levels. The key to successfully managing resistance is maintaining the frequency of resistance

genes at low levels.

Considerable research effort is devoted to Bt resistance management. In fact, the area of INGARD® cotton in Australia was capped at 30% until the less resistance-prone Bollgard II® varieties were developed. It is a legal requirement for every region growing Bollgard II® cotton to have an approved and audited Resistance Management Strategy in place. A key to all strategies is

the provision of a "refuge crop" with all Bollgard II® plantings. The refuge crop is unsprayed and provides a large source of moths that have not been exposed to Bt. These moths are then available to mate with any Bt resistant individuals, therefore "diluting" the resistance level in the pest population. A draft Resistance Management Strategy has been prepared for Kununurra.

Cotton CRC research update, June 2006.

12.5.6. Use of Common Seal

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Shire of Wyndham East Kimberley |
| 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 1May to 15 June.

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:

- Contract for Sale of Land Lot 309 Dusty Rankin Drive East Kimberley Regional Airport – 1 copy
- Town Planning Scheme No. 6 Amendment No. 16 – 6 copies
- Contract for Sale of Lot 309, Wyndham Airport – 1 copy

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 1 May to 15 June.

Minute No. 7766

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 1 May to 15 June and notes the error of dot point three.

Carried Unanimously: 7/0

12.5.7. WALGA Annual General Meeting 2007 – Voting Delegates

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire Wyndham East Kimberley |
| LOCATION: | Perth |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 60.13.02 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to give consideration to its voting delegates at the Western Australian Local Government Association Annual General Meeting to be held in Perth on 5 August 2007.

BACKGROUND

Council usually has delegates attend the Western Australian Local Government Association Annual General (AGM) Meeting to be held in Perth in August each year.

Each Local Government is entitled to have two voting delegates at the AGM, and it is a requirement under the WALGA constitution that voting delegates are advised in writing to WALGA. The closing date for this advice is 6 July 2007.

Proxy voting is available should Council not be able to have two voting delegates in person.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost associated with travel and accommodation.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil

ATTACHMENTS

Fax Back form to WALGA for confirmation of voting delegates

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council give consideration to its nomination of two voting delegates to the Western Australian Local Government Association Annual General Meeting to be held in Perth on the 5 August 2007.

COUNCIL RESOLUTION

Minute No. 7767

Moved: Cr K Wright

Seconded: Cr D Ausburn with Cr M Pucci

That Council nominates Cr Michele Pucci and Cr Di Ausburn as its two voting delegates to the Western Australian Local Government Association Annual General Meeting to be held in Perth on the 5 August 2007.

Carried Unanimously: 7/0

12.5.8. Delegated Authority

| | |
|---------------------------|---|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | 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 1 March to 31 May 2007.

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 - SECT 5.46

Register of, and records relevant to, delegations to CEO's and employees

5.46 . Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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 for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the Delegated Authority Report for the period 1 March to 31 May 2007.

COUNCIL RESOLUTION

Minute no. 7768

Moved: Cr K Wright

Seconded: Cr D Ausburn

That council receive the Delegated Authority Report for the period 1 March to 31 May 2007.

Carried Unanimously: 7/0

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY - 01 MARCH 2007 TO 31 MAY 2007

| LIC# | DATE | OWNER | ADDRESS | BUILDER | LOCATION | DESCRIPTION | NEW/ ADD | LOT AREA | FLOOR AREA | ROOF CLAD | WALL CLAD | EST. VALUE |
|--------------------|----------|--|-----------------------------|--|--|---|-------------|-------------|---------------|------------------------|----------------|--------------|
| 037/ 2007 | 06.03.07 | KIM & MELISSA MOORE | PO BOX 1896 KUNUNURRA | KIM & MELISSA MOORE | LOT 104 (32) HIBISCUS DRIVE KUNUNURRA | SHADE SAIL | NEW | 0.0869 | 31.8 | SHADE CLOTH | N/A | \$600.00 |
| 038/ 2007 AE | 06.03.07 | ROBERT VAUGHAN | PO BOX 2024 BROOME WA | EXISTING | ADJACENT TO HIGH TIDE LOT 301 - PART DOONGAN LOC 31, PORT WARRENDER | ACKNOWLEDGE EXISTING STRUCTURE CAMP KITCHEN & STORAGE AREA | EXIST | 0 | 0 | STEEL | STEEL | \$0.00 |
| 039/ 2007 | 06.03.07 | ROBERT VAUGHAN | PO BOX 2024 BROOME WA | ROBERT VAUGHAN | LOT 301 - PART DOONGAN LOC 31, PORT WARRENDER | STORAGE SHED | NEW | 0 | 35 | STEEL | STEEL | \$10,000.00 |
| 040/ 2007 | 11.03.07 | K BAMKIN, G FIORENZA & C BRENNAN | PO BOX 3112 BROOME WA | COLIN WILKINSON DEVELOPME NTS PTY LTD | LOT 163 (14) GARDENIA DRIVE KUNUNURRA | SWIMMING POOL & SHADE SAIL | NEW | 0.0850 | 28 | SHADE CLOTH | FIBRE GLASS | \$39,739.00 |
| 041/ 2007 | 11.03.07 | MIKE DUNETT | PO BOX 255 BROOME WA | KUNUNURRA POOLS & SPAS | LOT 103 (34) HIBISCUS DRIVE KUNUNURRA | SWIMMING POOL & SHADE SAIL | NEW | 0.0870 | 30 | SHADE CLOTH | FIBRE GLASS | \$24,500.00 |
| 042/ 2007 | 11/03/07 | MARK & NAIOME HARRIS | PO BOX 424 KUNUNURRA | MARK & NAIOME HARRIS | LOT 678 (25) COVERLEY STREET WYNDHAM | CARPORT & VERANDAH | NEW | 0.1095 | 60 | STEEL | N/A | \$8,000.00 |
| 043/ 2007 AE | 11/03/07 | ROY & KERAN McCREANOR | PO BOX 1640 KUNUNURRA | EXISTING | LOT 1083 (2/16) ERYTHRINA STREET KUNUNURRA | EXISTING PATIO | EXIST | 0.0388 | 50 | STEEL/ POLY CARB | N/A | \$0.00 |
| 044/ 2007 | 12/03/07 | KGC ENTERPRISES PTY LTD | PO BOX 701 KUNUNURRA | KGC ENTERPRISE S PTY LTD | LOT 152 (5) DERRINDING WAY KUNUNURRA | SINGLE DWELLING | NEW | 0.0769 | 309 | STEEL | STEEL | \$372,000.00 |

| | | | | | | | | | | | | |
|--------------|----------|--|--------------------------------------|--|---|---|-----|--------|------|-------|-------|----------------|
| 045/ 2007 | 14/03/07 | GREEN COUNTRY HOLDINGS PTY LTD | PO BOX 1019 KUNUNURRA | KEITH WRIGHT | LOT 102 BULL RUN ROAD KUNUNURRA | TANK STAND | NEW | 2.0234 | 19 | N/A | STEEL | \$11,500.00 |
| 046/ 2007 | 18/03/07 | JUWULINY PANY ABORIGINAL CORPORATION (BOW RIVER COMMUNITY) | WARMUN WA | TELSTRA | LOC 65 J3114/958 GREAT NORTHERN HIGHWAY (BOW RIVER COMMUNITY) | TELSTRA COMMUNICATI ONS TOWER | NEW | 300888 | 100 | N/A | STEEL | \$20,000.00 |
| 047/ 2007 | 18/03/07 | GEEBOWAMA COMMUNITY/ ABORIGINAL LANDS TRUST | | TELSTRA | LOT 923 FISH FARM ROAD KUNUNURRA | TELSTRA COMMUNICATI ONS TOWER & SOLAR ARRAY | NEW | | 100 | N/A | STEEL | \$30,000.00 |
| 048/ 2007 | 21/03/07 | NGNOWAR - AERWAH CORPORATION | PO BOX 250 WYNDHAM | NGNOWAR - AERWAH CORPORATIO N | LOT 1370 GREAT NORTHERN HIGHWAY WYNDHAM | SHADE STRUCTURE | NEW | 4.0040 | 36 | STEEL | N/A | \$9,987.00 |
| 049/ 2007 | 22/03/07 | DARRYL SMITH | PO BOX 264 KUNU NURRA | DARRYL SMITH | KING LOC 568 IVANHOE ROAD KUNUNURRA | INTERNAL RENOVATIONS TO EXISTING BUILDING TO CREATE KITCHEN / STALL | ADD | 327.6 | 82 | EXIST | STEEL | \$20,000.00 |
| 050/ 2007 | 23/03/07 | LORIMER HOLDINGS PTY LTD | PO BOX 965 KUNUNURRA | PHIL & LISA READ | LOT 100 (120) KONKERBERR Y DRIVE KUNUNURRA | EXTENSION OF VERANDAH TO EXISTING BUILDING | ADD | 0.2172 | 62 | STEEL | N/A | \$10,000.00 |
| 051/ 2007 | 25/03/07 | D & T DENARO | PO BOX 1376 KUNUNURRA | MARVIC CONSTRUCTI ONS | LOT 120 (13) BARDING LOOP KUNUNURRA | SINGLE DWELLING | NEW | 0.0834 | 257 | STEEL | STEEL | \$326,359.00 |
| 052/ 2007 | 28/03/07 | INDIANA LAKE PTY LTD | PO BOX 154 OYSTER BAY NSW 2225 | COLIN WILKINSON DEVELOPME NTS PTY LTD | LOT 2242 (16) COOLIBAH DRIVE KUNUNURRA | OFFICE | NEW | 2.688 | 1109 | STEEL | STEEL | \$1,350,000.00 |
| 053/ 2007 | 30/03/07 | RYAN CHINNERY | PO BOX 744 KUNUNURRA | KGC ENTERPRISE S PTY LTD | LOT 162 (111) CASUARINA WAY KUNUNURRA | SINGLE DWELLING | NEW | 0.0801 | 311 | STEEL | STEEL | \$350,000.00 |

| | | | | | | | | | | | | |
|--------------|----------------|---------------------------------|--------------------------------------|--|---|---|-----|--------|-----|-------|-------|--------------|
| 054/ 2007 | 11/04/20 07 | R T SEARLE | PO BOX 308 KUNUNURRA | R T SEARLE | LOT 1099 (27) POINCIANA STREET KUNUNURRA | STORE SHED | NEW | 0.6844 | 174 | STEEL | STEEL | \$15,000.00 |
| 055/ 2007 | 17/04/20 07 | CATHOLIC EDUCATION OFFICE | PO BOX 19 WYNDHAM | FRANMOR CONSTRUCTI ONS | LOT 840 ST PETER'S WAY WYNDHAM | GROUP DWELLING (ATTACHED DUPLEX) | NEW | 0 | 364 | STEEL | STEEL | \$611,853.00 |
| 056/ 2007 | 20/04/20 07 | BRETT MCKENNEY | PO BOX 1542 KUNUNURRA | BRETT MCKENNEY | LOT 13 EGRET CLOSE KUNUNURRA | TEMPORARY ACCOMMODATI ON / SHED | NEW | 13 | 88 | STEEL | STEEL | \$40,000.00 |
| 057/ 2007 | 24/04/20 07 | DEXTRA PTY LTD | PO BOX 154 OYSTER BAY NSW 2228 | FRANMOR CONSTRUCTI ON | LOT 109 (22) HIBISCUS DRIVE KUNUNURRA | GARDEN SHED | NEW | 0.0925 | 5 | STEEL | STEEL | \$1,800.00 |
| 058/ 2007 | 24/04/20 07 | LEXTON JOHNS | PO BOX 289 KUNUNURRA | LEXTON JOHNS | LOT 102 (12) BLOODWOOD DRIVE KUNUNURRA | WORKSHOP/ STORAGE SHED | NEW | 0.2001 | 187 | STEEL | STEEL | \$25,000.00 |
| 059/ 2007 | 26/04/20 07 | BROOME RESORT DEVELOPMENT | PO BOX 3112 BROOME WA | COLIN WILKINSON DEVELOPME NTS PTY LTD | LOT 124 (21) BARDING LOOP KUNUNURRA | DWELLING | NEW | 0.0666 | 237 | STEEL | STEEL | \$309,700.00 |
| 060/ 2007 | 26/04/20 07 | BROOME RESORT DEVELOPMENT | PO BOX 3112 BROOME WA | COLIN WILKINSON DEVELOPME NTS PTY LTD | LOT 135 (2) GREVILLEA AVENUE KUNUNURRA | DWELLING | NEW | 0.0846 | 259 | STEEL | STEEL | \$312,000.00 |
| 061/ 2007 | 26/04/20 07 | PETER PEGG | PO BOX 495 KUNUNURRA | PETER PEGG | PART LOT 36 (KING LOC 722) RESEARCH STATION ROAD KUNUNURRA | NON- HABITABLE SHED | NEW | 93.0 | 264 | STEEL | STEEL | \$25,000.00 |
| 062/ 2007 | 26/04/20 07 | STEVE & SHARON DESSERT | PO BOX 588 KUNUNURRA | STEVE & SHARON DESSERT | LOC 457 CROSSING FALLS ROAD KUNUNURRA | GARAGE/ CARPORT | NEW | 1.086 | 131 | STEEL | STEEL | \$23,000.00 |
| 063/ 2007 | 26/04/20 07 | PHILLIP & DEBRA ROGERS | PO BOX 213 KUNUNURRA | PG & DA ROGERS | LOT 51 WEABER PLAIN ROAD KUNUNURRA | CARETAKERS RESIDENCE & TROPICAL ROOF | NEW | 75.574 | 140 | STEEL | STEEL | \$70,000.00 |

| | | | | | | | | | | | | |
|--------------------|----------------|--|----------------------------------|----------------------------------|--|---|-------|---------|-----|-------|-------|--------------|
| 064/ 2007 | 26/04/20 07 | GRANT LODGE | PO BOX 1103 KUNUNURRA | EAST KIMBERLEY MARINE | LOT 36 (7) BANDICOOT DRIVE KUNUNURRA | PYLON SIGN | NEW | | 6 | STEEL | STEEL | \$2,000.00 |
| 065/ 2007 | 27/04/20 07 | RB DESSERT III | PO BOX 447 KUNUNURRA | RB DESSERT III | LOT 300 (PART KING LOC 243) WEABER PLAIN ROAD KUNUNURRA | ALTERATIONS & EXTENSIONS TO EXISTING ABLUTIONS | ADD | 82 | 24 | STEEL | STEEL | \$8,000.00 |
| 066/ 2007 AE | 27/04/20 07 | RODERICK WOODLAND | PO BOX 5 WYNDHAM | EXISTING | LOT 442 & 589 KING RIVER ROAD WYNDHAM | ACKNOWLEDGE EXISTING STRUCTURES | EXIST | | | EXIST | EXIST | NIL |
| 067/ 2007 | 30/04/20 07 | GRAHAM & JULIE FYSH | PO BOX 150 KUNUNURRA | GRAHAM & JULIE FYSH | LOT 10 WEABER PLAIN ROAD KUNUNURRA | NON- HABITABLE SHED | NEW | 7.675 | 360 | STEEL | STEEL | \$35,000.00 |
| 068/ 2007 | 4/05/200 7 | RODERICK WOODLAND | PO BOX 5 WYNDHAM WA | RODERICK WOODLAND | "DIGGERS REST" LOC 442 & 589 KING RIVER ROAD Via WYNDHAM | ABLUTION BLOCK | NEW | 540.7 | 172 | STEEL | STEEL | \$102,000.00 |
| 069/ 2007 | 7/05/200 7 | GLENN VERONICA McARDLE, ANTHONY & HELEN MYNARD | PO BOX 1078 KUNUNURRA | CARPET VINYL & TILE CENTRE | LOT 2434 (66) COOLIBAH DRIVE KUNUNURRA | BOAT SHED/ CARPORT | NEW | 0.2200 | 50 | STEEL | STEEL | \$7,000.00 |
| 070/ 2007 | 7/05/200 7 | CLINT CARLTON | PO BOX 17 KUNUNURRA | CLINT CARLTON | LOT 1868 (3) FLAMETREE STREET KUNUNURRA | PATIO | NEW | 0.0386 | 27 | STEEL | N/A | \$4,500.00 |
| 071/ 2007 AE | 8/05/200 7 | C & Y HACKETT | PO BOX 1294 KUNUNURRA | EXISTING | LOT 1157 (5) POINCIANA STREET KUNUNURRA | ACKNOWLEDGE EXISTING STRUCTURES | EXIST | 0.1032 | | EXIST | EXIST | NIL |
| 072/ 2007 | 8/05/200 7 | DEPARTMENT OF HOUSING & WORKS / ABORIGINAL LANDS TRUST | 99 PLAIN STREET EAST PERTH | KGC ENTERPRISE S PTY LTD | DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 80 | DWELLING | NEW | 166.000 | 235 | STEEL | STEEL | \$478,000.00 |

| | | | | | | | | | | | | |
|--------------|------------|--|----------------------------|--------------------------|---|--|-----|---------|-----|-------|--------------|--------------|
| 073/ 2007 | 8/05/2007 | DEPARTMENT OF HOUSING & WORKS / ABORIGINAL LANDS TRUST | 99 PLAIN STREET EAST PERTH | KGC ENTERPRISE S PTY LTD | DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 87 | DWELLING | NEW | 166.000 | 200 | STEEL | STEEL | \$478,000.00 |
| 074/ 2007 | 8/05/2007 | DEPARTMENT OF HOUSING & WORKS / ABORIGINAL LANDS TRUST | 99 PLAIN STREET EAST PERTH | KGC ENTERPRISE S PTY LTD | DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 33 | DWELLING | NEW | 166.000 | 235 | STEEL | STEEL | \$478,000.00 |
| 075/ 2007 | 8/05/2007 | DEPARTMENT OF HOUSING & WORKS / ABORIGINAL LANDS TRUST | 99 PLAIN STREET EAST PERTH | KGC ENTERPRISE S PTY LTD | DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 84 | DWELLING | NEW | 166.000 | 238 | STEEL | STEEL | \$478,000.00 |
| 076/ 2007 | 8/05/2007 | DEPARTMENT OF HOUSING & WORKS / ABORIGINAL LANDS TRUST | 99 PLAIN STREET EAST PERTH | KGC ENTERPRISE S PTY LTD | DOONGAN LOC 21 (RES 21675) KALUMBURU COMMUNITY LOT 17 | DWELLING | NEW | 166.000 | 269 | STEEL | STEEL | \$478,000.00 |
| 077/ 2007 | 9/05/2007 | D SCOTT & M POWELL | PO BOX 2141 KUNUNURRA | D SCOTT & M POWELL | LOT 8 (152) COOLIBAH DRIVE KUNUNURRA | CARPORT & FRONT FENCE EXCEEDING 1.0 METRE | NEW | 0.0926 | 30 | STEEL | STEEL | \$8,500.00 |
| 078/ 2007 | 10/05/2007 | JEFFREY & SALLY THOMAS | PO BOX 121 KUNUNURRA | JEFFREY & SALLY THOMAS | LOT 13 (LOC 325F) WEABER PLAIN ROAD KUNUNURRA | NON-HABITABLE RURAL SHED | NEW | 30.0583 | 432 | STEEL | STEEL | \$25,700.00 |
| 079/ 2007 | 15/05/2007 | GREEN COUNTRY HOLDINGS PTY LTD | PO BOX 1019 KUNUNURRA | GLENDALE HOMES PTY LTD | LOT 102 BULLRUN ROAD KUNUNURRA | TRANSIENT WORKERS ACCOMMODATION (2 UNITS) | NEW | 20.2387 | 98 | STEEL | FIBRE CEMENT | \$180,466.00 |
| 080/ 2007 | 16/05/2007 | PETER & TANIA SEARLE | PO BOX 1068 KUNUNURRA | PETER & TANIA SEARLE | LOT 43 WEABER PLAIN ROAD KUNUNURRA | NON-HABITABLE SHED | NEW | 2.000 | 72 | STEEL | STEEL | \$8,300.00 |
| 081/ 2007 | 22/05/2007 | TROY POTTER | PO BOX 571 KUNUNURRA | TROY POTTER | LOT 302 POINCETTIA WAY KUNUNURRA | GAZEBO - RE-ISSUE OF BUILDING LICENCE 110/2005 | ADD | 0.1920 | 48 | STEEL | N/A | \$10,000.00 |

| | | | | | | | | | | | | |
|--------------------|----------------|---|---|---|---|---|-------|---------|------|-------|-----------------|-----------------------|
| 082/ 2007 | 22/05/20 07 | KIMBERLEYLA ND HOLIDAY PARK | PO BOX 261 KUNUNURRA | JIM READ | SITE 37 LOT 1519 VICTORIA HIGHWAY KUNUNURRA | CARAVAN ANNEXE | NEW | 4.6576 | 19.2 | STEEL | STEEL | \$4,000.00 |
| 083/ 2007 | 23/05/20 07 | GREEN COUNTRY HOLDINGS PTY LTD | PO BOX 1019 KUNUNURRA | GREEN COUNTRY HOLDINGS PTY LTD | LOT 102 BULLRUN ROAD KUNUNURRA | TRANSPORT DEPOT/ WORKSHOP | NEW | 20.2387 | 360 | STEEL | STEEL | \$79,000.00 |
| 084/ 2007 | 24/05/20 07 | BEVAN FRISBY & KAREN BARTLEY | PMB 16 KUNUNURRA | BEVAN FRISBY | LOT 1628 (18) DRYANDRA ROAD KUNUNURRA | GARAGE/ CARPORT | NEW | 0.0810 | 87 | STEEL | STEEL | \$25,000.00 |
| 085/ 2007 | 24/05/20 07 | SCOTT & TARJA HARVEY | PO BOX 124 KUNUNURRA | SCOTT HARVEY | LOT 205 RIVERFARM ROAD KUNUNURRA | OFFICE / CARPORT | NEW | 4.000 | 158 | STEEL | STEEL | \$30,000.00 |
| 086/ 2007 AE | 28/05/20 07 | KALYN DESSERT | PO BOX 700 KUNUNURRA | EXISTING | STRATA LOT 1 (LOT 1393) (3/32) BOOBIALLA WAY KUNUNURRA | ACKNOWLEDGE EXISTING STRUCTURE - PATIO | EXIST | 0.0459 | 20 | STEEL | N/A | \$0.00 |
| 087/ 2007 | 29/05/20 07 | BURROWS NOMINEES PTY LTD | C/ KIMBERLEY FIRST NATIONAL R/E PO BOX 1366 KUNUNURRA | NORTHERLY GROUP | SHOP 17 - LOT 2252 (64) KONKERBERR Y DRIVE KUNUNURRA | SHOP FIT OUT - SHOP 17 | ADD | 1.4674 | 15 | EXIST | FIBRE CEMENT | \$16,800.00 |
| 088/ 2007 | 29/05/20 07 | GRINGO TRUST | PO BOX 1055 KUNUNURRA | GRINGO TRUST | KING LOC 555 PACKSADDLE ROAD KUNUNURRA | VERANDAH & SHADE HOUSE ADDITION | ADD | 5.6139 | 119 | STEEL | SHADE CLOTH | \$38,000.00 |
| | | | | | | | | | | | | \$6,965,304.00 |

SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/03/2007 – 31/05/2007.

| Licence No. | Date | Assess No. | Lot No. | Street Address | Applicant Name | Type | Fee | Receipt No | Planning Approval / Delegation |
|-------------|----------|------------|---------|--|---------------------------------------|------------------------------|-----|------------|--------------------------------|
| 01/2007 | 07/03/07 | | | Junction of Messmate Way & Konkerberry Drive Kununurra | Centrelink | Temporary Banner Sign | Nil | N/A | N/A exempt sign |
| 02/2007 | 03/04/07 | #2860 | | Junction of Messmate Way & Victoria Highway, Junction of Ivanhoe Road & Victoria Highway AND junction of Drovers Road & Victoria Highway | Kununurra Bushmen's rodeo Association | Temporary Portable signs x 3 | Nil | N/A | N/A exempt sign |
| 03/2007 | 03/04/07 | #2860 | | Junction of Messmate Way & Victoria Highway, Junction of Ivanhoe Road & Victoria Highway AND junction of Drovers Road & Victoria Highway | Kununurra Bushmen's rodeo Association | Temporary Portable signs x 3 | Nil | N/A | N/A exempt sign |
| 04/2007 | 03/04/07 | #2860 | | Junction of Messmate Way & Victoria Highway, Junction of Ivanhoe Road & Victoria Highway AND junction of Drovers Road & Victoria Highway | Kununurra Bushmen's rodeo Association | Temporary Portable signs x 3 | Nil | N/A | N/A exempt sign |
| 05/2007 | 12/04/07 | #2148 | 2446 | Coolibah Drive, Kununurra | Kununurra Amateur Theatre Society | Temporary Banner Sign | Nil | N/A | N/A exempt |

| | | | | | | | | | |
|---------|----------|-------|------|----------------------------|--|--------------------------------------|---------|--------|------------------------|
| | | | | | | | | | sign |
| 06/2007 | 12/04/07 | #2148 | 2446 | Coolibah Drive, Kununurra | Kununurra Agricultural Society | Temporary Banner Sign | Nil | N/A | N/A exempt sign |
| 07/2007 | 26/04/07 | #1059 | 36 | Bandicoot Drive, Kununurra | East Kimberley Marine | Pylon Sign | \$25.00 | 322963 | N/A exempt sign |
| 08/2007 | 10/05/07 | #268 | 77 | Coolibah Drive, Kununurra | East Kimberley Football League | Pylon Sign | Nil | N/A | Exempt - SWEK property |
| 09/2007 | 14/05/07 | #2148 | 2446 | Coolibah Drive, Kununurra | Kununurra Amateur Theatre Society | Temporary Banner Sign | Nil | N/A | N/A exempt sign |
| 10/2007 | 14/05/07 | #2148 | 2446 | Coolibah Drive, Kununurra | Kununurra Chamber of Commerce & Industry | Temporary Banner Sign | Nil | N/A | N/A exempt sign |
| 11/2007 | 14/05/07 | #2148 | 2446 | Coolibah Drive, Kununurra | Kununurra Chamber of Commerce & Industry | Temporary Banner Sign - 2008 booking | Nil | N/A | N/A exempt sign |

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/03/2007 – 31/05/2007.

| Licence Number | Date | Assess No | Property Address | Premises | Owner | Builder/ Contractor | Comments (Asbestos) |
|-----------------------|-------------|------------------|--|---|-----------------------------|--------------------------------|--|
| 01/2007 | 22/03/07 | 1670 | LOT 51 WEABER PLAIN ROAD KUNUNURRA | TRANSPORTABLE DWELLING | PG & DA ROGERS | PG & DA ROGERS | COOLROOM - sandwich panel |
| 02/2207 | 3/05/2007 | 1041 | LOT 201 COTTONTREE AVENUE KUNUNURRA | TIMBER FRAME STEEL CLAD BUILDING | BEVAN & BERNICE SPACKMAN | BEVAN & BERNICE SPACKMAN | PLANNING CONDITIONS - PHOTOGRAPHIC RECORD |

12.5.9. Compliance Audit

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Chief Executive Officer |
| LOCATION: | Shire Of Wyndham East Kimberley |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 60.14.03 |
| ASSESSMENT NO: | N/A |

PURPOSE

To advise Council of the outcomes of the 2006 Shire of Wyndham East Kimberley self audit process, the Compliance Audit.

BACKGROUND

The Chief Executive Officer is required to complete and submit a self audit known as the Compliance Audit Return to the Department of Local Government and Regional Development by 31 March each year. The Compliance Audit is one of the tools that allows Council to monitor how the organisation is functioning.

Regulations indicate that upon completion of the Compliance Audit Return the return is to be:

- Presented to the Council at a meeting of the Council.
- Adopted by the Council
- Recorded in the minutes of the meeting at which it is adopted.

Compliance audits are essentially a checklist whereby the CEO confirms compliance (or otherwise) with the various legislation that pertains to local government administration and decision making. The Compliance Audit is undertaken using an online Compliance Audit Return that is prepared by the Department of Local Government and Regional Development (the Department).

During the 2004 review a total of nine non-compliances were identified. This was significantly less than that found in the previous four years where over 35 were found per annum.

STATUTORY IMPLICATIONS

Section 7.13 (i) of the Local Government Act 1995 states that:

Regulations may make provision requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed wether those requirements are:

- (i) Of a financial nature or not*
- (ii) Under this act or another written law*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Nil

COMMENT

When undertaking the Shire's 2002 Audit, the Department identified a total of 38 non-compliances. While there were 34 non-compliances reported in the 2003, the vast majority of these items had been rectified throughout the year and were compliant prior to the end of 2003.

In 2004 and 2005 there was a greater level of attention to detail on compliance issues with compliance issues regularly being discussed at the Senior Staff meetings and Executive Team meetings. This led to a significant improvement in the level of compliance with legislation. The non-compliances that were identified were relatively minor in nature with the majority of them being rectified throughout the 2004 & 2005 years.

The 2007 Compliance Audit asked 275 questions related to compliance with the Local Government Act, other relevant legislation, and regulations impacting on Local Government.

The most pressing non compliance issues identified in the self audit are:

- Then need for Council to review its Delegations Register.
- The need for Council to compete its revised Plan for the Future.

A revised Delegations Register has been presented to Council in the June 2007 Council Agenda.

The Plan for the Future is in draft form and realistically with current work commitments will be presented to Elected Members again at the August 2007 Briefing Session and subject to Elected Members' feedback, it will be presented at the August 2007 Council meeting.

ATTACHMENTS

2006 Compliance Audit Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the 2006 Compliance Audit report.

COUNCIL RESOLUTION

Minute No. 7769

Moved: Cr K Wright

Seconded: Cr M Middap

That Council defer this item to the next Briefing Session.

Carried Unanimously: 7/0



Wyndham-East Kimberley - Compliance Audit Return 2006

| Caravan Parks and Camping Grounds | | | | | |
|-----------------------------------|---|---|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s21(1) Caravan Parks and Camping Grounds Act 1995 | Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2005 to 30 June 2006. | Yes | | Peter Stubbs |

| Cemeteries | | | | | |
|------------|------------------------------------|---|----------|----------------------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s40(1)(a), (b) Cemeteries Act 1986 | Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. | Yes | John Gault maintains | Peter Stubbs |
| 2 | s40(1)(a), (b) Cemeteries Act 1986 | Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. | Yes | John Gault maintains | Peter Stubbs |
| 3 | s40(2) Cemeteries Act 1986 | Have plans been kept and maintained showing the location of all burials registered in 2 above. | Yes | John Gault maintains | Peter Stubbs |

| Commercial Enterprises by Local Governments | | | | | |
|---|---|---|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s3.59(2)(a)(b)(c) Functions & General Regulation 7,9 | Has the local government prepared a business plan for each major trading undertaking in 2006. | No | | Peter Stubbs |
| 2 | s3.59(2)(a)(b)(c) Functions & General Regulation 7,10 | Has the local government prepared a business plan for each major land transaction that was not exempt in 2006. | N/A | | Peter Stubbs |
| 3 | s3.59(2)(a)(b)(c) Functions & General Regulation 7,11 | Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2006. | N/A | | Peter Stubbs |
| 4 | s3.59(4) | Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2006. | N/A | | Peter Stubbs |
| 5 | s3.59(5) | Did the Council, during 2006, resolve to proceed with each major land transaction or trading undertaking by absolute majority. | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|--|----------|----------|--------------|
| 42 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council). | N/A | | Peter Stubbs |
| 43 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council). | N/A | | Peter Stubbs |
| 44 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council). | N/A | | Peter Stubbs |



| Delegation of Power / Duty | | | | | |
|----------------------------|--|--|----------|---|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s5.16, 5.17, 5.18 | Were all delegations to committees resolved by absolute majority. | Yes | Council has two Committees, an Audit Committee & CEO review Committee | Peter Stubbs |
| 2 | s5.16, 5.17, 5.18 | Were all delegations to committees in writing. | Yes | | Peter Stubbs |
| 3 | s5.16, 5.17, 5.18 | Were all delegations to committees within the limits specified in section 5.17. | Yes | | Peter Stubbs |
| 4 | s5.16, 5.17, 5.18 | Were all delegations to committees recorded in a register of delegations. | No | Delegations register needs review | Peter Stubbs |
| 5 | s5.18 | Has Council reviewed delegations to its committees in the 2005/2006 financial year. | Yes | | Peter Stubbs |
| 6 | s5.42(1), 5.43 Administration Regulation 18G | Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act. | No | | Peter Stubbs |
| 7 | s5.42(1)(2) Admin Reg 18 | Were all delegations to the CEO resolved by an absolute majority. | Yes | | Peter Stubbs |
| 8 | s5.42(1)(2) Admin Reg 18 | Were all delegations to the CEO in writing. | Yes | by virtue of Council minutes | Peter Stubbs |
| 9 | s5.44(2) | Were all delegations by the CEO to any employee in writing. | Yes | standing delegations from previous years in writing, but needs review | Peter Stubbs |
| 10 | s5.45(1)(b) | Were all decisions by the Council to amend or revoke a delegation made by absolute majority. | Yes | | Peter Stubbs |
| 11 | s5.46(1) | Has the CEO kept a register of all delegations made under the Act to him and to other employees. | Yes | | Peter Stubbs |
| 12 | s5.46(2) | Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2005/2006 financial year. | No | requires review June 2007 | Peter Stubbs |
| 13 | s5.46(3) Admin Reg 19 | Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required. | Yes | | Peter Stubbs |

| Disclosure of Interest | | | | | |
|------------------------|-----------|---|----------|---|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s5.67 | If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68). | Yes | yes for financial interest. Members remained in chambers for impartiality interests | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------------|---|----------|----------|--------------|
| 2 | s5.68(2) | Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings. | Yes | | Peter Stubbs |
| 3 | s5.73 | Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made. | Yes | | Peter Stubbs |
| 4 | s5.75(1) Admin Reg 22 Form 2 | Was a primary return lodged by all newly elected members within three months of their start day. | Yes | | Peter Stubbs |
| 5 | s5.75(1) Admin Reg 22 Form 2 | Was a primary return lodged by all newly designated employees within three months of their start day. | Yes | | Peter Stubbs |
| 6 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all continuing elected members by 31 August 2006. | Yes | | Peter Stubbs |
| 7 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all designated employees by 31 August 2006. | Yes | | Peter Stubbs |
| 8 | s5.77 | On receipt of a primary or annual return, did the CEO, (or the Mayor/President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return. | Yes | | Peter Stubbs |
| 9 | s5.88(1)(2) Admin Reg 28 | Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76 | Yes | | Peter Stubbs |
| 10 | s5.88(1)(2) Admin Reg 2 | Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28. | Yes | | Peter Stubbs |
| 11 | s5.88 (3) | Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76. | Yes | | Peter Stubbs |
| 12 | s5.88(4) | Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee. | Yes | | Peter Stubbs |
| 13 | s5.103 Admin Reg 34C | Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes. | Yes | | Peter Stubbs |



| Disposal of Property | | | | | |
|----------------------|-----------|---|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s3.58(3) | Was any property that was not disposed of by public auction or tender, given local public notice prior to disposal (except where excluded by Section 3.58(5)). | Yes | | Peter Stubbs |
| 2 | s3.58(4) | Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property. | Yes | | Peter Stubbs |

| Finance | | | | | |
|---------|------------------------|--|----------|--|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s5.53, Admin Reg19B | Has the local government prepared an annual report for the financial year ended 30 June 2006 that contained the prescribed information under the Act and Regulations. | Yes | | Peter Stubbs |
| 2 | s5.54(1), (2) | Was the annual report accepted by absolute majority by the local government by 31 December 2006. | Yes | | Peter Stubbs |
| 3 | s5.54(1), (2) | If the Auditor's report was not available in time for acceptance by 31 December, will it be accepted no more than two months after the Auditor's report is made available. | N/A | | Peter Stubbs |
| 4 | s5.55 | Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report. | Yes | | Peter Stubbs |
| 5 | S5.56 Admin Reg 19C(2) | Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years). | Yes | | Peter Stubbs |
| 6 | Admin Reg 19D | After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2). | No | Plan requires review, including public comment | Peter Stubbs |
| 7 | s5.98 Admin Reg 30 | Was the fee made available to elected members for attending meetings within the prescribed range. | Yes | | Peter Stubbs |
| 8 | s5.98 Admin Reg 31 | Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed. | Yes | | Peter Stubbs |
| 9 | s5.98A Admin Reg 33A | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------------|---|----------|----------|--------------|
| 10 | s5.98A Admin Reg 33A | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5). | Yes | | Peter Stubbs |
| 11 | s5.99 Admin Reg 34 | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority. | N/A | | Peter Stubbs |
| 12 | s5.99 Admin Reg 34 | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range. | N/A | | Peter Stubbs |
| 13 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority. | Yes | | Peter Stubbs |
| 14 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range. | Yes | | Peter Stubbs |
| 15 | s5.100 (1) | Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee. | Yes | | Peter Stubbs |
| 16 | s5.100 (2) | Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range. | N/A | | Peter Stubbs |
| 17 | s6.2 | Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column) | Yes | | Peter Stubbs |
| 18 | s6.2 | If 'no', was Ministerial approval sought for an extension. | N/A | | Peter Stubbs |
| 19 | Financial Management Reg 33 | Was the 2006/2007 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column). | Yes | | Peter Stubbs |
| 20 | s6.4(1) FM Reg 34 | Did the local government prepare an annual financial report as prescribed. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------|---|----------|----------|--------------|
| 21 | s6.4(1) FM Reg 34 | Did the local government prepare other financial reports as prescribed. | No | | Peter Stubbs |
| 22 | FM Reg 34 | If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted. | N/A | | Peter Stubbs |
| 23 | s6.4(3)(b) | Was the annual financial report, prepared for the financial year ended 30 June 2006, submitted to the Auditor by 30 September 2006 or by the extended time allowed by the Minister or his delegate. | Yes | | Peter Stubbs |
| 24 | FM Reg 51(2) | Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report. | No | | Peter Stubbs |
| 25 | s6.8 | Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution. | Yes | | Peter Stubbs |
| 26 | s6.8 | In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council. | N/A | | Peter Stubbs |
| 27 | s6.9 (1) | Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund. | Yes | | Peter Stubbs |
| 28 | s6.9 (1) | Does the local government's trust fund consist of all money or the value of assets held by the local government in trust. | Yes | | Peter Stubbs |
| 29 | s6.9(2) | Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it. | Yes | | Peter Stubbs |
| 30 | s6.9(3) | Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment. | Yes | | Peter Stubbs |
| 31 | s6.9(3) | Has property held in trust been delivered to the persons entitled to it. | N/A | | Peter Stubbs |
| 32 | s6.11(2) | Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority. | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------|---|----------|---|--------------|
| 33 | s6.11(2) FM Reg 18 | Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000). | N/A | | Peter Stubbs |
| 34 | s6.12, 6.13, 6.16 (1),(3) | Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority. | Yes | | Peter Stubbs |
| 35 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine the setting of an interest rate on money owing to Council by absolute majority. | Yes | | Peter Stubbs |
| 36 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges). | Yes | | Peter Stubbs |
| 37 | s6.17(3) | Were the fees or charges imposed for a copy of information available under section 5.96, limited to the cost of providing the service or goods. | Yes | | Peter Stubbs |
| 38 | s6.17(3) | Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods. | Yes | | Peter Stubbs |
| 39 | s6.17(3) | Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods. | Yes | | Peter Stubbs |
| 40 | s6.19 | After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges. | Yes | advertising occurred prior to budget adoption | Peter Stubbs |
| 41 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20). | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|----------|--------------|
| 42 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year). | N/A | | Peter Stubbs |
| 43 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21). | N/A | | Peter Stubbs |
| 44 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21) | N/A | | Peter Stubbs |
| 45 | | Did Council determine by absolute majority to impose a general rate on rateable land within its district . | Yes | | Peter Stubbs |
| 46 | | Did Council determine by absolute majority to impose a specified area rate on rateable land within its district . | N/A | | Peter Stubbs |
| 47 | | Did Council determine by absolute majority to impose a minimum payment on rateable land within its district . | Yes | | Peter Stubbs |
| 48 | | Did Council determine by absolute majority to impose a service charge on rateable land within its district . | N/A | | Peter Stubbs |
| 49 | s6.33(3) | Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed. | Yes | | Peter Stubbs |
| 50 | s6.34 | Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency. | N/A | | Peter Stubbs |
| 51 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200). | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|----------|--------------|
| 52 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200). | Yes | | Peter Stubbs |
| 53 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200). | Yes | | Peter Stubbs |
| 54 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200). | Yes | | Peter Stubbs |
| 55 | s6.36 | Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed. | Yes | | Peter Stubbs |
| 56 | s6.36 | Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions. | Yes | | Peter Stubbs |
| 57 | s6.36 | Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected. | Yes | | Peter Stubbs |
| 58 | s6.38(1) FM Reg 54 | Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security. | N/A | | Peter Stubbs |
| 59 | s6.38 | Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act. | N/A | | Peter Stubbs |
| 60 | s6.46 | Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority. | Yes | | Peter Stubbs |
| 61 | s6.47 | When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------|---|----------|----------|--------------|
| 62 | s6.51 | Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority. | Yes | | Peter Stubbs |
| 63 | S6.76(6) | Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision. | Yes | | Peter Stubbs |
| 64 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained. | Yes | | Peter Stubbs |
| 65 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems. | Yes | | Peter Stubbs |
| 66 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made. | Yes | | Peter Stubbs |
| 67 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account. | Yes | | Peter Stubbs |
| 68 | FM Reg 12 | Have payments from the Municipal or Trust fund been made under the appropriate delegated authority. | Yes | | Peter Stubbs |
| 69 | FM Reg 12 | When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council. | Yes | | Peter Stubbs |
| 70 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name. | Yes | | Peter Stubbs |
| 71 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------|---|----------|----------|--------------|
| 72 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction. | Yes | | Peter Stubbs |
| 73 | FM Reg 13 | Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council. | Yes | | Peter Stubbs |
| 74 | FM Reg 19 | Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments. | Yes | | Peter Stubbs |
| 75 | FM Reg 19 | Do the internal control procedures over investments, established and documented by the local government, enable the identification of the transactions related to each investment. | Yes | | Peter Stubbs |
| 76 | FM Reg 55 | Does the local government's rate record include all particulars set out in the FM Regulations. | Yes | | Peter Stubbs |
| 77 | FM Reg 56,57 | Are the contents of the local government's rate notice in accordance with the FM Regulations. | Yes | | Peter Stubbs |
| 78 | FM Reg 56,57 | Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations. | Yes | | Peter Stubbs |
| 79 | s7.1A | Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act. | Yes | | Peter Stubbs |
| 80 | s7.1B | Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority. | N/A | | Peter Stubbs |
| 81 | s7.3 | Was the person(s) appointed by the local government to be its auditor, a registered company auditor. | Yes | | Peter Stubbs |
| 82 | s7.3 | Was the person(s) appointed by the local government to be its auditor, an approved auditor. | Yes | | Peter Stubbs |
| 83 | s7.3 | Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council. | Yes | | Peter Stubbs |
| 84 | Audit Reg 10 | Was the Auditor's report for the financial year ended 30 June 2006 received by the local government within 30 days of completion of the audit. | Yes | | Peter Stubbs |
| 85 | s7.9(1) | Was the Auditor's report for 2005/2006 received by the local government by 31 December 2006. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|----------------|--|----------|----------|--------------|
| 86 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken. | Yes | | Peter Stubbs |
| 87 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken. | Yes | | Peter Stubbs |
| 88 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time. | No | | Peter Stubbs |
| 89 | A Reg 7 | Did the agreement between the local government and its auditor include the objectives of the audit. | Yes | | Peter Stubbs |
| 90 | A Reg 7 | Did the agreement between the local government and its auditor include the scope of the audit. | Yes | | Peter Stubbs |
| 91 | A Reg 7 | Did the agreement between the local government and its auditor include a plan for the audit. | Yes | | Peter Stubbs |
| 92 | A Reg 7 | Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor. | Yes | | Peter Stubbs |
| 93 | A Reg 7 | Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor. | Yes | | Peter Stubbs |
| 94 | FM Reg 33A | Did the local government, between 1 January and 31 March 2006, carry out a review of its annual budget for the year ended 30 June 2006. | Yes | | Peter Stubbs |

Local Government Employees

| No | Reference | Question | Response | Comments | Respondent |
|----|----------------------------------|--|----------|----------|--------------|
| 1 | s9.59, Admin Reg 18C | Did the local government approve the process to be used for the selection and appointment of the CEO before the position was advertised. | N/A | | Peter Stubbs |
| 2 | s5.36(4), 5.37(3), Admin Reg 18A | Were all vacancies for the position of CEO and for designated senior employees advertised. | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------------------------|--|----------|--------------|--------------|
| 3 | s5.36(4), 5.37(3), Admin Reg 18A | Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State. | Yes | | Peter Stubbs |
| 4 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered. | Yes | | Peter Stubbs |
| 5 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted. | Yes | | Peter Stubbs |
| 6 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications. | Yes | | Peter Stubbs |
| 7 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract. | Yes | | Peter Stubbs |
| 8 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information. | Yes | | Peter Stubbs |
| 9 | s5.37(2) | Did the CEO inform council of each proposal to employ or dismiss a designated senior employee. | Yes | | Peter Stubbs |
| 10 | s5.38 | Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment. | Yes | | Peter Stubbs |
| 11 | Admin Reg 18D | When the Council considered the CEO's performance review did it decide to accept the review (with or without modification). | Yes | | Peter Stubbs |
| 12 | Admin Reg 18D | When the Council considered the CEO's performance review did it decide to reject the review. | No | | Peter Stubbs |
| 13 | s5.39 | During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996. | Yes | | Peter Stubbs |
| 14 | s5.39 Admin Reg 18B | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract. | No | needs review | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------|--|----------|-----------------|--------------|
| 15 | s5.39 Admin Reg 18B | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated. | No | | Peter Stubbs |
| 16 | s5.50(1) | Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award. | Yes | HR Policy No 14 | Peter Stubbs |
| 17 | s5.50(1) | Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount. | Yes | | Peter Stubbs |
| 18 | s5.50(2) | Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy. | N/A | | Peter Stubbs |
| 19 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more. | Yes | | Peter Stubbs |
| 20 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000. | No | | Peter Stubbs |
| 21 | Admin Reg 18F | Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4). | N/A | | Peter Stubbs |
| 22 | Admin Regs 18E | Did the local government ensure checks were carried out to confirm that the information in an application for employment was true. (Applicable if staff engaged in 2006) | N/A | | Peter Stubbs |

Local Government Grants Commission

| No | Reference | Question | Response | Comments | Respondent |
|----|---|--|----------|----------|--------------|
| 1 | s12(4) Local Government Grants Act 1978 | Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission. | Yes | | Peter Stubbs |

Local Laws



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|----------|--------------|
| 1 | s3.12(2) F&G Reg 3 | On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3. | N/A | | Peter Stubbs |
| 2 | s3.12(3)(a) | On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law | N/A | | Peter Stubbs |
| 3 | s3.12(3)(a) | Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained. | N/A | | Peter Stubbs |
| 4 | s3.12(3)(b) | On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development | N/A | | Peter Stubbs |
| 5 | s3.12(3)(b) | On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made. | N/A | | Peter Stubbs |
| 6 | s3.12(4) | Have all Council's resolutions to make local laws been by absolute majority. | N/A | | Peter Stubbs |
| 7 | s3.12(4) | Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting. | N/A | | Peter Stubbs |
| 8 | s3.12(5) | After making the local law, did the local government publish the local law in the Gazette. | N/A | | Peter Stubbs |
| 9 | s3.12(5) | After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made. | N/A | | Peter Stubbs |
| 10 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law. | N/A | | Peter Stubbs |
| 11 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation. | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|--|----------|----------|--------------|
| 12 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office. | N/A | | Peter Stubbs |
| 13 | s3.16(1) | Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years. | Yes | | Peter Stubbs |
| 14 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law. | N/A | | Peter Stubbs |
| 15 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice. | N/A | | Peter Stubbs |
| 16 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law. | N/A | | Peter Stubbs |
| 17 | s3.16(3) | Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council. | N/A | | Peter Stubbs |
| 18 | s3.16(4) | Was the decision to repeal or amend a local law determined by absolute majority on all occasions. | N/A | | Peter Stubbs |

Meeting Process

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|--|----------|----------|--------------|
| 1 | s2.25(1)(3) | Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution. | N/A | | Peter Stubbs |
| 2 | s2.25(1)(3) | Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted. | N/A | | Peter Stubbs |
| 3 | s2.25(3) | Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting. | N/A | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|----------|--------------|
| 4 | s2.25(2) | Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council. | N/A | | Peter Stubbs |
| 5 | s5.4 | On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting; | Yes | | Peter Stubbs |
| 6 | s5.5 | On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting. | Yes | | Peter Stubbs |
| 7 | s5.5(1) | Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council. | Yes | | Peter Stubbs |
| 8 | s5.5(2) | Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council. | Yes | | Peter Stubbs |
| 9 | s5.7 | Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting | No | | Peter Stubbs |
| 10 | s5.7 | Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities. | No | | Peter Stubbs |
| 11 | s5.8 | Did the local government ensure all Council committees (during the review period) were established by an absolute majority. | Yes | | Peter Stubbs |
| 12 | s5.10(1)(a) | Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)). | Yes | | Peter Stubbs |
| 13 | s5.10(2) | Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act. | Yes | | Peter Stubbs |
| 14 | s5.12(1) | Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------|---|----------|----------|--------------|
| 15 | s5.12(2) | Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act. | Yes | | Peter Stubbs |
| 16 | s5.15 | Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion. | N/A | | Peter Stubbs |
| 17 | s5.21 (4) | When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes. | Yes | | Peter Stubbs |
| 18 | s5.22(1) | Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings. | Yes | | Peter Stubbs |
| 19 | s5.22(2)(3) | Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation. | Yes | | Peter Stubbs |
| 20 | s5.22(2)(3) | Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed. | Yes | | Peter Stubbs |
| 21 | s5.23 (1) | Were all council meetings open to members of the public (subject to section 5.23(2) of the Act). | Yes | | Peter Stubbs |
| 22 | s5.23 (1) | Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act). | N/A | | Peter Stubbs |
| 23 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act. | Yes | | Peter Stubbs |
| 24 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting. | Yes | | Peter Stubbs |
| 25 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council. | Yes | | Peter Stubbs |
| 26 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------|---|----------|----------|--------------|
| 27 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty. | N/A | | Peter Stubbs |
| 28 | Admin Reg 8 | Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum. | N/A | | Peter Stubbs |
| 29 | Admin Reg 9 | Was voting at Council or committee meetings conducted so that no vote was secret. | Yes | | Peter Stubbs |
| 30 | Admin Reg 10(1) | Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority. | Yes | | Peter Stubbs |
| 31 | Admin Reg 10(1) | Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee. | Yes | | Peter Stubbs |
| 32 | Admin Reg 10(2) | Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority. | Yes | | Peter Stubbs |
| 33 | Admin Reg 10(2) | Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority. | Yes | | Peter Stubbs |
| 34 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting. | Yes | | Peter Stubbs |
| 35 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting. | Yes | | Peter Stubbs |
| 36 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion. | Yes | | Peter Stubbs |
| 37 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------|---|----------|----------|--------------|
| 38 | Admin Reg 11 | Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision. | Yes | | Peter Stubbs |
| 39 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given. | Yes | | Peter Stubbs |
| 40 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest. | Yes | | Peter Stubbs |
| 41 | Admin Reg 12(1) | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings. | Yes | | Peter Stubbs |
| 42 | Admin Reg 12(1) | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public. | Yes | | Peter Stubbs |
| 43 | Admin Reg 12(2) | Did the local government give local public notice of any changes to the dates, time or places referred to in the question above. | Yes | | Peter Stubbs |
| 44 | Admin Reg 12(3) (4) | In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice. | Yes | | Peter Stubbs |
| 45 | Admin Reg 12(3) (4) | Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting. | Yes | | Peter Stubbs |
| 46 | Admin Reg 13 | Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings. | Yes | | Peter Stubbs |
| 47 | Admin Reg 13 | Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings. | Yes | | Peter Stubbs |
| 48 | Admin Reg 14(1) (2) | Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------------|--|----------|----------|--------------|
| 49 | Admin Reg 14A | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority. | N/A | | Peter Stubbs |
| 50 | Admin Reg 14A | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4) | N/A | | Peter Stubbs |
| 51 | s5.27(2) | Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year. | Yes | | Peter Stubbs |
| 52 | s5.29 | Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting. | Yes | | Peter Stubbs |
| 53 | s5.32 | Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered. | Yes | | Peter Stubbs |
| 54 | s5.33(1) | Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose. | Yes | | Peter Stubbs |
| 55 | s5.33(2) | Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting. | Yes | | Peter Stubbs |
| 56 | s5.103(3) Admin Reg 34B | Has the CEO kept a register of all token gifts received by Council members and employees. | Yes | | Peter Stubbs |
| 57 | s5.103 | Has the local government reviewed its code of conduct in the 12 months immediately following each ordinary election day. (Please advise of the Date of Review in the comments column. If the review has not been done please indicate when the review will be undertaken). | Yes | | Peter Stubbs |



| Miscellaneous Provisions | | | | | |
|---------------------------------|-------------|---|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s9.4 | Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision. | Yes | | Peter Stubbs |
| 2 | s9.29(2)(b) | On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO. | N/A | | Peter Stubbs |

| Swimming Pools | | | | | |
|-----------------------|-------------------------------------|---|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s245A(5)(aa) LG (MiscProv) Act 1960 | Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960. | Yes | | Peter Stubbs |

| Tenders for Providing Goods and Services | | | | | |
|---|------------------|--|----------|----------|--------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s3.57 F&G Reg 11 | Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than \$50,000. (Subject to Functions and General Regulation 11(2)) | Yes | | Peter Stubbs |
| 2 | F&G Reg 12 | Is the local government aware of any occasion in which it entered into 2 or more contracts to avoid the requirements to call tenders in accordance with F&G Reg 11(1). | No | | Peter Stubbs |
| 3 | F&G Reg 14(1) | Did the local government invite tenders via Statewide public notice. | Yes | | Peter Stubbs |
| 4 | F&G Reg 14(3) | Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender. | Yes | | Peter Stubbs |
| 5 | F&G Reg 14(3) | Did all the local government's invitations to tender include information as to where and how tenders could be submitted. | Yes | | Peter Stubbs |
| 6 | F&G Reg 14(3) | Did all the local government's invitations to tender include the date and time after which tenders would not be accepted. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------|--|----------|----------|--------------|
| 7 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required. | Yes | | Peter Stubbs |
| 8 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted. | Yes | | Peter Stubbs |
| 9 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender. | Yes | | Peter Stubbs |
| 10 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted. | Yes | | Peter Stubbs |
| 11 | F&G Reg 14(3)(4) | Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender. | Yes | | Peter Stubbs |
| 12 | F&G Reg 14(5) | If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation. | Yes | | Peter Stubbs |
| 13 | F&G Reg 15 | Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted. | Yes | | Peter Stubbs |
| 14 | F&G Reg 16(1) | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody. | Yes | | Peter Stubbs |
| 15 | F&G Reg 16(1) | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential. | Yes | | Peter Stubbs |
| 16 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders. | Yes | | Peter Stubbs |
| 17 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO. | Yes | | Peter Stubbs |
| 18 | F&G Reg 16 (3)(b) | Did the local government ensure members of the public were not excluded when tenders were opened. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|----------------------|---|----------|----------|--------------|
| 19 | F&G Reg 16 (3)(c) | Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening. | Yes | | Peter Stubbs |
| 20 | F&G Reg 18(1) | Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender. | Yes | | Peter Stubbs |
| 21 | F&G Reg 18 (4) | In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria. | Yes | | Peter Stubbs |
| 22 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required. | Yes | | Peter Stubbs |
| 23 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1). | Yes | | Peter Stubbs |
| 24 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest. | Yes | | Peter Stubbs |
| 25 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4) | Yes | | Peter Stubbs |
| 26 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender. | Yes | | Peter Stubbs |
| 27 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened. | Yes | | Peter Stubbs |
| 28 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer. | Yes | | Peter Stubbs |
| 29 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender. | Yes | | Peter Stubbs |
| 30 | F&G Reg 19 | Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted. | Yes | | Peter Stubbs |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------|--|----------|----------|--------------|
| 31 | F&G Reg 21(3) | On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice. | Yes | | Peter Stubbs |
| 32 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include a brief description of the goods and services required. | Yes | | Peter Stubbs |
| 33 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained. | Yes | | Peter Stubbs |
| 34 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted. | Yes | | Peter Stubbs |
| 35 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted. | Yes | | Peter Stubbs |
| 36 | F&G Reg 22 | Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest. | Yes | | Peter Stubbs |
| 37 | F&G Reg 23(1) | Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice. | Yes | | Peter Stubbs |
| 38 | F&G Reg 23(4) | After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services. | Yes | | Peter Stubbs |
| 39 | F&G Reg 24 | Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24. | Yes | | Peter Stubbs |
| 40 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council). | N/A | | Peter Stubbs |
| 41 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council). | N/A | | Peter Stubbs |

12.5.10. Delegations Register Review

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Shire of Wyndham East Kimberley |
| 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 consider a revised/new Delegations Register.

BACKGROUND

The Local Government Act 1995 allows Council delegation of certain powers to expedite a range of functions and services to the community, by allowing decision to be made by Senior Officers within defined boundaries.

The Local Government Act requires a review of delegations at least once each financial year.

Council has not reviewed its delegations since the 2004/05 year and a review is therefore overdue.

Without delegated authority a large volume of matters would need the full and formal consideration of Council. This would have effect of delaying services to the community and detracting from the ability of Council to focus on more strategic issues.

STATUTORY IMPLICATIONS

5.42 . Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation

Under section 5.43 of the Local Government Act a Council cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The need for and format of a Delegations Register was discussed with Council's Auditors at the interim audit conducted June 2007.

The current Delegations register provides for a wide range of delegations consistent with the aim of expediting decisions for services to the community and allowing for the ability of Council to focus on more strategic issues, as is the intent of the Local Government Act.

An alternate draft Delegations Register is recommended in the interest of improving understanding of both staff and elected members of the purpose and extent of each delegation.

ATTACHMENTS

- Current Delegations Register last reviewed in October 2004.
- Revised Draft Delegations Registered, June 2007

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the recommended Delegations Register dated June 2007 to replace the Delegations Register it adopted in October 2004.

COUNCIL RESOLUTION

Minute No. 7770

Moved: Cr K Wright

Seconded: Cr M Middap

That Council defer this item to the next Briefing Session.

Carried Unanimously: 7/0



DELEGATED AUTHORITY REGISTER

This Register was adopted by Council on 24 June 2003

Reviews and updates to the Register have been undertaken by Council on the following dates:

21 October 2003
19 October 2004

It is a statutory requirement that the register be reviewed at least once in every twelve month period

Manager Technical Services

Authorisation

Local Government (Uniform Local Provisions) Regulations 1996

Power to approve crossovers under Regulation 12 (1) (a) of *the Local Government (Uniform Local Provisions) Regulations 1996*.

Conditions and Exceptions

Nil

1. Introduction

1.1 Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This delegations register is consistent with the Shire's Strategic Plan directions. In particular it forms part of Councils response to the following Goal Statements that are listed within the Strategic Plan:

Strategic Leadership: That the community recognises that Council is providing effective and accountable strategic leadership.

Decision Making: That Council is effectively controlling the operations of the Shire.

The register identifies the related documents(s) from where the delegated authority is derived from, including legislation and policies. This has been provided to enable cross referencing between the delegations and other relevant documents. This delegated authority Register will be reviewed in accordance with the Local Government Act 1995 on an annual basis. The CEO will co-ordinate the review.

1.2 Structure of Delegations Register

The Delegations register has been divided into the following sections

- Section 1 - Delegations from the Council to CEO (and the Chief Bush Fire Control Officer)
- Section 2 - Authorisations from Council to its Officers
- Section 3 - Delegations from the CEO to Other Officers
- Section 4 - Authorisations from the CEO

The following definitions are provided to explain the variance between the Sections.

Delegation from the Council to the CEO – Are instances where the Council delegates the role of undertaking certain roles and responsibilities to the CEO or the CBFCO.

Authorisation by Council – Are instances when an officer or class of officers is formally authorised to act on behalf of the local government in respect to policing specific legislation and the legislation requires that the authorisation be provided by the local government rather than the Chief Executive Officer. This applies only to legislation other than that related directly to the Local Government Act 1995, for example the Dog Act 1997 or the Bush Fires Act 1954.

Delegations from the CEO to Other Officers – Are instances where the Chief Executive Officer, in accordance with S 5.44 of the Local Government Act 1995, delegates a power to another officer or where an executive function is delegated to another officer. An officer delegated a power under the Local Government Act 1995 must complete a Primary and Annual Return.

Authorisations by Chief Executive Officer – Are instances where an officer or class of officer is authorised to take relevant action in relation to a specific legislation, regulation or local law. This is an executive function of the Chief Executive Officer in relation to the Local Government Act 1995 and in other Acts the Chief Executive Officer is empowered to authorise individuals or classes of employees.

It should be noted that powers cannot be delegated to individual elected members, except in the case of the President as specified in the Bush Fires Act 1954 (currently under review). A delegation to elected members can only be made to a committee and then the committee must comply with the requirements of the Local Government Act 1995 where a delegated authority exists.

1.3 Legislation

The Local Government Act commenced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim was to enable local governments to provide good, open and accountable government to the community. One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a committee in order to manage the day-to-day operations of the Shire.

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of most of its powers or the discharge of most of its duties under the Act. All delegations made by the Council must be by absolute majority decision. {S5.42(1)}.

1.4 Associated Legislation

Legislation other than the Local Government Act 1995, its regulations and the local government's local laws created under the Local Government Act where delegations or authorisations may occur include the following: -

- Western Australian Planning Commission Act 1985
- Town Planning and Development Act 1928 including regulations, and adopted policies;
- Dog Act 1976 and regulations;
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Health Act 1911 (as amended) regulations and local law created under that Act;
- Freedom of Information Act 1992;
- Land Administration Act 1997, as amended and regulations;
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provisions) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Spearguns Control Act 1955

NB – This is not an exhaustive list

1.5 Matters which cannot be delegated

The following are decisions that can not be delegated by Council to the Chief Executive Officer under the Local Government Act 1995. {S5.43}

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

(#S 5.98A & 5.99A were inadvertently left off the list of matters, which cannot be delegated in the 1999 amendments but are included here for completeness.)

1.6 Delegation by the Chief Executive Officer

Regulations govern the ability of the CEO to delegate any of the powers granted to another employee. These include:

- The Local Government Act 1995 allows for the Chief Executive Officer to delegate any of the powers to another employee. {S5.44 (1)}
- This must be done in writing. {S5.44 (2)}
- The Act allows for the Chief Executive Officer to place conditions on any delegations if desired. {S 5.44 (4)}
- A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year. {S.5.46 (1) & (2)}
- If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used. {S 5.46 (3)}
- The record is to contain the following information
 - how the person exercised the power or discharged the duty;
 - when the person exercised the power or discharged the duty; and
 - the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. {Local Government (Administration) Regulations 1996 Cl 19.}
- A person to whom a power is delegated under the Local Government Act 1995 is considered to be a 'designated employee' under S 5.74 (b) of the Local Government Act 1995 and is required to complete a primary and annual return each year.
- There is no power for a person other than the CEO to delegate a power. {(S 5.44 (1))}.

SECTION 1 - DELEGATIONS FROM COUNCIL TO THE CEO

Local Government Act 1995

Delegation To
Chief Executive Officer

Delegated Powers

General powers and duties of a local government under:

1. Local Government Act 1995, including the appointment of authorised persons as required within the Act;
2. Any regulations made under that Act;
3. Any of the Shire's local laws;
4. The Local Government (Miscellaneous Provisions) Act 1960, including the power to authorise officers under the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1960.

Conditions and Exceptions

With the exception of:

1. The powers and duties set out in S5.43 of the Local Government Act 1995 including, without limitation:
 - any power or duty which requires an absolute, or a 75% majority decision;
 - accepting a tender for an amount exceeding \$50,000;
 - appointing an auditor;
 - acquiring or disposing of property (other than land) valued at an amount exceeding \$50,000;
 - powers under sections 5.98, 5.99 5.99A or 5.100 of the Act regarding fees, expenses and allowances for council and committee members;
 - borrowing money on behalf of the local government;
 - hearing or determining an objection under section 9.5 of the Act; or
 - any power or duty that requires the approval of the Minister or the Governor.
2. Determination of senior officers in accordance with S5.37 (1)
3. Consideration of the Principal Activity Plan (Section 5.58)
4. Adoption and review of the Code of Conduct (Section 5.103)
5. Dealing with a suspension of effect of decision on appeal (Section 9.9 (1) (b))

Western Australian Planning Commission Act 1985
Town Planning and Development Act 1928
Shire of Wyndham-East Kimberley Town Planning Schemes

Delegation To:
Chief Executive Officer

Delegated Powers
CEO has delegated authority to make decisions on the following matters

1. LAND USES

Authority to deal with the following:

- Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7;
- Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;
- Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7;
 - i. Group Dwellings in Residential and Town Centre Zones
 - ii. Offices and Warehouses in Mixed Business Zones
 - iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living Zones.
 - iv. Building extensions to existing buildings
- Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.

2. ADVERTISING OF 'SA' USES – TOWN PLANNING SCHEME No.6 or No. 7

- Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;

3. SUBDIVISIONS

- Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928.
(Note: S24 relates to objections and recommendations received regarding subdivisions)

4. MISCELLANEOUS

- All matters which arise out of the imposition of conditions on development approvals
- Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the President (or in the absence of the President the Deputy President)

- Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
- Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.

Notes:

For the purpose of S 24 of the *Town Planning and Development Act 1928*, Council's functions with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*

The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41(i) of the *Local Government Act 1995*.

Conditions and Exceptions

- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- Every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- All applications where the CEO recommendation is for refusal must be presented to Council for consideration;
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;
- Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;
- Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

Note:

Some powers have been on-delegated by Chief Executive Officer to Executive Manager Engineering and Development Services.

Strata Titles Act 1985

Delegation To:

Chief Executive officer

Delegated Powers

Council's function under S23 of the Strata Titles Act 1985. (Note: S23 relates to Certification of Strata Titles/Schemes)

i

Conditions and Exceptions

A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes

NOTES:

On delegated to Executive Manager Engineering and Development Services – EXCEPT the power to issue a certificate under S23 (3). (Note: S23(3) relates to issuing a certificate in circumstances where the Local Government Authority does not have all relevant information.)

Non Statutory Delegations

Delegated authority is provided to respond to referrals received by the Shire on the following matters.

- Sale or lease of land by State or Federal Government Departments.
- Land clearing applications from the Department of Environment
- Mining tenement referrals from the Department of Industry and Resources.
- Liquor license applications
- Fireworks applications
- Approval of names by Geographic Names Committee

Bush Fires Act 1954

Delegation To:

Chief Bush Fire Control Officer;

Delegated Powers

Powers Delegated to Chief Bush Fire Control Officer:

- Powers in accordance with S39 of the Bush Fires Act 1954. (Note: S39 relates to the special powers of bush fire control officers.
- Power to prosecute in accordance with S59 of the Bush Fires Act 1954 (Note: S59 relates to prosecution of offences under the Bush Fires Act 1954.

Powers delegated to Chief Bush Fire Control Officer & President jointly:

- Powers under S 17 (7) & (8) in accordance with S 17 (10). (Note: S17 relates to regulation pertaining to prohibiting burning times.)

Conditions and Exceptions:

Delegation applies only where the Chief Bushfire Control Officer is an employee of the Shire.

SECTION 2 - AUTHORISATIONS FROM COUNCIL

Dog Act 1976 & associated regulations.

Officers Authorised

- Council Rangers
- Executive Manager Engineering & Development Services
- Administration and Customer Service Officers as identified by the CEO

Council Rangers:

Authorisation

Authorised persons for the purposes of the *Dog Act 1976* and any regulations or local laws made under that Act, in accordance with S 29 of the Dog Act

Conditions and Exceptions

Except the power to withdraw infringements or commence legal proceedings

Executive Manager Engineering and Development Services

Authorisation

- Authorised person for the purposes of the Dog Act 1976 to withdraw infringements and commence legal proceedings
- Power to instigate court proceedings under S 44 (2) (b) of the Dog Act 1976.

Conditions and Exceptions

- Power to instigate court proceedings to be exercised following written approval of the Chief Executive Officer.
- A list of all prosecutions under delegated authority shall be incorporated in the Council's agenda and minutes.

Administration and Customer Service Officers as Identified by the CEO

Authorisation

Act as registration officers under the Act

Conditions and Exceptions

Nil

Bush Fires Act 1954

Authorisation of:
Chief Executive Officer

Authorised To:
Commence court proceedings under S 59 (3) Bush Fires Act 1954.

Conditions and Exceptions:
Nil

Control of Off-Road Vehicles (Off-road areas) 1978

Authorisation of Shire Rangers.

Executive Manager Engineering & Development Services

Shire Rangers

Authorised To:

Act in accordance with S38 (3) as authorised officers in respect to the whole of the Shire of Wyndham-East Kimberley. (Note: S38(3) relates to the district in which an authorised officer has jurisdiction over)

Conditions and Exceptions:

Nil

Executive Manager Engineering & Development Services

Authorised To:

In accordance with S 38 (3) as authorized officers in respect to the whole of the Shire of Wyndham-East Kimberley; to instigate court proceedings

Conditions and Exceptions:

Court proceedings to be instigated only after approval of the Chief Executive Officer.

SECTION 3 - DELEGATIONS FROM THE CHIEF EXECUTIVE OFFICER TO OTHER OFFICERS

Delegations to Executive Manager Corporate & Community Services

1. Delegations and Powers

All responsibility for financial management under S6 of the Local Government Act 1995 in accordance with S5.44.

(Note: S6 relates to the Financial Management of the Local Government authority. S5.44 relates to the powers that powers that the CEO may delegate and the means in which those delegations are to be communicated.)

Conditions and Exceptions

Actions requiring an absolute majority decision as specified in S6 of the Act must be considered by Council .

Delegations to Executive Manager Engineering & Development Services

Delegations and Powers – Local Government Act

Delegated authority to act under the following provisions of the Local Government Act:

- S3.24 – powers under subdivision 2, division 3 of Part 3 of the Local Government Act 1995.
- S3.31 (2); Local Government Act 1995 - Provides officer with authority to enter property.
- S3.34 (2); Local Government Act 1995 - Provides officer authority to entry property in an emergency
- Powers under S3.25 & 3.26 of the Local Government Act 1995 – Provides authority to give notice requiring certain things to be done by an owner or occupier of land. Provides additional powers when notices are given,
- Powers relating to thoroughfares under division 3, subdivision 5 of Part 3 of the Local Government Act 1995;

Conditions and Exceptions

Commencement of legal proceedings only to commence following approval of the Chief Executive Officer

Delegations and Powers under the:

Western Australian Planning Commission Act 1985

Town Planning and Development Act 1928

Shire of Wyndham-East Kimberley Town Planning Schemes

Delegated Powers

CEO on-delegates authority to the Executive Manager to make decisions on the following matters:

1. Land Uses
Authority to deal with the following:
 - Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7;
 - Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;
 - Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.
2. Advertising of 'SA' uses – Town Planning Scheme No. 6 or No. 7
 - Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;
3. Miscellaneous
 - Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)
 - Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.

Conditions and Exceptions

- A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- Every applicant who received notification of a conditional approval of a development application that was determined by delegation and is aggrieved by the decision, may within 28 days of the date of that decision request that the matter be reconsidered by Council;
- All applications where the Executive Manager's recommendation is for refusal must be presented to Council for consideration;
- Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;
- Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

SECTION 4 - AUTHORISATIONS FROM THE CHIEF EXECUTIVE OFFICER

All Rangers

Authorization

As officers authorized to administer the following Acts, regulations and local laws:

- Dog Act 1976 and regulations;
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Litter Act 1979 and regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road) and regulations;
- Spearguns Control Act 1955;
- Local Government (Parking for Disabled Persons) Regulations 1998;
- Local Government Act 1995 in accordance with S9.10 as follows: -
 - S 3.39 – power to remove and impound;
 - S 9.13 (1) – power to issue notices requesting identification;
 - S9.16 – giving a notice;
 - S 9.17 – content of notice;
 - S 9.19 – extension of time.

The following local laws of the Shire of Wyndham-East Kimberley:

2003 Shire of Wyndham East Kimberley Local Laws

Conditions and Exceptions

The authority to commence prosecution action may only be made with the approval of the Chief Executive Officer.

No officer who issues an infringement notice may withdraw an infringement notice.

Environmental Health Officers

Authorisation to:

Environmental Health Officers including casual, temporary and contracted staff

Powers:

Authorised as follows

- To act as Council's deputies under S26 of the *Health Act 1911* associated regulations and local laws;
- To administer the Litter Act 1979 and regulations;
- To act as an authorized person in accordance with S17 of the *Caravan Parks and Camping Grounds Act 1995*;
- To administer the provisions of the Fly Eradication Regulations.

Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley:

- 2003 Shire of Wyndham East Kimberley Local Laws
- 2004 Shire of Wyndham East Kimberley Health Local Law

Conditions and Exceptions

Health Act 1911

Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;

Litter Act 1979

Except the power to withdraw infringement notices issued under Acts, regulations or local laws.

Caravan Parks and Camping Grounds Act 1995;

The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;

Fly Eradication regulations

The power to prosecute may only be exercised with the approval of the Chief Executive Officer.

Building Surveyor/Inspector

Authorisations

1. Local Government (Miscellaneous Provisions) Act 1960

Authorised to:

- endorse and vary authority to approve or refuse to approve plans and specifications submitted under *Section 374 (1) (b) of the Local Government (Miscellaneous) Act 1960*
- to determine building classifications in accordance with S374C;
- to issue demolition licences under s374A for buildings that are not listed on Council's heritage list, or subject to any order under the *Heritage of Western Australia Act 1990*;
- to serve notices under S401 regarding buildings which are unsafe, or a departure from approved plans and specifications;
- to issue stop work orders under S401A; and
- to act as authorised persons under S245A of the *Local Government (Miscellaneous Provisions) Act 1960* and take such action as is deemed necessary to enforce the provisions of the Act in accordance with the Act.
- Undertake powers of Council in accordance with S378 of the *Local Government (Miscellaneous Provisions) Act 1960*. (Section 378 relates to removal of signs, hoardings and/or materials that have not been permitted by Council.

Conditions and Exceptions

- No plan or specification, which conforms to all relevant local laws, town planning schemes and Council policies shall be refused approval without the consent of Council.
- The powers set out in S245A (5) (c) may only be exercised following approval of the Chief Executive Officer.

2. Caravan Parks & Camping Grounds Act 1995

Act as an authorised person in accordance with S17 of the Caravan Parks & Camping Grounds Act 1995.

Conditions and Exceptions

May not withdraw infringements.

3. Local Government (Uniform Local Provisions) Regulations 1996

Power to approve crossovers under Regulation 12 (1) (a) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Conditions and Exceptions

Nil

Town Planner

Authorisation

1. Local Laws

As authorised persons under S9.10 (1) to administer the provisions of Council's local laws with regard to;

2003 Shire of Wyndham East Kimberley Local Laws

Conditions & Exceptions

This authority does not extend to:

- commencing prosecution action without the approval of the Chief Executive Officer;
- receiving payments for modified penalties and withdrawing infringement notices.

2. Local Government (Miscellaneous Provisions) Act 1960

Authorisation

To act as authorised persons under s245A of the *Local Government (Miscellaneous Provisions) Act 1960* and take such action as is deemed necessary to enforce the provisions of the Act in accordance with the Act.

Conditions and Exceptions

The powers set out in S245 (5) (c) may only be exercised after consultation with both the Executive Manager Engineering & Development Services and the Building Surveyor.

SHIRE OF Wyndham East Kimberley

DELEGATIONS REGISTER

June 2007

INTRODUCTION

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

The Local Government Act, 1995 Section 5.46 (3) requires that a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Further, Regulation 19 of the Local Government (Administration) Regulations requires that where a power or duty has been delegated under the Act to the CHIEF EXECUTIVE OFFICER or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of -

- a) How the person exercised the power or discharged the duty;
- b) When the person exercised the power or discharged the duty; and
- c) The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

For recording purposes the discharge of delegations is recorded in a Monthly Report to Council.

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

In any instance where a delegation is to be conveyed by the delegator in writing then this manual of delegations shall be the relevant instrument and as such is signed by the Shire President and Chief Executive Officer on the front cover.

5.43 . Limits on delegations to CHIEF EXECUTIVE OFFICERS

Under section 5.43 of the Local Government Act a Council cannot delegate to a CHIEF EXECUTIVE OFFICER any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.99 or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

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| #1 (COUNCIL) | ENFORCEMENT & LEGAL PROCEEDINGS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions or other legal actions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #2 (COUNCIL) | TENDERS |
|---|---|
| <p>Unless otherwise specified, the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$100,000 provided that appropriate provision is made in Council's Budget.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Sections 5.42/5.43(b)) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #3 (COUNCIL) | PROPERTY – ACQUISITIONS & DISPOSALS |
|---|---|
| <p>The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$100,000 provided that appropriate provision is made on Council's Budget.</p> <p>The Chief Executive Officer is delegated authority to call tenders and/or quotations for the changeover of light vehicles.</p> <p>The Chief Executive Officer is further delegated authority to purchase the appropriate light vehicle or to accept a tender for the light vehicle provided the tender amount does not exceed the amount determined by Council in accordance with Section 5.43(b).</p> <p>This delegation shall only be exercised when provision of sufficient funds for the purpose has been made in Council's budget.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Sections 5.42/5.43(d)) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Executive Manager Corporate Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #4 (COUNCIL) | IMPOUNDING GOODS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> (1) Authorise an employee in accordance with Section 3.39 to remove and impound any 'goods that are involved in a contravention that can lead to impounding. (2) Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42. (3) Give notice in accordance with Section 3.44 to collect goods. (4) Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46. (5) Sell confiscated or uncollected goods in accordance with Section 3.47. (6) Take action to recover expenses in accordance with Section 3.48. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services, Rangers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #5 (COUNCIL) | SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS |
|--|--|
| <p>The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the Local Government Act 1995.</p> <p>The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations. The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995 to accept any tender up to the value of \$10,000. Tenders for amounts exceeding \$10,000 shall be referred to the Council for consideration.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #6 (COUNCIL) | LOCAL LAWS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:</p> <ol style="list-style-type: none"> (1) Give statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the statewide public notice as required under Section 3.12(3). (2) After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5). (3) After the local law has been published in the Gazette give statewide public notice in accordance with Section 3.12(6). (4) Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15. (5) Give State wide public notice stating intention to review a local law as required under Section 3.16(2). (6) After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3). (7) After the Council has made a determination in respect of the local law review, give statewide public notice as required under Section 3.16(5). | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Manager Engineering and Development Services, Executive Manager Town |

| | |
|-----------------------|-----------|
| | Planning. |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #7 (COUNCIL) | EXECUTIVE FUNCTIONS - DUTIES |
|---|--|
| <p>The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions (refer Section 3.21):</p> <ol style="list-style-type: none"> (1) Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met. (2) Ensure that as little harm or inconvenience is caused and as little damage is done as is possible. (3) Ensure that danger to any person or property does not arise from anything done on land. Ensure that anything belonging to the Local Government, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there. (5) Ensure that buildings, fences, and other structures are not disturbed nor damaged. (6) Ensure that when the Local Government enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence. (7) Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #8 (COUNCIL) | CERTAIN THINGS TO BE DONE IN RESPECT OF LAND |
|--|--|
| <p>The Chief Executive Officer is delegated authority to authorise any person to exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the Act.</p> <p><i>(Refer Section 3. 24.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |

| | |
|-----------------------|------------------------|
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #9 (COUNCIL) | POWER OF ENTRY |
|--|--|
| The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers, Executive Manager of Town Planning |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #10 (COUNCIL) | REGISTER OF DELEGATION TO COMMITTEES |
|---|---|
| The Chief Executive Officer is delegated authority to keep a Register of the delegations made by Council to any Committees, the Register being required in accordance with the provisions of Section 5.18 of the Act. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officer |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #11 (COUNCIL) | ANNUAL REPORT |
|--|---|
| The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Act. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officer |

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| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #12 (COUNCIL) | PLAN FOR THE FUTURE |
| <p>The Chief Executive Officer is delegated authority to prepare, each financial year, the Plan for the Future as required by Section 5.56 of the Act.</p> <p>In addition, the Chief Executive Officer is delegated authority to give the local public notice required under Section 5o57(1), after the Plan has been prepared and adopted in draft by Council.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officer |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #13 (COUNCIL) | COPIES OF INFORMATION |
| <p>The Chief Executive Officer is delegated authority to ensure copies are available to persons inspecting information made available for inspection under Division 7, Part 5 of the Act and ensure that the price at which the copies are sold does not exceed the cost of providing the copies (refer Section 5.96).</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Manager of Town Planning, Builder Surveyors, Executive Support Officer |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #14 (COUNCIL) | COUNCIL & COMMITTEE MEETINGS |
| <p>The Chief Executive Officer is delegated authority to perform the following duties:</p> <p>(1) At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings, and, the Committee meetings that are required under the Act to be open to members of the public, are to be held.</p> <p>(2) Give Local Public Notice of any change to the date, time or place of a meeting that is open to the public.</p> <p>(3) Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to members of the public.</p> <p><i>(Reference: Local Government (Administration) Regulation No 12.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #15 (COUNCIL) | PUBLIC INSPECTION OF DOCUMENTS RELATING TO COUNCIL & COMMITTEE MEETINGS |
| <p>The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by members of the public within 10 and 5 business days respectively.</p> <p>The Chief Executive Officer is delegated authority to ensure notice papers and agenda relating to any Council or Committee meeting and which have been made available to members of the Council or Committee are available for inspection by members of the public from the time the documents are made available to the members.</p> <p><i>(Reference: Local Government (Administration) Regulation Numbers 13 and 14.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #16 (COUNCIL) | TENDERS FOR PROVIDING GOODS & SERVICES |
|---|--|
| <p>In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:</p> <p>(1) Publicly invite tenders for the supply of goods and services expected to be worth more than \$100,000.</p> <p><i>(Reference: Regulations 11(1), 12 and 13.)</i></p> <p>(2) Give statewide public notice in accordance with Regulation 14.</p> <p>(3) Give each Tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.</p> <p><i>(Reference: Regulation 19.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #17 (COUNCIL) | COMMERCIAL ENTERPRISES |
|--|--|
| <p>The Chief Executive Officer is delegated authority to prepare any business plan as required under Section 3.59(2) of the Local Government Act 1995 and to give Statewide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #18 (COUNCIL) | PAYMENT OF CREDITORS |
| <p>The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:</p> <p>a) The payee's name b) The amount of the payment c) The date of the payment d) Sufficient information to identify the transaction.</p> <p>The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Manager Financial Services, Financial Officers. |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #19 (COUNCIL) | RATE BOOK |
|---|---|
| <p>The Chief Executive Officer is hereby delegated the performance of the following functions of the Council:</p> <ol style="list-style-type: none"> (1) Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40. (2) The service of rate notices referred to in Section 6.41 of the Local Government Act 1995 (as amended). (3) Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges. (4) Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995. (5) The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995. <p>Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled. (Section 6.64(3).)</p> <ol style="list-style-type: none"> (7) Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4) of the Local Government Act 1995. (8) Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6). (9) Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79). | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Manager Financial Services, Financial Officers. |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #20 (COUNCIL) | FINANCIAL REPORTS |
|--|--|
| <p>The Chief Executive Officer is delegated authority to prepare the annual financial reports and such other financial reports as prescribed in Local Government (Financial Management) Regulation No 34. Refer Section 6.4(1) of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to submit the accounts and financial reports to the Council's auditors in accordance with Section 6.4(2) of the Act.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #21 (COUNCIL) | TRUST FUND |
|--|--|
| <p>The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #22 (COUNCIL) | INVESTMENTS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act.</p> <p>Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of: -</p> <p>(a) The nature and location of all investments, and</p> <p>(b) The transactions related to each investment.</p> <p><i>(Reference: Local Government (Financial Management) Regulation No 19.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | F11; <i>Management of Investments</i> |
| REVIEWED | |

| #24 (COUNCIL) | EXPENDITURE BEFORE ADOPTION OF BUDGET |
|--|--|
| <p>The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan of Principal Activities from the Municipal Fund prior to the adoption of the annual budget. (Reference Section 6.8(1))</p> <p>The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #25 (COUNCIL) | TEMPORARY CLOSURE OF THOROUGHFARE TO VEHICLES |
|---|---|
| <p>The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 3 months. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.49 and 3.50 of the Local Government Act.</p> <p>Any proposal to close a thoroughfare for any period exceeding 3 months shall be referred to Council for determination.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services. |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #26 (COUNCIL) | GATES ACROSS PUBLIC THOROUGHFARE |
|---|--|
| <p>The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #27 (COUNCIL) | DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE |
|--|--|
| <p>The Chief Executive Officer is delegated authority to take all appropriate to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |

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| REVIEWED | |
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| #28 (COUNCIL) | <i>12.5.10.1. CROSSOVERS</i> |
| <p>The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant.</p> <p>The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | |
| REVIEWED | |

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| #29 (COUNCIL) | PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND |
| <p>The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.</p> <p>Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #30 (COUNCIL) | PUBLIC THOROUGHFARES – PUBLIC USE & PLANS |
|---|---|
| <p>The Chief Executive Officer is delegated authority to:</p> <p>(1) Ensure that public thoroughfares are kept open for public use as required under Section 3.53(2) of the Act.</p> <p>(2) In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. <i>(Reference Section 3. 52(3))</i></p> <p>(3) Keep plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. <i>(Reference Section 3. 52(4))</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #31 (COUNCIL) | DEMOLITION LICENSES |
|--|--|
| <p>The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyors |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #33 (COUNCIL) | BUILDINGS – ISSUE OF SECTION 401 NOTICES |
| <p>The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyor |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #34 (COUNCIL) | BUILDING LICENSES |
|--|--|
| <p>That pursuant to Section 374(lb) of the Local Government (Miscellaneous Provisions) Act 1960, the Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:</p> <p>a) All Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and</p> <p>b) All Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,</p> <p>The Environmental Development Manager shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.</p> <p>Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions, as the Environmental Development Manager considers necessary.</p> <p>All licenses issued under this delegated authority shall, in addition to any conditions imposed by the Environmental Development Manager, contain and be subject to the following conditions:</p> <ul style="list-style-type: none"> ◆ The building licence is valid for a maximum period of twenty-four (24) months. | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyor |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #35 (COUNCIL) | BUILDINGS – REMOVAL OF NEGLECTED & DILAPIDATED |
|---|--|
| <p>The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyor |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #36 (COUNCIL) | UNLAWFUL WORKS |
| <p>(a) The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.</p> <p>(b) The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyor |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #37 (COUNCIL) | BUILDINGS - DANGEROUS |
| <p>The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:</p> <p>(1) Issue a certificate which states that the subject building is in a dangerous state.</p> <p>(2) Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.</p> <p>(3) Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyor |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #38 (COUNCIL) | CERTIFICATES OF CLASSIFICATION |
|---|--|
| <p>The Chief Executive Officer is delegated authority to issue Certificates of Classification of Buildings in accordance with Section 374C of the Local Government (Miscellaneous Provisions) Act 1960.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Building Surveyors |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #39 (COUNCIL) | LICENCE TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO A STREET |
|---|---|
| <p>The Chief Executive Officer is delegated the authority to issue licenses to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960. The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Licenses are to be issued subject to the conditions detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Chief Executive Officer.</p> | |
| LEGISLATIVE POWER | Local Government (Miscellaneous Provisions) Act 1960 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #40 (COUNCIL) | AWARD/INDUSTRIAL MATTERS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |

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| REVIEWED | |
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| #41 (COUNCIL) | LEGAL ADVICE |
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| Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #42 (COUNCIL) | CONTRACT VARIATIONS |
|---|--|
| The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #43 (COUNCIL) | NATIVE TITLE |
|--|--|
| The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |

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| REVIEWED | |
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| #44 (COUNCIL) | TELEPHONES (PRIVATE) & PERSONAL COMPUTERS – USE BY EMPLOYEES FOR COUNCIL BUSINESS |
| <p>The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with all employees to have a telephone/fax and/or a personal computer installed in his/her principal place of residence within the Shire for some use on Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone/fax expense incurred on Council business.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | |
| REVIEWED | |

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| #45 (COUNCIL) | APPOINTMENT OF CONSULTANTS |
| <p>The Chief Executive Officer is delegated authority to appoint consultants including architects, valuers, planning consultants and the like. In exercising this delegated authority the following conditions shall apply:</p> <ul style="list-style-type: none"> • Any Council policy is to be observed. • Adequate funds shall be available in Council budget. • The appointment is to be for an approved project. • The value of the appointment shall not exceed \$100,000. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | |
| REVIEWED | |

| #46 (COUNCIL) | INSURANCE – PUBLIC LIABILITY CLAIMS |
|---|--|
| <p>The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.</p> <p>In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Solicitors.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Manager Financial Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #47 (COUNCIL) | CONFERENCES/SEMINARS/TRAINING COURSES – EXPENSES OF COUNCILLORS & STAFF |
|--|---|
| <p>The Chief Executive Officer is delegated authority to reimburse all reasonable expenses to members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor or staff member receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.</p> <p>This delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or staff member to be accompanied by another person.</p> <p>The Chief Executive Officer shall observe any Council policy in place from time to time.</p> | |
| LEGISLATIVE POWER | |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | |
| REVIEWED | |

| #51 (COUNCIL) | USE OF VEHICLES |
|--|---------------------------|
| <p>The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicle.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | |
| REVIEWED | |

| #52 (COUNCIL) | STAFF HOUSING |
|---|--|
| <p>The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council. In exercising this delegation the Chief Executive Officer shall have regard to any Council policy in place from time to time.</p> <p>In the event that any Council provided accommodation is, at any time, not required for Council employees, the Chief Executive Officer is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is appropriate to the needs of Council.</p> <p>The Chief Executive Officer is further delegated authority to determine the level of bond to be applied to each occupancy arrangement and Tenancy Agreement.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | |
| REVIEWED | |

| #53 (COUNCIL) | SALARIES |
|---|--|
| <p>The Chief Executive Officer is delegated authority to alter salaries payable to all staff who are not Senior Officers under the Local Government Act. 1995.. The alteration may be within the employee's assigned band/classification, may involve a change of salary band/classification or may involve an appropriate over award payment.</p> <p>In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available on Council's budget. If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | |
| REVIEWED | |

| #54 (COUNCIL) | EVENTS ON ROADS |
|---|---|
| <p>The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Manager Technical Services, Community Development Officer |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #55 (COUNCIL) | STRATA TITLES |
|--|-------------------------------------|
| <p>Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.</p> <p><i>(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire.)</i></p> | |
| LEGISLATIVE POWER | Strata Titles Act 1985 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager of Town Plannings |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #57 (COUNCIL) | PROHIBITED & RESTRICTED BURNING TIMES (VARIATIONS) |
|---|---|
| <p>That pursuant to Sections 17(10) and 18(5)(c) of the Bush Fires Act, the Shire President and the Chief Bush Fire Control Officer be delegated jointly the Council's powers and duties under Section 17(7) and (8) and Section 18(5) of the Bush Fires Act in respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge of FESA is consulted before the authority under this delegation is exercised.</p> | |
| LEGISLATIVE POWER | Bush Fires Act 1954 |
| DELEGATE | Shire President, Chief Executive Officer, Chief Bush Fire Control Officer |
| SUB DELEGATION | Executive Manager of Engineering and Development Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #58 (COUNCIL) | BUSH FIRES ACT 1954 - OFFENCES |
|---|-------------------------------------|
| <p>The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.</p> | |
| LEGISLATIVE POWER | Bush Fires Act 1954 (Section 59(3)) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #59 (COUNCIL) | PROCEEDINGS UNDER DOG ACT |
| <p>In accordance with Section 44 of the Dog Act, the Chief Executive Officer is authorised to institute and carry on proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the Dog Act.</p> <p>This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Act.</p> | |
| LEGISLATIVE POWER | Dog Act |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #60 (CHIEF EXECUTIVE OFFICER) | CONVENING OF MEETINGS |
| <p>The Chief Executive Officer is delegated authority to convene ordinary and special meetings of the Council by giving notice of meeting and agenda.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #62 (CHIEF EXECUTIVE OFFICER) | CONVENING OF ELECTOR'S MEETINGS |
| <p>The Chief Executive Officer is delegated authority to convene Elector's meetings of the Council by giving required notice of meeting and agenda. The Executive Manager of Corporate Services shall have regard to Section 5.29 (1) of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager of Corporate Services |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #63(CHIEF EXECUTIVE OFFICER) | ELECTOR'S MEETING MINUTES |
| <p>The Chief Executive Officer is delegated authority to cause minutes of Elector's meetings to be kept and preserved and ensure minutes are available for inspection before the Council meeting at which decisions made at the Electors' meeting are first considered. The Chief Executive Officer shall have regard to Section 5.32 of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #69 (CHIEF EXECUTIVE OFFICER) | RETENTION & MANAGEMENT OF RECORDS |
| <p>The Chief Executive Officer is delegated authority to ensure that the records and documents of the local government are properly kept for the purposes of this Act and any other written law.</p> <p>The Chief Executive Officer shall have regard to Section 5.41 (h) of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42), State Record Act 2000 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #70 (CHIEF EXECUTIVE OFFICER) | REGISTER OF DELEGATIONS TO CHIEF EXECUTIVE OFFICER |
| <p>The Chief Executive Officer is delegated authority to keep a register of the delegations made to the Chief Executive Officer and to employees under Part 5, Division 4 of the Act.</p> <p>The Chief Executive Officer shall have regard to Section 5.46 (1) of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |

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| REVIEWED | |
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| #71 (CHIEF EXECUTIVE OFFICER) | ANNUAL REPORT ADVERTISING |
| <p>The Chief Executive Officer is delegated authority to give local public notice of availability of the Annual Report as soon as practicable after the report has been accepted by Council.</p> <p>The Chief Executive Officer shall have regard to Section 5.55 of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #73 (CHIEF EXECUTIVE OFFICER) | MINISTERIAL APPROVAL FOR DISCLOSING MEMBER TO PARTICIPATE IN MEETING |
| <p>The Chief Executive Officer is delegated authority to apply to the Minister to allow a disclosing member to participate in part of meeting relating to the matter</p> <p>The Chief Executive Officer shall have regard to Section 5.69 (1) of the Local Government Act 1995.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #74 (CHIEF EXECUTIVE OFFICER) | <i>12.5.10.2. RECORDING OF DISCLOSURES OF FINANCIAL INTERESTS IN MINUTES</i> |
| <p>The Chief Executive Officer, is delegated authority to record in the minutes of meetings, details of disclosures made under Section 5.65 or 5.70 of the Act.</p> <p><i>(Refer to Section 5.66 of the Local Government Act 1995.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |

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| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #75 (CHIEF EXECUTIVE OFFICER) | 12.5.10.3. COUNCIL OR COMMITTEE MEMBER ACCESS TO INFORMATION |
| <p>The Chief Executive Officer, is delegated authority to ensure that a Council member or a committee member has access to information that is relevant to the performance by the person of any of his or her functions under the Local Government Act or under any other written law.</p> <p><i>(Refer to Section 5.92 of the Local Government Act 1995.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #76 (CHIEF EXECUTIVE OFFICER) | 12.5.10.4. INSPECTION OF RECORDS BY ANY MEMBER OF THE PUBLIC |
| <p>The Chief Executive Officer, is delegated authority to ensure that any person attending the office during office hours, and free of charge inspect, subject to Section 5.95, the records specified in Section 5.94 whether or not current at the time of inspection.</p> <p><i>(Refer to Section 5.94 of the Local Government Act 1995.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #77 (CHIEF EXECUTIVE OFFICER) | RIGHT TO INSPECT RECORDS |
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The CHIEF EXECUTIVE OFFICER is delegated authority to determine a person's right to inspect information referred to in Section 5.94 where discretion is provided to the Chief Executive Officer.

(Refer to Section 6.5 of the Local Government Act 1995.)

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| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #78 (CHIEF EXECUTIVE OFFICER) | FINANCIAL RECORDS |
|--------------------------------------|--------------------------|

The CHIEF EXECUTIVE OFFICER is delegated authority to ensure that there are kept, in accordance with Regulations, proper accounts and records of the transactions and affairs of the local government and keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under the Local Government Act or another written law.

(Refer to Section 6.5 of the Local Government Act 1995.)

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| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Finance Manager |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #79 (CHIEF EXECUTIVE OFFICER) | APPOINTMENT OF EMPLOYEES – LEGAL PROCEEDINGS |
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The CHIEF EXECUTIVE OFFICER has delegated authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case.

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| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #80 (CHIEF EXECUTIVE OFFICER) | CERTIFYING OF DOCUMENTS |
|--|--|
| <p>The CHIEF EXECUTIVE OFFICER is delegated the authority to authorise an employee for the purpose of certifying a document to be a true copy.</p> <p><i>(Refer to Section 9.31 of the Local Government Act 1995.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #81 (CHIEF EXECUTIVE OFFICER) | SAFE CUSTODY & CONFIDENTIALITY OF TENDERS |
|---|--|
| <p>The CHIEF EXECUTIVE OFFICER is delegated the authority to ensure that all tenders received are deposited in safe keeping in the duly allotted tender box and to ensure that all tenders remain confidential.</p> <p><i>(Refer to Regulation 16 of the Local Government (Functions and General) Regulations.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Officers, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #82 (CHIEF EXECUTIVE OFFICER) | TENDERS REGISTER |
|--|--|
| <p>The CHIEF EXECUTIVE OFFICER is delegated the authority to keep a tender register and make it available for public inspection.</p> <p><i>(Refer to Regulation 17 of the Local Government (Functions and General) Regulations.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Officers, Executive Support Officers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #83 EXECUTIVE OFFICER) | (CHIEF ESTABLISHMENT & MAINTENANCE OF ACCOUNTING SYSTEMS |
| <p>The CHIEF EXECUTIVE OFFICER is delegated the authority to establish efficient systems and procedures for -</p> <p>a) For the proper collection of all money owing to the local government;</p> <p>b) For the safe custody and security of all money collected or held by the local government;</p> <p>c) For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);</p> <p>d) To ensure proper accounting for municipal or trust - income received or receivable; expenses paid or payable; and assets and liabilities;</p> <p>e) To ensure proper authorisation for the incurring of liabilities and the making of payments;</p> <p>f) For the maintenance of payroll, stock control and costing records; and</p> <p>g) To assist in the preparation of budgets, accounts and reports required by the Act or these regulations.</p> <p><i>(Refer to Regulation 5(1) of the Local Government (Finance Management) Regulations.)</i></p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services, Finance Manager |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #88 (COUNCIL) | DONATIONS OF WORK TO LOCAL COMMUNITY GROUPS |
| <p>The Chief Executive Officer is delegated authority to exercise discretion on the use of Council resources on small community works for local facilities and not for profit volunteer groups.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services |
| COUNCIL POLICY | |
| REVIEWED | |

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| #89 (COUNCIL) | LIQUOR CONSUMPTION APPLICATIONS |
| <p>The Chief Executive Officer is delegated authority to approve applications for the consumption of alcohol on Shire facilities in accordance with whatever conditions are imposed by the Licensing Court.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | All Executive Managers |
| COUNCIL POLICY | N/A |
| REVIEWED | |

| #90 EXECUTIVE OFFICER) | (CHIEF SIGNING OF COUNCIL CORRESPONDENCE |
|--|---|
| <p>Correspondence to be personally signed by the Chief Executive Officer:</p> <p>(1) Letters which either:</p> <ul style="list-style-type: none"> (a) Offer an opinion on Council Policy; (b) Give political comment; (c) Seek a meeting or deputation, or (d) Make a major commitment, financial or otherwise in terms of Council's resources; <p>and which are addressed to the following:</p> <ul style="list-style-type: none"> (i) State or Federal Member of Parliament (ii) Permanent Secretaries or Directors of the like of State and Federal Departments (iii) Mayors/Presidents of other Councils (iv) Chief Executive Officers of other Councils (v) The Ombudsman (vi) Western Australian Municipal Association (vii) The Department of Local Government <p>(2) Letters: -</p> <ul style="list-style-type: none"> (a) of appointment for Council staff (b) letters of dismissal in relation to Council staff or contractors working for Council <p>Correspondence that can be signed by Managers:</p> <ul style="list-style-type: none"> (1) Letters other than those referred to above (2) Letters that are of normal operations (3) Letters that are the result of a Council decision (4) Letters that are permitted by another delegation or Council policy | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #91 (COUNCIL) | Community Quick Grants |
| <p>The Chief Executive Officer is delegated authority to award quick grants to not for profit community groups up to the value of \$500.00 providing funding is available within Council's Budget.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | |
| REVIEWED | |

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| #92 (COUNCIL) | ACQUISITION & DISPOSAL OF PROPERTY |
| <p>The Chief Executive Officer is delegated authority to negotiate the purchase and disposal of any Council land valued at an amount not exceeding \$100,000 provided that the appropriate provision is made in Council's Budget.</p> <p>The extent of the delegation is limited to negotiating a purchase/selling price to be within an independent valuation following which the purchase/sale is to be reported to Council.</p> <p>If following the report to Council there are no objections following the Statutory advertising period the CHIEF EXECUTIVE OFFICER may purchase/sell the land without further reference to the Council and provide information as to the outcome via the Information Bulletin.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42/5.43(d)) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Nil |
| COUNCIL POLICY | |
| ADOPTED | |

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| #93 (COUNCIL) | APPOINTMENT OF BUSH FIRE CONTROL OFFICERS |
| <p>The Chief Executive Officer and Shire President is delegated authority to appoint persons to the position of fire control officer, including dual fire control officers with adjoining local governments as provided for under Section 38 of the Bush Fires Act, 1954. The Chief Executive Officer shall have regard to the provisions of the Bush Fires Act, 1954 and in particular Section 40.</p> | |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Shire President, Chief Executive Officer |

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| SUB DELEGATION | Nil |
| COUNCIL POLICY | N/A |
| REVIEWED | |

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| #95 (COUNCIL) | PRIVATE WORKS |
| The Chief Executive Officer is delegated authority to undertake private works in accordance with the Council policies. | |
| LEGISLATIVE POWER | Local Government Act 1995 (Sections 5.42/5.43(b)) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services |
| COUNCIL POLICY | |
| REVIEWED | |

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| #96 (COUNCIL) | COMMITMENT TO EXPENDITURE/PAYMENT OF ACCOUNTS |
| <p>Chief Executive Officer is delegated authority to approve expenditure and to meet payment for goods or services on behalf of the Shire of Wyndham East Kimberley for which funds have been provided on the budget, provided that he/she has before hand:</p> <p>(1) Developed procedures for the authorisation of accounts to ensure that there is effective security and properly authorised use of:</p> <p>(a) Cheques, credit cards, computer encryption and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and</p> <p>(b) Petty cash systems.</p> <p>(2) Developed procedures for the approval of accounts to ensure that before payment of an account a determination is made that:</p> <p>(c) The relevant debt was incurred by a person who is properly authorised to do so; and</p> <p>(d) The goods or services to which each account relates were provided in a satisfactory condition.</p> <p>(3) Developed any other procedures he/she feels appropriate.</p> <p>Provided also that funds may only be released with the approval of at least two employees of the Shire, unless via the use of a Credit card facility.</p> | |

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| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Corporate Services |
| COUNCIL POLICY | N/A |
| ADOPTED | |

| #97 (COUNCIL) | AUTHORITY TO ORDER | | |
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| The following limitations are placed on the authority to order goods and services: | | | |
| Position | | | Amount |
| Chief Executive Officer | | | \$100,000 |
| Executive & Development Services | Manager | Engineering | \$50,000 |
| Executive Corporate Services | | Manager | \$50,000 |
| Executive Town Planning | | Manager | \$50,000 |
| Executive Community Services | | Manager | \$50,000 |
| Manager Financial Services | | | \$10,000 |
| Senior Finance Officer | | | \$2,000 |
| Manager Technical Services | | | \$20,000 |
| Environmental Health Officer (aboriginal Communities) | | | \$2,000 |
| Environmental Health Officer | | | \$2,000 |
| Building Surveyor | | | \$2,000 |
| Manager Recreation & Leisure | | | \$2,000 |
| Recreation Development Officer | | | \$2,000 |
| Pool Manager/Duty Supervisor | | | \$1,000 |
| Wyndham Pool Manager | | | \$500 |
| Wyndham Operations Manager | | | \$5,000 |
| Airport Manager | | | \$10,000 |
| Executive Support Officer | | | \$1,000 |
| EDS Support Officer | | | \$1,000 |
| Environmental Project Officer | | | \$5,000 |
| Works Supervisor | | | \$2,000 |
| Depot Stores/Admin Officer | | | \$2,000 |
| LEGISLATIVE POWER | Local Government Act 1995 (Section 5.42) | | |
| DELEGATE | Chief Executive Officer | | |
| SUB DELEGATION | Executive Manager Corporate Services | | |

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| COUNCIL POLICY | N/A |
| ADOPTED | |

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| #98 (COUNCIL) | WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 TOWN PLANNING AND DEVELOPMENT ACT 1928 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES |
| <p>CEO has delegated authority to make decisions on the following matters</p> <p>1. LAND USES Authority to deal with the following: Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No.6 or No. 7; Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7; Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7; Group Dwellings in Residential and Town Centre Zones Offices and Warehouses in Mixed Business Zones Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living Zones. Building extensions to existing buildings Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.</p> <p>2. ADVERTISING OF 'SA' USES – TOWN PLANNING SCHEME No. 6 or No. 7 Initiate advertising for an application made pursuant to the Scheme and refer the application and submissions to council;</p> <p>3 SUBDIVISIONS Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Town Planning and Development Act 1928. (Note: S24 relates to objections and recommendations received regarding subdivisions)</p> <p>4. MISCELLANEOUS All matters which arise out of the imposition of conditions on development approvals Determine Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning following consultation with the President (or in the absence of the President the Deputy President) Exercise and discharge all of Council's powers and functions under S10 of the Town Planning and Development Act 1928 following consultation with the President (or in the absence of the President the Deputy President). (Note: S10 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.) Serve notices, and take any other action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes.</p> <p>Notes: For the purpose of S 24 of the <i>Town Planning and Development Act 1928</i>, Council's functions</p> | |

with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*

The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41 (i) of the *Local Government Act 1995*.

Conditions and Exceptions

A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;

Every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;

All applications where the CEO recommendation is for refusal must be presented to Council for consideration;

Applications requiring variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Planning codes (single and grouped dwellings) must be presented to Council for consideration;

Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;

Legal action in relation to breaches to planning conditions and/or breaches of Council's Town Planning Scheme can not be undertaken without prior consideration of the Council.

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| LEGISLATIVE POWER | WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985 TOWN PLANNING AND DEVELOPMENT ACT 1928 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services |
| COUNCIL POLICY | |
| REVIEWED | |

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| #99 (COUNCIL) | STRATA TITLES ACT 1985 |
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The Chief Executive Officer is delegated authority under S23 of the Strata Titles Act 1985. (Note: S23 relates to Certification of Strata Titles/Schemes)

Conditions and Exceptions:

A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes

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| LEGISLATIVE POWER | S23 of the Strata Titles Act 1985 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services; EXCEPT the power to issue a certificate under S23 (3). (Note: S23 (3) relates to issuing a certificate in circumstances where the Local Government Authority does not have all relevant information.) |
| COUNCIL POLICY | |

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| REVIEWED | |
|----------|--|

| #100 (COUNCIL) | ENVIRONMENTAL HEALTH |
|---|-------------------------------|
| <p>Delegation to: To act under S26 of the <i>Health Act 1911</i> associated regulations and local laws; To administer the Litter Act 1979 and regulations; To act as an authorized person in accordance with S17 of the <i>Caravan Parks and Camping Grounds Act 1995</i>; To administer the provisions of the Fly Eradication Regulations.</p> <p>Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley: 2003 Shire of Wyndham East Kimberley Local Laws 2004 Shire of Wyndham East Kimberley Health Local Law</p> <p><u>Conditions and Exceptions:</u></p> <p>Health Act 1911 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Litter Act 1979 Except the power to withdraw infringement notices issued under Acts, regulations or local laws.</p> <p><u>Caravan Parks and Camping Grounds Act 1995:</u> The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;</p> <p>Fly Eradication regulations The power to prosecute may only be exercised with the approval of the Chief Executive Officer.</p> | |
| LEGISLATIVE POWER | Health Act 1911 |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Environmental Health Officers |
| COUNCIL POLICY | |
| REVIEWED | |

| #101 (COUNCIL) | NON STATUTORY DELEGATIONS |
|--|--|
| <p>Delegated authority is provided to respond to referrals received by the Shire on the following matters:</p> <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government Departments. • Land clearing applications from the State and or Commonwealth Agencies • Mining tenement referrals from the Department of Industry and Resources. • Liquor license applications • Fireworks applications • Approval of names by Geographic Names Committee | |
| LEGISLATIVE POWER | NIL |
| DELEGATE | Chief Executive Officer |
| SUB DELEGATION | Executive Manager Engineering and Development Services, Executive Manager Town Planning |
| COUNCIL POLICY | |
| REVIEWED | |

12.5.11. Barra Bar Lease Renewal

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | East Kimberley Regional Airport |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 01.1754.03 |
| ASSESSMENT NO: | 1754 |

PURPOSE

For Council to consider a renewal option of the current Barra Bar lease at the East Kimberley Regional Airport for the provision of kiosk services.

BACKGROUND

Elected members were briefed on the Barra Bar lease at their briefing session on 5 June 2007.

The current Barra Bar lease is due to expire 30 June 2007. The lease schedule is attached and shows an option for a 3 year renewal.

The lessee advised in January 2007 that they wished to have the lease renewed.

The lease is generally considered to have been carried out consistent with the terms specified in it. However there have been two complaints from the public about the quality of service provided by the lessee, and these complaints have been taken up by Council's, former Executive Manager of Corporate Services. Written notices for breach of lease were provided to the lessee on 14 November 2006 and 17 April 2007. It is not considered that these non compliance issues justify sufficient grounds to not offer a renewal of the lease as per the lease schedule.

An extract in relation to renewal of the lease is provided below:

6.0 RENEWAL OF TERM

If the Lessee desires to renew the Term and gives to the Lessor notice in writing not earlier than 6 calender months but not later than 3 calender months prior to the expiration of the Term and if at the time of giving that notice and at the expiration of the Term there is no outstanding breach or non-observance of any of the Lessee's Covenants and if in the meantime the Lessor's right of re-entry has not otherwise arisen then the Lessor must at the cost of the Lessee grant to the Lessee a renewal of the Term for the further period specified in the Schedule and otherwise on the same terms and conditions contained in this Lease (other than this right of renewal).

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act related to . Disposing of property applies;

(1) In this section —

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

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

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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

- (a) it gives Statewide public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902* ;
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The lease fee is currently set at \$6,675 per annum.

STRATEGIC IMPLICATIONS

It is important that patrons of the East Kimberley Regional Airport are afforded kiosk quality services and customer service, particularly for RTP passengers. The airport for many people is their first encounter with the East Region and it is important that first impressions are good.

COMMENT

Nil

ATTACHMENTS

Lease schedule attached

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That consistent with the terms and conditions of the current Barra Bar lease, a the three year lease renewal option be extended to the current lessee.

COUNCIL RESOLUTION

Minute No. 7771

Moved: Cr D Ausburn

Seconded: Cr K Wright

That consistent with the terms and conditions of the current Barra Bar lease, a the three year lease renewal option be extended to the current lessee.

Carried Unanimously: 7/0

THE SCHEDULE

Item 1

Land: The land known as Kununurra Airport being King Locations 317, 327, 600 and 684 on Land Administration Diagrams 73452, 74100, 84891 and 88253 and being the whole of the land comprised in Certificate of Title Volume 2052 Folio 643.

Item 2

Premises: Internal Area – That part of the Land outlined in red on the plan annexed to this Lease.
External Area – That part of the Land outlined in blue on the plan annexed to this Lease.

The Lessor reserves the right to alter the location of the Internal and External areas provided that:

- a) the total area remains the same; or
- b) any reduction in area is compensated; and
- c) any structural alterations caused by the change of location are at the lessor's expense.

Item 3

Term: 3 (three) years by 3 (three) years

Item 4

Date of Commencement: 1st July 2004

Date of Expiration: 30th June 2007

Item 5

Rent: \$6,675 per annum (GST Exclusive), payable per month \$556.25 in advance on the first day of each month during the Term (except the first and last payments which if necessary will be proportionate the first being payable on the Date of Commencement of the Term). This lease is subject to GST and related legislation.

Item 6

Use of Premises: Kiosk/Licensed Premises

Item 7

Rent Review Dates: Upon the expiration of 1 year from (and including) the date of commencement and thereafter upon the expiration of each and every successive period of 1 year during the term and any renewal thereof.

I:\personal\Michael Preston\Property\Shire of Wyndham - East Kimberley\Deed of Assignment\Lease.doc

12.6. ELECTED MEMBER REPORTS

CR AUSBURN

The month of May having five weeks made for time to relax as Kununurra has the local Muster at this time – meetings are on hold for two weeks while everyone enjoys the activities, including the Kimberley Moon Experience.

- 25 May Wine and Cheese Evening at the Lovell Diversion Gallery
- 11 June Coffee meeting with Shelley Archer – discussions on Ord stage2, Celliston Nominees and the sugar mill
- 12 June Roadwise Meeting KDC Building 1-4pm
- 13 June KCCI Meeting Hotel Kununurra
- 18 June LEMC Meeting Wyndham 1-4:30pm

CR PARKER

Community Consultative Committee (CCC) Save the Children Australia – attended meeting in Kununurra. Agenda – looking at CCC programs at Warmun, Kununurra and Wyndham.

- 8 June Western Australian Telecentre Advisory Council (WATAC), Perth (Dumas House) – Agenda: Office of e-Government, Regional Collocation Scheme, WATAC Draft Strategic Plan, Government Broadband
- 12 June Meeting with Water Corporation at SWEK Kununurra Office

My nomination to the Kimberley Area Consultative Committee was accepted on 12 June 2007.

CR WRIGHT

- 13 June KCCI Meeting Hotel Kununurra
- 13 June Hosted dinner with the Auditors.

CR BUCHANAN

- 12 June Water Corp Meeting
- 13 June Auditor Dinner

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

COUNCIL RESOLUTION

Minute No. 7772

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Item 15.1, Item 15.2 and the letter tabled by Councillors from Mr Darren Spackman of Celliston Nominees Pty Ltd be accepted as Urgent Business.

Carried Unanimously: 7/0

15.1 Ord Stage 2 – State Government Announcement

| | |
|---------------------------|---------------------------------------|
| DATE: | 19 June 2007 |
| PROPONENT: | Shire of Wyndham East Kimberley |
| LOCATION: | Shire of Wyndham East Kimberley |
| AUTHOR: | Peter Stubbs, Chief Executive Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 42.09.01 |
| ASSESSMENT NO: | N/A |

PURPOSE

For Council to consider its leadership role and options in relation to progression of expansion of the Ord Irrigation Scheme in the light of recent State Government announcements to modify or call for new Expressions of Interest linked to the Commonwealth Government's proposed Northern Taskforce designed to facilitate development in northern Australia.

BACKGROUND

Senator Heffernan visited Kununurra on 1 May 2007 to discuss with Elected Members aspects of the Commonwealth Government's proposed Northern Taskforce seeking to develop northern Australia.

The Taskforce has been linked to the prolonged drought in parts of Australia, acceptance of climate change and its predicted implications for Australia and the emerging national water issues.

Then, last week, the State Treasurer for Western Australia, Minister Ripper, released a press statement advising that the State's Expression of Interest process, commenced in September 2006 seeking to develop Stage 2 of the Ord Irrigation Scheme, would be transformed into a new process to link with the Commonwealth's aims for northern Australia.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Travel and accommodation costs associated with any future participation in processes seeking to expand the Ord Irrigation Scheme.

STRATEGIC IMPLICATIONS

It is considered to be vital to the strategic interests of this region that the Ord Irrigation Scheme is developed to its full potential. Without that occurring the region will be denied significant strategic opportunities.

Further, it is considered that misinformation and inaccurate information released through the media is counter-productive to the strategic interests of the East Kimberley region.

COMMENT

Expansion of the Ord Irrigation Scheme is of such importance to the East Kimberley region that it is considered essential that Council have the region's interests represented at all State and Commonwealth forums where this issue is discussed. This includes the Commonwealth's proposed Northern Taskforce aimed at developing northern Australia.

Council's involvement at these levels is entirely consistent with the supposed commitment State and Commonwealth Government have given to the Intergovernmental Agreement on Local Government matters. Should the State and/or Commonwealth decline to involve the Council in that way it would draw into question their commitment to this Intergovernmental Agreement.

The East Kimberley region cannot rely on second hand information regarding the management of the process of expanding the Ord Irrigation Scheme.

While on the one hand, it is encouraging that the State and Commonwealth maybe going to cooperate on expansion of the Ord Irrigation Scheme, it is concerning that no timeframes have been announced and that no capital budget has been made for 2007/08 budget by either Government for this project.

The State and Commonwealth Governments may have come to the conclusion that despite their many philosophical differences, that they have a common goal after all. The East Kimberley region rightfully expects and hopes that common goal to be completing the Ord Scheme because it is a common sense thing and good for the country. Sadly, there is a danger that this common goal is in fact procrastination. Procrastination may be in both the State and Commonwealth interest because:

- The Commonwealth Government can pretend to be doing something about the development of northern Australia, responding to climate change and the national water issues and hope that the electorate believes that, while waiting

to see what the election brings. If they win the election, they can hope the drought breaks, and/or sort it out later, which could be years later. Or if they lose the election, it would be the ALP's problem.

- The State could delay things and not confront the inevitable which, based on their own science and independent advice, is that GM cotton is required as an economically viable and sustainable broad acre crop to justify infrastructure investment and drive the expansion of the irrigation scheme.

The attached press release titled "*Ord Vision Expands*" by the Hon Carol Martin Member for Kimberley is quite inaccurate. It is inaccurate for example, in its claim that Muresk (at Northam, WA) has a Tropical Centre for Agriculture which could contribute to the Ord Scheme, when it does not. Carol Martin knows this because she was personally provided with copies of documentation by the Shire of Wyndham East Kimberley on 1 June 2007, in the form of an email from the Director of Muresk, who confirming this.

Further to this, it is considered that far from being a threat to expansion of another potential 55,000Ha of irrigated land, trees could actually be an important part of the diversity in crop mix for the region, helping to sustain it, and generating new industries. The press release by Tropical Forestry Services 14 June 2007 regarding their Collaboration Agreement with a French based essential oils and extracts company is evidence of that. The tree crop industry is now an important employer and contributor to the local economy in its own right.

Circulation of inaccurate information like that can be confusing to people. It is recommended that Council express its concern about that, and not let that go unattended too.

Three things are considered necessary to assist the Ord Project proceed:

1. Removal of the politically based moratorium on GM crops as it applies to Ord Irrigation Scheme to allow growers choice and the market to determine if GM cotton is to be a viable industry.
2. State and or Commonwealth funds to be committed for multi-user infrastructure (e.g roads).
3. Stakeholders in the East Kimberley Region (and Northern Territory) to become more active and elevate this issue up the political priority list.

It should not be overlooked that key beneficiaries of an expanded irrigation scheme will be indigenous people. The Ord Final Agreement settling native title with Miriwiung Gajerrong people is closely linked to expansion of the irrigation area. If that is delayed, native title benefits and the flow on benefit for the whole community are eroded.

ATTACHMENTS

Press release by Minister Ripper

Press release by the Hon Carol Martin, Member for Kimberley

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That given the investment ready opportunities associated with the Ord River Irrigation Scheme and the importance of the expansion of this scheme to the East Kimberley Region, Council:

1. Request the Commonwealth Government include the Shire President as a representative on the Northern Taskforce and in any other forums where development of the Ord River Irrigation Scheme is discussed.
2. Request the State Government of Western Australia to include a Council nominated representative be included in all discussions, forums and future considerations about expansion of the Ord Irrigation Scheme including any Expression of Interest processes.
3. That Council express its concern to the Hon Carol Martin, Member for Kimberley, about the inaccuracies of her press release titled "Ord Vision Expands" and released on Thursday 14 June 2007, those inaccuracies being that:
 - 3.1 The Muresk Institute for Agriculture has a Centre for Tropical Agriculture which could contribute to expansion of the Ord Irrigation Scheme, when it does not;
 - 3.2 That tree farming adds to the diversity of agriculture production, rather than detracting from it; and
 - 3.3 That there is no general consensus of opinion about GM cotton in the Kimberley region and if there is, then Council requests a copy of that evidence.

COUNCIL RESOLUTION

Minute No. 7773

Moved: Cr K Wright

Seconded: Cr J Parker

That given the investment ready opportunities associated with the Ord River Irrigation Scheme and the importance of the expansion of this scheme to the East Kimberley Region, Council:

- 1. Request the Commonwealth Government include the Shire President as a representative on the Northern Taskforce and in any other forums where development of the Ord River Irrigation Scheme is discussed.**
- 2. Request the State Government of Western Australia to include the Shire President in all discussions, forums and future considerations about expansion of the Ord Irrigation Scheme including any Expression of Interest processes.**

3. That Council express its concern to the Hon Carol Martin, Member for Kimberley, about the inaccuracies of her press release titled “Ord Vision Expands” and released on Thursday 14 June 2007, those inaccuracies being that:

- 3.1 The Muresk Institute for Agriculture has a Centre for Tropical Agriculture which could contribute to expansion of the Ord Irrigation Scheme, when it does not;**
- 3.2 That tree farming adds to the diversity of agriculture production, rather than detracting from it; and**
- 3.3 That there is no general consensus of opinion about GM cotton in the Kimberley region and if there is, then Council requests a copy of that evidence.**

Carried Unanimously: 7/0

**Media Statement - Eric Ripper on 14/6/2007 Government of Western Australia
Media Statement**

**Statement Released: 14-Jun-2007
Portfolio: State Development**

State Development Minister announces a grander vision for the Ord

14/6/07

The State Government today announced plans to modify and extend its selection process in relation to the Ord Stage 2, M2 Development Area north of Kununurra.

State Development Minister Eric Ripper said the existing Expression of Interest (EOI) was not compatible with important issues that had emerged at a national level since the selection process began.

“The State Government has been keen to test the commercial investor market. However, since the commencement of the EOI new circumstances have emerged such as the Commonwealth’s interest in Northern Australia as a key agricultural region, and the availability of water and its impact on project economics,” Mr Ripper said.

“Expanding the selection process presents an opportunity for Western Australia with the development of new and large-scale profitable industries in the Ord River Irrigation Area.

“The Government will now consider expanding the scale of the development to accommodate Commonwealth interest and we hope that by working in partnership with the Commonwealth we will be in a position to provide increased certainty to investors about infrastructure funding issues.”

The Minister said he was increasingly optimistic about the role Ord Stage 2 could play in the State’s future, and it was the Government’s intention to recommence a new process to identify preferred proponents for the development as soon as possible.

“It is clear the Commonwealth sees that the National Water Initiative requires agriculture on the Ord should focus on the best value application of scarce water, and the State agrees with this view,” he said.

“Those companies who have responded in good faith to the EOI will have the opportunity to review the situation which now exists in the expectation that the Commonwealth may become involved in some way.

“I also expect this decision will allow the initial, fruitful contacts we have had with the Commonwealth to further develop, including those with the Federal Minister for Water Resources Malcolm Turnbull.

“The expansion of the Ord involves Governments at all levels in various complex matters which, when resolved, will provide the nation with the prosperous and sustainable project that we all want to embrace.”

Minister's Office - 9222 8788

Government of Western Australia

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Department of the Premier and Cabinet.

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MEDIA STATEMENT

**Carol Martin MLA
Member for Kimberley**

Ord Vision Expands

"I am really pleased that the State government is making a comment in terms of Ord Stage II. The Expressions of Interest are essential to the long term planning for the region.

I urge the State Government to undertake a comprehensive study as to the viability of all crops and that we should be engaging Muresk, who have a Centre for Tropical Agriculture to undertake that study.

I do warn however, that tree farming will lock up land for the next fifteen years and stifle the diversity of sustainable economies in the East Kimberley.

In terms of GM Cotton, regardless of the moratorium, the general consensus throughout the Kimberley is "no way" and the government needs to listen to them.

I reiterate, ***keep your cotton picking hands off the Kimberley.***"

Media Contact: Carol Martin 9192 3111 or 0417 943 331

**15.2 Town Planning Scheme No 7 - Proposed Amendment 21 -
Lakeside Stages 4 & 5**

| | |
|---------------------------|--|
| DATE: | 19 June 2007 |
| PROPONENT: | LandCorp / Plan Design |
| LOCATION: | Unallocated Crown Land - Casuarina Way |
| AUTHOR: | Jo Barkla, Town Planning Officer |
| REPORTING OFFICER: | Peter Stubbs, Chief Executive Officer |
| FILE NO: | 43.31.21 |
| ASSESSMENT NO: | NA |

PURPOSE

For Council to consider the adoption of Amendment 21 to the Shire of Wyndham East Kimberley Town Planning Scheme No 7 – Kununurra and Environs for final approval. The Amendment will rezone unallocated crown land in Lakeside, Kununurra, to provide residential land release.

BACKGROUND

The proposed subdivision is the latest in a series of subdivisions to provide land releases within Kununurra by the state government's land release agency, LandCorp. Council resolved to initiate the Amendment at the Ordinary Council Meeting of 23 January 2007. The advertising period of the Amendment concluded on 8 June 2007 and the Amendment proposal can now be considered for final approval.

SITE LOCATION

The subject land is located on Casuarina Way, and behind existing lots on Celtis Street. The land has been partially cleared, and is generally flat.

Surrounding land is zoned for Residential purposes and has been developed as such, consisting generally of single storey detached dwellings. Land to the east is vacant, but is allocated as future residential.

Land to the south has been allocated as foreshore reserve.

PROPOSED LAND USE / DEVELOPMENT

The amendment proposes to rezone land that is currently already zoned for residential purposes; however, the revised lot layout will result in a better and more efficient road and lot layout than the previous design.

CONSULTATION

The Amendment was advertised for 42 days from 26 April 2007 to 8 June 2007 with an advertisement placed in the Kimberley Echo, notification at the Shire offices and posting of notices to relevant service agencies.

Two submissions providing comment were received, one from the Department of Water and one from the Department of Environment and Conservation. These have been incorporated into a table of submissions (see Attachment 1).

PLANNING FRAMEWORK

Local Planning Strategy

Council's adopted Local Planning Strategy [LPS] designates the area as Residential. The amendment conforms to the LPS.

Town Planning Scheme No 7

Under the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 – Kununurra and Environs (TPS7), the land is zoned Residential.

Pursuant to Clause 5.5.1 of the Town Planning Scheme, the objectives of the Residential Zone are:

- a. *for the allocation and density coding of the Residential Zone throughout the Scheme Area to be designed to provide for the development of the Scheme Area in such a way as will:*
 - (i) *provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and populations without unduly restricting the choice sites;*
 - (ii) *promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas.*

The amendment conforms to the objectives of the Scheme.

Council Policies

The land is located within Policy Area Precinct 9 - Lakeside. The objective of this precinct is:

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

The amendment conforms to the purpose of this policy.

Design

A draft subdivision plan has been submitted (see Attachment 3). The plan shows 5 grouped dwelling sites with a total lot yield of 57. The overall dwelling yield will be 60+. Overall density is Residential R20, which is considered to be low density under the Residential Design Codes. Grouped dwelling sites are proposed to be zoned R30.

The proposed design replaces the previous lot layout that was undertaken as part of older structure planning. This previous design is considered to be antiquated, and the new design is more efficient and represents better urban design.

It should be noted that further structure planning is continuing, with over 200 lots being planned for in future stages.

FINANCIAL IMPLICATIONS

A fee of \$500 is payable on initiation of the Amendment and a further \$500 payable on final approval. Due to an oversight, LandCorp were not invoiced for these costs. An invoice has now been sent.

CONCLUSION

Stages 1 & 2 of the Lakeside subdivisions were rezoned early in 2004, and have completely sold out. 73 lots were released as part of this subdivision. Stage 3, consisting of 35 lots, was rezoned in December 2004, and is now in the process of being constructed, with land anticipated to be available in February or March.

The amendment proposes to rezone Unallocated Crown Land to allow for a new subdivision layout. The base coding for the subdivision will be Residential R20.

Rezoning of the land conforms to the objectives of the Scheme. The amendment will facilitate a new design that is considered better urban design than the current zoning.

This amendment will also facilitate the release of land at an expedient rate.

There were no objections to the Amendment during advertising. The new subdivision design included in the Amendment has also been approved by the WA Planning Commission.

The Amendment incorrectly rezones the road layout as Residential, when roads should be designated as No Zone. A modification to the amendment documentation will correct this and a Schedule of Modifications is attached (see Attachment 4).

It is recommended that Council give final approval to the Amendment with modifications.

ATTACHMENTS

Attachment 1: Schedule of Submissions
Attachment 2: Amendment Documentation
Attachment 3: Subdivision Design
Attachment 4: Schedule of Modifications

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. That pursuant to the Planning and Development Act 2005, Council resolves to amend the Shire of Wyndham-East Kimberley Planning Scheme No 7 by:
 - A. Adopting for final approval with modification proposed Amendment No. 21 by:
 1. Rezoning and recoding unallocated crown land bound by the streets:
 - Gardenia Drive [on the east];
 - Casuarina Way [on the north];
 - Celtis Street [along the rear of the properties that face west]; and
 - Livistona Street [on the south].
 - From Residential R15 to Residential R20 & R30 and No Zone.
 2. Amending the Scheme Amendment Maps accordingly.
- B. Forwarding the schedule of modifications to the Western Australian Planning Commission.
- C. Forwarding the schedule of submissions to the Western Australian Planning Commission.
- D. Forwarding three copies of the signed and sealed Amendment Documents to the Western Australian Planning Commission.
- E. Requesting that the Honourable Minister for Planning and Infrastructure grant final approval to Amendment 21 of Town Planning Scheme No 7 – Kununurra and Environs with modifications.

COUNCIL RESOLUTION

Minute No. 7774

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council:

- 1. That pursuant to the Planning and Development Act 2005, Council resolves to amend the Shire of Wyndham-East Kimberley Planning Scheme No 7 by:**
 - A. Adopting for final approval with modification proposed Amendment No. 21 by:**
 - 1. Rezoning and recoding unallocated crown land bound by the streets:**
 - **Gardenia Drive [on the east];**
 - **Casuarina Way [on the north];**
 - **Celtis Street [along the rear of the properties that face west]; and**
 - **Livistona Street [on the south].**
 - From Residential R15 to Residential R20 & R30 and No Zone.**
 - 2. Amending the Scheme Amendment Maps accordingly.**
- B. Forwarding the schedule of modifications to the Western Australian Planning Commission.**
- C. Forwarding the schedule of submissions to the Western Australian Planning Commission.**
- D. Forwarding three copies of the signed and sealed Amendment Documents to the Western Australian Planning Commission.**
- E. Requesting that the Honourable Minister for Planning and Infrastructure grant final approval to Amendment 21 of Town Planning Scheme No 7 – Kununurra and Environs with modifications.**

Carried Unanimously: 7/0

ATTACHMENT 1: Schedule of Submissions

**SHIRE OF WYNDHAM-EAST KIMBERLEY
TOWN PLANNING SCHEME NO. 7**

Amendment No. 21: Rezoning a Portion of Unallocated Crown Land in Lakeside, Kununurra from Residential R15 to Residential R20 and R30 and No Zone

Schedule of Submissions

| SUBMISSION NO. AND OWNER/ PROPERTY DETAILS | OBJECTION OR SUPPORT | SUMMARY OF SUBMISSIONS (all comments typed as received) | COMMENTS | RECOMMENDATION |
|--|----------------------|--|---|-----------------------------------|
| <p>SUBMISSION 1</p> <p>Department of Water PO Box 625 Kununurra</p> | | <p>1. The Department of Water has no objection to the proposed amendment however it should be noted that the proposal is located within the Ord River and tributaries Surface Water Area and the Canning-Kimberley Groundwater Area proclaimed under the <i>Rights in Water and Irrigation Act, 1914</i>. therefore, if there is a requirement fro groundwater/surface water application should be made to the Department of Water for a licence.</p> <p>2. In addition, Lily Creek Lagoon is a highly valued environmental feature (it is a component of an internationally recognised, Ramsar listed wetland) and development needs to appropriately manage stormwater run-off and sewage to prevent habitat degradation and effluent contamination.</p> <p>The stormwater management system should be designed in accordance with the guidelines contained in the <i>Stormwater Management Manual for Western Australia</i> (Department of Water, 2004 [still under development] and the <i>Decision Process for Stormwater Management</i> (Department of Environment, 2005), available via http://portal.water.wa.gov.au/portal/page/portal/WaterManagement</p> | <p>1. Noted</p> <p>2. Noted. Addressed as part of subdivision conditions.</p> | <p>1. Noted.</p> <p>2. Noted.</p> |

| | | | | |
|---|--|--|--|--|
| SUBMISSION 2 Department of Environment and Conservation PO Box 942 Kununurra WA 6743 | | /Stormwater . <ol style="list-style-type: none"> 1. The Department of Environment and Conservation has no comment to make on the proposal. 2. Please be advised that this letter does not obviate the need for the necessary approvals to be in place regarding the future development of the locations contained within the amendment. | <ol style="list-style-type: none"> 1. Noted. 2. Noted. | <ol style="list-style-type: none"> 1. Noted. 2. Noted. |
|---|--|--|--|--|

SHIRE OF WYNDHAM-EAST KIMBERLEY



TOWN PLANNING SCHEME NO.7

AMENDMENT NO. 21

LAKESIDE RESIDENTIAL SUBDIVISION

**REZONING AND RECODING UNALLOCATED CROWN LAND
FROM RESIDENTIAL R15 TO RESIDENTIAL R20 & R30**

PLANNING AND DEVELOPMENT ACT, 2005

RESOLUTION DECIDING TO AMEND TOWN PLANNING SCHEME

SHIRE OF WYNDHAM-EAST KIMBERLEY

TOWN PLANNING SCHEME NO. 7 - KUNUNURRA & ENVIRONS

AMENDMENT NO. 21

Resolved that Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning and recoding unallocated crown land bound by the streets:
 - Gardenia Drive (on the east);
 - Casuarina Way (on the north);
 - Celtis Street (along the rear of the properties that face west); and,
 - Livistona Street (on the south).

from residential R15 to Residential R20 & R30

2. Amending the Scheme Amendment Maps accordingly.

Dated this _____ day of _____, 2007

CHIEF EXECUTIVE OFFICER

MINISTER FOR PLANNING AND INFRASTRUCTURE

FILE NO. _____

PART OF AGENDA _____

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. **LOCAL AUTHORITY** : Shire of Wyndham-East Kimberley

 2. **DESCRIPTION OF TOWN PLANNING SCHEME** : Town Planning Scheme No. 7

 3. **TYPE OF SCHEME** : District Zoning Scheme

 4. **SERIAL NUMBER OF AMENDMENT** : Amendment No. 21

 5. **PURPOSE** : Rezoning and recoding Unallocated Crown Land from Residential R15 to Residential R20 and R30

Amending the Scheme Amendment Maps accordingly.
-

PLANNING REPORT

1.0 Purpose

This amendment will rezone and recode the area shown in Figure 1, from “Residential” (R15) to “Residential” (R20 and R30) in addition to alterations to road and drainage reserves.

The area is generally bounded by:

- Gardenia Drive (on the east);
- Casuarina Way (on the north);
- Celtis Street (along the rear of the properties that face west); and,
- Livistona Street (on the south).

This amendment will facilitate the detailed planning of Stages 4 and 5 of the Lakeside Structure Planning process, which is consistent with the Kununurra-Wyndham Area Development Strategy (KWADS) (2000) and the more recent Shire of Wyndham-East Kimberley Local Planning Strategy (2005).

2.0 History

KWADS, which was prepared by the Western Australian Planning Commission (WAPC), provided the initial framework to guide urban expansion and infrastructure for the next ten years in Kununurra. This was particularly important in light of the growing population and expectations for residential land. More recently, the Shire of Wyndham-East Kimberley Local Planning Strategy states that growth is to occur south-east of the existing township expanding upon Lakeside, Lily Creek and Drover’s Rest (LPS, 2005:74). Further, particular reference to the subject site states:

- ‘Densities of future Lakeside stages to be defined by structure planning’
- ‘Facilitate release of residential land in Lakeside and Lily Creek’. (*Refer LPS, 2005, Fig 17d.*)

Accordingly, this amendment facilitates the release of Stages 4 and 5 of the Lakeside Structure Plan that has previously been earmarked by Council as an important area for future residential expansion.

3.0 Existing Zoning

The land subject to the amendment is zoned “Residential” (R15) and includes road reserves and a “Public Purpose” reserve for drainage. The subject land is vacant “Unallocated Crown Land”.

4.0 Proposed Zoning

It is proposed that the zoning be change to Residential R20 with five lots contained in the area to become R30 to enable grouped dwellings sites. Alterations are also proposed to the road reserves and the drainage reserve to reflect contemporary planning principles.

5.0 Planning Justification

There is a significant land shortage in Kununurra primarily due to the mining industry boom and the Ord River Irrigation projects. It is imperative that new residential land is released that delivers a greater diversity of residential lots sizes.

The proposed subdivision enables a more permeable and interconnected road layout consistent with Liveable Neighbourhoods (WAPC Policy).

6.0 Conclusion

The proposed amendment is consistent with KWADS and the Shire of Wyndham-East Kimberley Local Planning Strategy and will directly address the immediate residential land shortage in Kununurra.

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF WYNDHAM-EAST KIMBERLEY

TOWN PLANNING SCHEME NO.7 - KUNUNURRA & ENVIRONS

AMENDMENT NO. 21

The Shire of Wyndham-East Kimberley, under and by virtue of the powers conferred upon it on behalf of section 75 of the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Rezoning and recoding unallocated crown land bound by the streets:
 - Gardenia Drive (on the east);
 - Casuarina Way (on the north);
 - Celtis Street (along the rear of the properties that face west);
and,
 - Livistona Street (on the south).

from residential R15 to Residential R20 & R30

2. Amending the Scheme Amendment Maps accordingly.



EXISTING SCHEME MAP



PROPOSED SCHEME AMENDMENT MAP

Shire of Wyndham East Kimberley

- ZONES
- RESIDENTIAL
 - GENERAL RURAL
- LOCAL SCHEME RESERVES
- SPECIAL FORESHORE
 - PUBLIC PURPOSES - DRAIN
- OTHER
- R20 R-CODES

ADOPTION (REGULATION 13(1))

ADOPTED by resolution of the Council of the Shire of Wyndham-East Kimberley the meeting of the Council held on the day of 2007.

Shire President: _____ Date _____

Chief Executive Officer: _____ Date _____

FINAL APPROVAL (REGULATION 219200, 22910 & 9200)

This section to be completed at Final Approval stage after the minister has approved the amendment.

1. ADOPTED BY FINAL RESOLUTION by the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the day of 2007. The common seal of the Shire of Wyndham-East Kimberley was heretofore affixed by authority of a resolution of the Council in the presence of:

Shire President: _____ Date _____

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

DELEGATED UNDER S.16 OF PLANNING AND DEVELOPMENT ACT 2005. _____ Date _____

3. FINAL APPROVAL GRANTED:

Minister for Planning and Infrastructure

Date

Shire of Wyndham-East Kimberley
Town Planning Scheme No.7

Proposed Amendment No. _____

ADOPTION

Adopted by resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 23rd day of January 2007.

.....
President

.....
Chief Executive Officer

FINAL APPROVAL

Adopted by resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 19th day of June 2007 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....
President

.....
Chief Executive Officer

Recommended/Submitted for Final Approval

.....
Delegated under S 16 of the Planning and Development Act 2005

.....
Date

Final Approval Granted

.....
Minister for Planning and Infrastructure

.....
Date

ATTACHMENT 3: Subdivision Plan



AMENDMENT 4: Schedule of Modifications

Schedule of Modifications

Amendment 21 to TPS 7

| Item No. | Modification | Officer Comment | Council Recommendation |
|-----------------|---|--|-------------------------------|
| 1 | Amend the Scheme text to also rezone the road network to No Zone by inserting the words "and No Zone" after each appearance of "from residential R15 to Residential R20 & R30". | Reflects new subdivision design. Correcting anomaly. | Modify. |

15.3 Celliston Nominees Pty Ltd

Councillors tabled the following letter from Mr Darren Spackman of Celliston Nominees Pty Ltd:

| | |
|----------|-------------|
| Doc No. | 058804 |
| Date | 18 JUN 2007 |
| Officer | TP CEO |
| Response | RR |
| File | 61-2860-02 |



Darren Spackman ♦ Po Box303 ♦ Kununurra W.A. 6743 ♦ Australia
Phone 0418 681 100 ♦ Fax 08 91693 333
spacky@wn.com.au

13th June 2007

Mr Peter Stubbs
Chief Executive Officer
Shire of Wyndham and East Kimberley
PO Box 614
Kununurra WA 6743
cc department of water

Dear Peter

Re: Foreshore lease agreement -41812 / Urgent clarification

After consultation with the Department of Water we need to clarify the resolution that was recently made.

The resolution was that Council have agreed in principle to a 10 plus 10 year lease.

The Department of Water need to know the conditions that Council will impose on Celliston Nominees and that they will agree to lease the area to Celliston under these conditions.

Conditions that need to be clarified are for simplistic purposes.

Use the standard lease agreement with these amendments;

Full commercial rental charge with no discount to use the existing arrangement of 100% of the verified unimproved value amount on the current lease.

New Lease to take effect from the end of the current lease agreement.

Lease for tourisms purposes.

Option to be able to sub-lease with Council approval.

New lease to incorporate the current development / building approvals held.

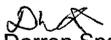
At the end of lease, ability to negotiate with new lessee (of the area) to allow them to purchase improvements.

For Council to dispose of lease by private treaty.

New lease to be advertised immediately in accordance with the local government act, So we can be certain that we will be able to operate next season as if we do not have a commitment to this area we do not have a alternative.
The above process is in line with the foreshore plan.

I ask that this be put forward to the council meeting next week as urgent business so we will be able to finalise the leasing formalities so we can start building confidence

Yours sincerely


Darren Spackman

Council Resolution

Minute No. 7775

Move: Cr K Wright

Second: Cr J Buchanan

That Council suspend Standing Orders to allow Councillors to speak more than once on the item.

Carried Unanimously: 7/0

Minute No. 7776

Move: Cr K Wright

Second: Cr J Buchanan

That Council advise Celliston Nominees, the Department of Water and the Minister for Planning and Infrastructure that Council wishes to issue a new lease to Celliston Nominees using our standard lease with the following conditions/alterations:

- 1. Full commercial rental to be charged using 100% of the verified unimproved value as determined by the VGO;**
- 2. New lease for a period of ten years and to take effect from the end of the current lease agreement 31 May 2008;**
- 3. An option for a ten year renewal be granted;**
- 4. Lease is for tourism purposes;**
- 5. That the lessee have the option to sub lease with the prior written approval of Council;**
- 6. Current development and building approvals already issued by Council be incorporated in the new lease, with the lessee to submit revised development application consistent with the lease tenure and the value of lease site to the community;**
- 7. At the end of the lease the present lessee retains the right to negotiate with any incoming lessees for the purchase of improvements; and**
- 8. That Council dispose of the lease by private treaty abiding by conditions contained within the Local Government Act.**

That Council advertise the new lease immediately upon:

- 1. The lessee/proponent gaining the written consent of the Minister for Planning and Infrastructure and the Department of Water; and**
- 2. Council considers revised development plans.**

Carried Unanimously: 7/0

Minute No. 7777

Move: Cr J Parker

Second: Cr M Middap

That Council resume Standing Orders.

Carried Unanimously: 7/0

16 MATTERS BEHIND CLOSED DOORS

17 CLOSURE

In closing the meeting, Cr Barnes announced his resignation as a Councillor as of 30 June 2007 and submitted his resignation in writing to the President. He and his family are leaving the district and moving to Queensland in the next month. The Shire President thanked Cr Barnes for his contribution and support.

With all items of business complete the Shire President closed the meeting at 8:45pm.